

SPAWN (S)

The Salmonid Protection and Watershed Network submitted a comment letter on the Meadow Way Bridge Project on the day of the town meeting which the topic was to be voted on (May 6, 2020). Responses to those comments are provided below.

Comment S-1

The commenter provides introductory comments about the commenter's background experience and its organization (SPAWN).

Response S-1

Comment noted.

Comment S-2

The commenter states that he has several items of concern related to the impact analysis, construction mitigation, and classification of resources in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the proposed Meadow Way Bridge Replacement Project. The commenter states that the IS/MND mis-categorizes San Anselmo Creek as intermittent when in their opinion it should be perennial. The commenter states that "While the pools with the creek become disconnected, the pools do maintain wet ... however in dry summer months the pools within the main stem of the creek have become disconnected. This is similar to San Anselmo Creek." The commenter then requests the classification be updated to perennial.

Response S-2

The US Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) is a publicly available resource that provides detailed information on the abundance, characteristics, and distribution of US wetlands. This database is used to inform project applicants and agencies of the nature of wetlands known in the area of a project. This database classifies the reach of San Anselmo Creek within the vicinity of Meadow Way Bridge as R4SBC, which is (R) riverine, (4) intermittent, (SB) streambed, (C) seasonally flooded. The NWI describes an intermittent stream as a "Subsystem [that] includes channels that contain flowing water only part of the year. When the water is not flowing, it may remain in isolated pools or surface water may be absent." The commenter states that San Anselmo Creek within the reach surrounding Meadow Way typically dries and surface flows cease during the dry season, though a few isolated pools may remain. The commenter's description matches the description of an intermittent stream by the USFWS in the NWI. Because conditions within San Anselmo Creek around the Meadow Way site are described in the Final IS/MND as intermittent, they are mapped in the NWI and classified as intermittent, and the commenter's description of the seasonality of the creek also supports the classification as intermittent, we maintain our finding that the stream is not perennial at this stage and no change in classification is required.

Comment S-3

The commenter states that the IS/MND does not state that steelhead are present within the Project Area.

Response S-3

Page 39 of the Final IS/MND states: "The BSA is designated Critical Habitat for steelhead (*Oncorhynchus mykiss*), and the species is presumed present within this section of San Anselmo Creek." Because the species is presumed present, Mitigation Measure BIO-1 – Special-Status Fish Species (Final IS/MND, page 44) is included with avoidance and minimization measures specific to steelhead. Additionally, among the requirements for the Project are to conduct formal consultation with the National Marine Fisheries Service (NMFS) for the effects of the Project on

steelhead and their critical habitat. Consultation has been completed and the NMFS biological opinion (BO) states on page 37: "the proposed action is not likely to jeopardize the continued existence of CCC steelhead or destroy or adversely modify its designated critical habitat." As such the species was presumed present, minimization measures for impacts to the species were included, consultation with NMFS was completed, and they have found that while the species is present in San Anselmo Creek, the Project as described, has less than significant impacts with mitigation included.

Comment S-4

The commenter states that the IS/MND overlooks the effects of pumping, turbidity and groundwater on San Anselmo Creek.

Response S-4

The Final IS/MND addresses effects to water with Mitigation Measure BIO-3 - Intermittent Streams on pages 46, 47 and 48. This measure protects all waters (not just groundwater) encountered during the Project construction phase. Included as a sub-measure in Mitigation Measure BIO-3 is a requirement that "all water that comes in contact with wet concrete will be pumped directly into tanks and disposed of at a permitted location". This sub-measure accounts for any groundwater which contacts wet concrete (e.g. within the footings) from reentering the system. Further, on page 17 of the Final IS/MND it is stated that "any water collected in excavation pits or pools on the creek bed will be run through sediment control tanks, such as a Baker Tank, before being released to the creek." Therefore any water that is incidentally encountered is cleaned and then released and allowed to re-enter the system, thereby limiting any effects to the time it takes for settling to occur.

In addition to the measures described in the Final IS/MND which already reduce impacts to less than significant levels, a Section 401 Water Quality Certification from the Regional Water Quality Control Board is required for the Project (page 22 of the Final IS/MND). This permit will require reporting and standards for water protection throughout construction of the Project. Additionally, a California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement will be required (page 22 of the Final IS/MND). These permits include additional water protection measures and reporting as part of their standard language. Therefore, while the effects of the Project on water are already reduced to less than significant levels through the use of Mitigation Measure BIO-3, two additional permits, specific to waters are required which will impose further measures and reporting for the Project.

Comment S-5

The commenter states that they believe the Project to be impactful to the environment and request the scope of the Project be changed to minimize impacts including road construction and tree removal in order to facilitate a one season build time.

Response S-5

As planned, the proposed Project has a two-year construction time interval in part to minimize impacts to local wildlife populations which have seasonal work windows. For example, work will begin in the dry season in order to avoid times when steelhead may migrate through the area, as well as providing time for protocol level surveys to be completed to determine if northern spotted owls are nesting in proximity to the Project. This two-year timeframe was reviewed by the NMFS and the USFWS during consultation and both agencies felt that the Project would have less than significant impacts with mitigation over the two-year build.

However, depending on the contractor's abilities and approach, final construction of the Project may occur in one season. For example, if the contractor decides that lifting equipment into the creek will be faster and more effective than building a road, this would have less impact than what was analyzed in the Final IS/MND. Such adaptations and input from the contractor may well shorten the Project to a single year, and so long as the effects are less than described by the Final IS/MND may be utilized.

Comment S-6

The commenter requests that an Environmental Impact Report (EIR) be prepared for the Project to more thoroughly and adequately evaluate the impacts of the Project on aquatic species and stream health.

Response S-6

The commenter's letter raises no points that have not already been stated by the previous commenters. The commenter presents no new evidence that are contrary to the findings of the Final IS/MND. The Project has no impacts that would be considered significant on the environment under CEQA which cannot be reduced to less than significant when using mitigation.



Salmon Protection and Watershed Network
Turtle Island Restoration Network
PO Box 370 Forest Knolls, CA. 94933

01 May 2020

Town of Fairfax
Attn: Fairfax Town Council Members
142 Bolinas Rd.,
Fairfax, California 94930

Re: Comments to Initial Study/ Mitigated Negative Declaration for Meadow Way Bridge Replacement

Dear Town Council Members,

My background is in ecology, stream restoration, and fisheries biology. I have a degree in Natural Resources from Colorado State University and have 10 years of experience working on endangered salmonid restoration in West Marin County for the Salmon Protection and Watershed Network (SPAWN). SPAWN works to recover the endangered wild coho salmon and steelhead in the Lagunitas Creek Watershed through conservation science and monitoring, habitat restoration, policy, and advocacy.

S-1

In my review of the Initial Study/ Mitigated Negative Declaration for Meadow Way Bridge Replacement, several items are of concern to me related to impacts analysis, construction mitigation, and official classification of the resources described in the IS/MND.

First, the IS/MND does not correctly classify San Anselmo Creek as “perennial”, but instead refer to the creek as “ephemeral”. I consider this classification incorrect because the stream does stay wetted with pools intact throughout the summer dry season. While the pools with the creek become disconnected, the pools do maintain wet. San Geronimo Creek, for example, is considered “perennial”, however in dry summer months the pools within the main stem of the Creek have become disconnected. This is similar to San Anselmo Creek, but San Geronimo Creek is considered “perennial”, and San Anselmo Creek should be too. This is in contrast to an “ephemeral” stream which goes completely dry during the summer months. Therefore, I request that the classification of San Anselmo Creek, as discussed in the IS/MND, be corrected and classified as “perennial”.

S-2

Second, the IS/MND does not correctly declare that threatened steelhead trout (*Oncorhynchus mykiss*) are located within the project area. This declaration is contrary to the report prepared by the California Department of Fish and Wildlife that has cited evidence of steelhead observed in San Anselmo Creek in the reach located at the Meadow Way Bridge (CDFW 2013). I believe this omission is neglecting the impacts analysis and incorrectly overlooks the effects on steelhead during the construction process related to shade, water quality, and instream habitat.

S-3

In addition, I consider the IS/MND to be incorrectly overlooking the impacts to water quality from the need to work within the wetted channel, pump nuisance turbid water out of the creek and, the pumping impacts on groundwater flow downstream. This IS/MND does not go into sufficient depth of the cumulative impacts of the project on groundwater, nor does it provide adequate information about how water pumping to maintain a dry work environment will affect streamflow downstream.

S-4

Lastly, I consider the project too negatively impactful to the aquatic environment and request that the Town Council consider reducing the scope of the project not to include building a temporary road for the two-year construction. Instead, I request the Town Council develop designs that do not build a temporary road into the creek, reduce the amount of tree that have to be removed, and involve only one construction season instead of two.

S-5

Given these considerations, I request that the Town Council prepare an Environmental Impact Review for this project to more thoroughly and adequately evaluate the impacts of the project on aquatic species and stream health.

S-6

These comments on the IS/MND are submitted on behalf of the Salmon Protection and Watershed Network (SPAWN), a California public benefit corporation, a conservation project of Turtle Island Restoration Network.

Respectfully submitted,

Preston Brown



TURTLE ISLAND RESTORATION NETWORK
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CITATION

California Department of Fish and Wildlife. East Marin County
San Francisco Bay Watersheds Stream Habitat Assessment Report - San Anselmo Creek
Report Completed in 2013