

May 3, 2020

To Town of Fairfax

I have lived and paid property taxes in Fairfax over 40 years. I do not live on Meadow Way, but my very good friend and walking partner does. I have crossed the bridge almost weekly for years and watched it being repaired several times; yet continue to deteriorate. With each crossing I wonder, should I drive slowly so as to gently cross and not disturb it, or rush across in hopes to get across before it falls. One must wonder, would the fall kill or just seriously injure you.

The town has spent thousands of dollars to repair a bridge that town was told several years ago, should be replaced. All required inspections and reports to comply with requirements, have been completed to replace the bridge. Now parties want to have additional, not required inspections, adding to the already extensive costs and delays.

Additional delays to replace the bridge could be a health and safety issue for those crossing it, also for those that live on Meadow Way in case of fire.

Please proceed getting the bridge replaced and not adding any additional delays, liabilities or costs. Be fair to the town tax payers, and keep residences safe.

Thank You,

Melann Mushet

From: Jason Brooks ·
Sent: Wednesday, May 06, 2020 3:21 PM
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: AGENDA ITEM #13 - Public Comment May 6, 2020 meeting

Good evening, my name is Jason Brooks and we have lived on Meadow Way for almost 5 years. My family bikes, walks, drives across the bridge dozens of times per day. My kids explore and play in the creek and so my observations are based on personal experience. I am not a biologist or bridge engineer so I defer to their expertise on the best approach to replace the bridge and minimize disruption to the community. What I do know is that my family and my neighbors rely on it as the single point of access to our homes, the single point of access for emergency services and so on. Throughout all the opinions, statements, reviews, etc no one has disputed that the bridge is past its useful life. I have driven across it and felt the boards sag, I've seen the railings give way, and I think about how our town is on borrowed time. The past couple months have highlighted for all of us the cost of a low probably, high impact event and on a much smaller scale the bridge is similar. The bridge failing while a car is driving across or during a fire is low probability but the loss of life or lives is high impact. I would ask that you vote to adopt the resolutions tonight and enable this necessary and important project to move forward. Thank you.

From: Larry Bragman <>
Sent: Wednesday, May 06, 2020 2:30 PM
To: Michele Gardner <mgardner@townoffairfax.org>
Cc: barbara coler <Barbaracolier@gmail.com>; Bruce Ackerman <backerman@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; John Reed <jreed@townoffairfax.org>
Subject: Agenda Item 13-Meadow Way Bridge

Dear Council:

I am writing to you as a Fairfax resident to urge further consideration of the Meadow Way Bridge replacement project which is item 13 on your agenda.

In its present form, the proposed all-concrete replacement bridge is the most costly and carbon intensive approach possible. As set forth below, further review of the project need not delay construction and should result in a better and less costly approach.

The Mitigated Negative Declaration ("MND") which justifies this project completely fails to consider- or even mention- its massive and avoidable carbon impacts. The concrete design involves the use of tons of the single most climate disruptive construction material without consideration of its impact or alternatives.

Cement is one of the global economy's most carbon-polluting industries. Responsible for about 8% of global carbon dioxide (CO2) emissions in 2015, if it were ranked with individual countries, the cement industry would be the third-largest greenhouse-gas emitter in the world behind only China and the United States.

The mission statement of the Fairfax Climate Action Committee includes our community's commitment to reducing its carbon footprint. Hence the study should be augmented to analyze and reduce CO2 pollution and include more climate compatible design alternatives including steel and prefabricated structures.

These design alternatives would also reduce the direct habitat disturbances to Cascade Creek which were also inadequately addressed in the MND which didn't fully and fairly consider several important direct habitat impacts.

First, the MND states that the project area is not a yellow legged frog habitat in spite of recent discovery of these threatened creatures within upstream areas of Cascade Creek and ongoing efforts to map its presence elsewhere. I have attached photos taken last week upstream of Meadow which depict signage advising visitors of the sensitivity of the creek habitat and requesting "citizen scientist" volunteers to help survey the area for yellow legged frogs.

The MND also fails to analyze the direct impacts of the proposed construction approach which includes building a massive 200 foot earthen roadway ramp into the creek for construction access over a minimum 2 year window. Not only will this affect the streamflow and hydrology of the creek, it poses a risk of massive erosion into the habitat of threatened steelhead should heavy seasonal rains occur during the construction window. The MND does not consider alternative construction approaches which would eliminate or reduce these significant impacts.

While I understand Meadow Way residents who expressed their frustration with the timeline of the project, the current review process is not the sole or even primary contributing factor to its length.

The Meadow Way Bridge replacement design was modified in January 2018 but wasn't approved by the State until August of 2019. This 18 month lag was caused by administrative necessity and not by the concerned residents who wish to see further review of the project.

It should also be noted that due to the pandemic, the project would not have begun this year even if the Council had approved the MND in March. Further review and refinement of the project may reduce construction time and inconvenience. Hence, the current Covid 19 crisis presents an opportunity for us to actually reduce its environmental and social costs.

It is unfortunate that the project has become so embroiled in neighborhood controversy even though all Meadow Way residents agree that the bridge should be replaced. When completed Meadow Way bridge will be there for 100 years. The completed bridge will reflect not only the technology of our times but the public process from which it sprang.

Fairfax has a culture of robust debate and discussion when it comes to construction projects. Thankfully, it usually has chosen a very green and progressive path in its decision making. It should continue to chose such a path in this instance.

A decision of this magnitude shouldn't be about individuals on one side of the debate or the other but about the merits of an important public works project that all Fairfax residents will pay for. It will also be a testament to our community's stewardship of Cascade Creek.

Hence, I believe that further review is in the best interests of the town not only because of the inadequacy of the MND but because it will result in a better project which reflects Fairfax's environmental and social values.

Thank you for your time and consideration.

Larry Bragman

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Law Office of Lawrence Bragman

Lootens Place, Second Floor

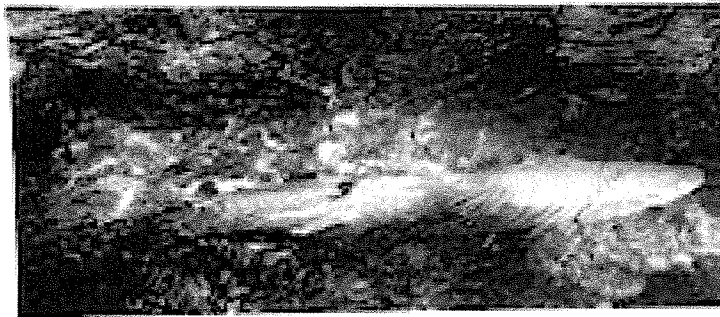
San Rafael, CA 94901

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STEELHEAD HABITAT

To the Sea and Back



After spending several years growing in the creek young steelhead move downstream and out to sea where they quickly increase their size in the nutrient-rich waters of the ocean. Once they have matured they return to their original creek, migrating upstream during the heavy flows of late winter, often going as far upstream as possible to find an appropriate spawning site. We very seldom see adult steelhead because they return to the ocean as soon as they have laid their eggs. Of all of those eggs, only about 3 percent of the fish will survive to migrate to the ocean. Even fewer will make the journey back up the creek to spawn.



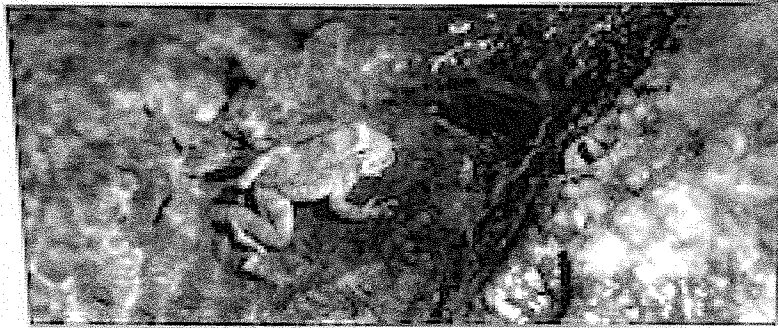
Steelhead are a State and Federally-listed Threatened species



SAVE THE FOOTHILL YELLOW-LEGGED FROGS

JOIN THE FROG DOCENTS AT CASCADE CANYON

March through June 2020



Attend the docent training on **Saturday, March 21,**
10am-3pm to learn about this imperiled species and what
you can do to protect the waterfalls where they breed.

Volunteers aged 18+ are needed

To register or inquire about the program, contact Greg Hays at
(415) 423-3778 or GHays@mtwtrcommunity.org



From: Preston Brown <preston@spawn.org>
Sent: Wednesday, May 06, 2020 3:48 PM
To: Renee Goddard <rgoddard@townoffairfax.org>; Bruce Ackerman <backerman@townoffairfax.org>; Barbara Coler <bcoler@townoffairfax.org>; Stephanie Hellman <shellman@townoffairfax.org>; John Reed <jreed@townoffairfax.org>; Michele Gardner <mgardner@townoffairfax.org>
Subject: Comments on IS/MND for Meadow Way Bridge Replacement

Dear Town Council Members,

My name is Preston Brown, watershed conservation director with the Salmon Protection and Watershed Network (SPAWN), located in west Marin County.

I am writing to submit comments to the Council regarding the IS/MND prepared for the Meadow Way Bridge replacement over San Anselmo Creek.

Please take these comments into consideration and require that a full EIR be prepared for this project.

Respectfully,

Preston Brown

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Preston Brown

Director of Watershed Conservation

Turtle Island Restoration Network

Salmon Protection And Watershed Network (SPAWN)

Cell: (415) 452-1111

Email: preston@spawn.org

Fighting for a Blue-Green Planet!

Visit our NEW website SeaTurtles.Org



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.

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”.

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.

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.

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.

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.

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
PO Box 370
Forest Knolls, CAS 94933

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

**Michael W. Graf
Law Offices**

227 Behrens St.,
El Cerrito CA 94530

Tel/Fax: 415.435.1111
email: 1

May 6, 2020

Via Email

Fairfax Town Council
142 Bolinas Road
Fairfax, CA 94930
To: mgardner@townoffairfax.org

RE: Comments on Mitigated Negative Declaration for the Meadow Way Bridge Replacement Project

I am writing on behalf of Save Fairfax and Frank Egger regarding the Town of Fairfax's Meadow Way Bridge Replacement Project ("Project") and its accompanying mitigated negative declaration ("MND") prepared pursuant to the California Environmental Quality Act ("CEQA"), Pub. Res. Code § 21000 *et seq.*

The MND proposes considerable excavation and development directly within the main stream channel for San Anselmo Creek, which comprises important existing and future potential habitat for steelhead, coho salmon and foothill yellow-legged frog. The Project will remove vegetation, including large mature trees along the streambank, as well as disrupt downstream hydrology through its excavation down to eight feet below the Creek surface. The Project will channelize large sections of the Creek bank, thereby increasing scouring and downstream loss of salmonid and foothill yellow-legged frog habitat, as well as increasing the potential for cumulative flash flooding.

The MND attempts to rely on mitigation measures to avoid these potentially significant impacts from occurring. However, these measures do not adequately address the significant impacts that may occur. Here, the record contains evidence supporting a 'fair argument' that Project impacts may be significant. Under well-settled CEQA law, this means the City must prepare an EIR.

LEGAL FRAMEWORK FOR CEQA.

When a proposed activity is a project and does not qualify for a CEQA exemption, the agency must first undertake an initial study to determine whether the project 'may have a significant effect on the environment. If the initial study finds substantial evidence that the project may have a significant environmental effect or impact, the lead agency must prepare and certify an EIR before approving or proceeding with the project. *See e.g., Union of Medical Marijuana Patients, Inc. v. City*

of San Diego (2019) 7 Cal.5th 1171, 1186-1187.

CEQA defines a "significant effect" as a "substantial, or potentially substantial, adverse change." Pub. Res. Code § 21068. This means that an activity has a significant effect if it "has the potential to degrade the quality of the environment." *Azusa Land Reclamation Company, Inc. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal. App. 4th 1165, 1192.

At the heart of CEQA is the requirement that public agencies prepare an EIR for any 'project' that 'may have a significant effect on the environment. *Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944. "Given the statute's text, and its purpose of informing the public about potential environmental consequences, it is quite clear that an EIR is required *even if the project's ultimate effect on the environment is far from certain.*" *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 382-383 (emphasis added. "If a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect." *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1111.

An agency's decision to rely on a negative declaration or a mitigated negative declaration under CEQA 'is reviewed for abuse of discretion under the 'fair argument' standard.' See *Jensen v. City of Santa Rosa* (2018) 23 Cal.App.5th 877, 886. In evaluating an agency's application of the fair argument standard, a reviewing court may not uphold an agency's decision not to prepare an initial EIR "merely because substantial evidence was presented that the project would not have [a significant environmental] impact." *Berkeley Hillside Preservation v. City of Berkeley, supra*, 60 Cal.4th at p. 1112. If there is substantial evidence that the proposed project might have a significant environmental impact, *evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR* and adopt a negative declaration, because it [can] be "fairly argued" that the project might have a significant environmental impact. *Id.* If the [reviewing] court perceives substantial evidence that the project might have such an impact, but the agency failed to secure preparation of the required EIR, the agency's action is to be set aside because the agency abused its discretion by failing to proceed "in a manner required by law." *Id.*

THE TOWN'S MND RAISES QUESTIONS OF INFORMATIONAL ADEQUACY AND THE POTENTIAL FOR SIGNIFICANT IMPACTS TO OCCUR.'

In several respects, the MND either lacks or contains accurate information as to the setting of the Project and potentially significant impacts that may occur.

For example, a central CEQA requirement is the environmental review document contain a full description of the 'environmental setting' in which the project will occur. 14 Cal. Code Reg. § 15125; *San Joaquin Raptor v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722, 726 ("[I]nadequate consideration and documentation in the EIR of existing environmental conditions rendered it impossible for the [EIR] to accurately assess the impacts the project would have on

wildlife and wildlife habitat...”)

Here, the MND misstates the environmental setting in a number of key respects. For example, the MND does not acknowledge the likely and potential presence of wildlife in the Project area, including coho salmon, foothill yellow-legged frog and northern spotted owl. Even for steelhead, which the MND assumes are present for purposes of analysis, there is no acknowledgment that steelhead have been found at, above and below the Project site in recent years.

The lack of information on these species’ actual presence, location and use in the Project area undermines the MND’s analysis of potential impacts from the Project. For example, even with regard to steelhead there is no discussion in the MND as to how this species locally use this watershed, and in particular how young steelhead may survive the summer in remnant summer pools at and below the Project site.

The same is true for the foothill yellow-legged frog, a listed species that the MND initially did not even acknowledge as occurring in the watershed, despite numerous sightings in recent years. However, this species, as well as steelhead and coho salmon, are extremely sensitive to changes in hydrology that may disrupt natural cycles of winter flooding and summer pool formation.

Finally, the MND does not acknowledge the presence of nearby Northern spotted owls, which when confirmed will effectively limit construction on the Project to 45 days a year (September 1 to October 15) thereby prolonging the impacts of the Project construction well beyond the two year period proposed.

The MND also fails to adequately describe the stream environment, including incorrectly identifying this stream reach as ephemeral rather than perennial or failing to provide any description of shade environment created by the presently intact native riparian vegetation planned to be removed by the Project. The result is the MND does not acknowledge the likelihood that in years of construction, there will be flowing surface water at the construction location while deep borings are drilled below the excavated stream channel bottom. Here, the MND’s treatment of this reach as dry and ephemeral undermines its analysis that massive excavation and digging of the stream channel will not disrupt the local and downstream hydrology and dependent aquatic and stream side habitat. This lack of information and analysis is further highlighted by the MND’s failure to assess how removing the immediate stream side vegetation in the Project area will affect surface water temperature and hydrology, including the potential elimination of isolated aquatic habitat pools for the affected listed species.

Further, partly due to the failure to accurately describe the environmental setting, the MND fails to provide a CEQA compliant analysis of environmental impacts. For example, the MND states describes the excavation and drilling in the Creek channel as follows:

Since geotechnical borings and investigations have been conducted at the site, it is known that the bridge abutments and retaining walls attached to the abutments will need to be

supported on piles. ...24-inch diameter cast-in-drilled-hole (CIDH) concrete piles...will be used to support the walls. For this, *the creek bed would be excavated approximately eight feet deep* to reach the approximate elevation of the concrete pile heads. After completing the excavations, drilling rigs would be called upon to drill the 24-inch-diameter CIDH piles supporting the future structural elements. The drilling auger would be mounted on a truck that can negotiate the access road and be capable of drilling deep holes with augers added on progressively. The drilling spoils would be spun loose from the auger, dumped in containers, and hauled away. Due to the riverine environment of the operations, underground and surface water may seep into the drilled holes and excavations, potentially threatening their collapse and/or contamination of the concrete that would be poured later on. For this reason, the contractor would use various wet-drilling hole stabilization techniques...

MND, p. 18. However, the MND does not provide enough information about how the Project proposes to excavate the creekbed down by eight feet without substantially altering the water flow both at the Project site as well as downstream of the Project area. The MND promises that water will be 'removed' in order to allow construction to occur, but contains no analysis of how this disruption to the local hydrology may adversely affect subsurface flows and surface water presence (in the form of remnant pools) that are critical to the survival of the salmonids and yellow-legged frog in mid to late summer and early fall. The MND's lack of analysis here is but the highlight of a general lack of information provided about the hydrology and dependent ecology of this reach of San Anselmo Creek, or how changes to the Creek hydrology may affect further downstream environments.

Similar concerns arise due the changes in winter hydrology due to the channelization and armoring of the streambanks, which will increase downstream peak flows, thereby contributing to downstream erosion and flooding. In addition, the removal of stream side vegetation will likely reduce the persistence and degrade the quality of the surface water in the Creek within the Project area. These potentially significant impacts are not addressed adequately in the MND.

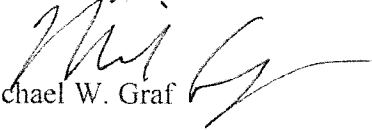
The MND also appears to violate CEQA by adopting as mitigation plans that have yet to be formulated. A CEQA review document is inadequate if "[t]he success or failure of mitigation efforts . . . may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review" within the CEQA process. *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92. *See also POET, LLC v. Cal. Air Resources Board* (2013) 217 Cal.App.4th 1214, 1269 ("We conclude that ARB's statement that its future rulemaking will 'establish specifications to ensure there is no increase in NOx' suffers from the same defect as the net-zero standard for greenhouse gas emissions adopted in CBE – it established no objective performance criteria for measuring whether the stated goal will be achieved."); *Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d 296, 309-311 (Agency may not defer the development of mitigation in lieu of collecting the information necessary to assess the accompanying impacts.); *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1119 (rejecting mitigation as inadequate where "we conclude that here the County has not committed itself to a specific performance standard" but "has committed itself to a specific mitigation goal – the replacement of water lost by neighboring landowners because of mine operations."); *See San Joaquin*

Raptor Rescue Center v. County of Merced (2007) 149 Cal. App. 4th 645, 670 (County's deferral of mitigation until after a qualified Dep't. of Fish & Game biologist prepared a management plan for the burrowing owl improper solely because the County offered no reason for deferral in the EIR.); *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 (rejecting one of several mitigation measures because it did not include any criteria or standards.)

CONCLUSION

The area of San Anselmo Creek is ecologically critical for numerous wildlife species, including the federally listed species discussed above. Given the potentially significant impacts that this Project will have on these wildlife resources, it behooves the Town to conduct a more complete analysis in an EIR of how impacts may be truly avoided, including a scientifically based understanding of the environmental setting in which this Project must occur.

Sincerely,


Michael W. Graf

CC: rgoddard@townoffairfax.org, backerman@townoffairfax.org, bcoler@townoffairfax.org, shellman@townoffairfax.org, jreed@townoffairfax.org,

From: afino@townoffairfax.org
Sent: Wednesday, May 06, 2020 5:34 PM
To: Michele Gardner <mgardner@townoffairfax.org>
Subject: Please Move Forward with Meadow Way Bridge Replacement Project
Importance: High

Greetings Fairfax Town Council,

In 2015, when my realtor took me to Meadow Way to show me the house that would become my home, I was entranced and charmed by the wooden bridge that marks the entrance to our neighborhood. I've never lived in a place that was serviced by a bridge and this one was beautiful, rugged, and a great sentinel to take care of us. Being sentimental by nature, it was the first thing that sold me about this wonderful little community.

Over the interceding years however, it has become clear that a bridge is something more than just a sentiment, and very sadly, this one is in dire need of replacement. The stop-gap measures taken to make the bridge minimally serviceable were just that: stop-gaps. In fact, the most recent repair itself was in need of repair within a week of being completed. Walk across it on foot and you'll easily feel where the wood is spongy; certainly not confidence inspiring, especially in the context of floods (ok, fairly rare) and wildfires (much, MUCH less rare).

Living in Fairfax, we're all accustomed to the . . . unique personalities that make our little town interesting, and on Meadow Way we have our own unique personality (neighbor) with a minority opinion. *I urge you to consider the majority of our votes to have the bridge replaced as soon as possible and to put aside the assorted myriad mechanisms that have been conjured to delay the project.* I worry that with the budget crunch the pandemic is creating, we will lose out on the approved funding we already have to get this project off the ground.

As I have already confessed to being sentimental, I recognize that a wooden bridge has charm and visual appeal. That said, the concrete bridge we have voted for will be environmentally safe and stronger against the elements. Again, I urge you to vote to move forward with the bridge replacement project as soon as possible.

Thank you for your time and consideration.

Warmest regards,

-Andre Fino

Meadow Way

From: Chance Cutrano
Sent: Wednesday, May 06, 2020 5:55 PM
Subject: Meadow Way Bridge Replacement Project Comments_Cutrano 2020

Good afternoon councilmembers,

I'd like to submit comment regarding the Meadow Way Bridge item on this evening's agenda. I intend to attend the meeting to express my views, but I may be late and I wish to make my thoughts heard here as well.

Over the past several months--and I'm sure long before that--there have been concerns about various components of the proposed Meadow Way Bridge Project:

- The expense of the proposed project.
- The cost comparisons to the Winship Bridge in Ross, CA
- The need for an Environmental Impact Report to assess the efficacy of alternative bridge designs in meeting community needs while identified mitigating environmental impacts.
- The impacts on various flora and fauna including--but not limited to the following "Items":
 1. Temporary disruption of Northern spotted owl (*Strix occidentalis caurina*, Federal threatened, State threatened, CDFW species of special concern) habitat;
 2. The disruption of denning fox habitat;
 3. The removal of Buckeye and California Bay trees;
 4. The removal of blackberry vines;
 5. Siltation of anadromous, natural production streams
 6. The omission of anecdotal data that refutes the statement that the Coho salmon (*Oncorhynchus kisutch*, Federal Endangered, State Endangered) is extirpated from the tributaries of the San Francisco Bay (including the tributary within the planning area) found in the Mitigated Negative Declaration;
 7. Channelization of San Anselmo Creek;
 8. Discrepancies in the classification of San Anselmo creek as described in the Mitigated Negative Declaration

At this time I am unqualified to comment on the expenses related to bridge development as well as cost comparisons with other regional bridges. I have been unable to do enough research on that topic and do not feel confident in providing guidance. Furthermore, I am confident that the Mitigated Negative Declaration addresses avoidable and unavoidable impacts to flora and fauna related to Items 1-5.

My comments only pertain to Items 6, 7, 8 listed above.

Item 6: The omission of anecdotal data that refutes the statement that the Coho salmon (*Oncorhynchus kisutch*, Federal Endangered, State Endangered) is extirpated from the tributaries of the San Francisco Bay (including the tributary within the planning area) found in the Mitigated Negative Declaration.

While studies of the life history of California roach (Fry, 1936) noted the occurrence of coho salmon in San Anselmo Creek, review of the California Department of Fish and Wildlife's *East Marin County San Francisco Bay Watersheds Stream Habitat Assessment Report for San Anselmo Creek* (2013) did not indicate the presence of this species. As discussed in the Mitigated Negative Declaration, Steelhead/Rainbow Trout (*Oncorhynchus mykiss*) is present in San Anselmo Creek, which is designated as critical habitat for the central California coastal DPS of this species.

Item 7: Channelization of San Anselmo Creek

I recognize concerns about the removal of current riprap and other woody biomass and vegetation that can affect streamflows and Steelhead/Rainbow Trout (*Oncorhynchus mykiss*). I found the "Final Stage Construction" section of the Mitigated Negative Declaration (p. 20-21) to provide substantive mitigation, habitat restoration, and stream (flow) management interventions that alleviated concerns. In particular, I'm supportive of the planting of additional trees,

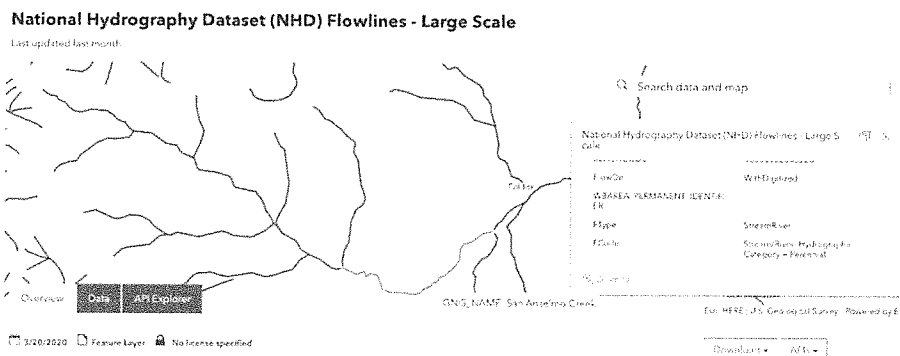
bushes, and other ground cover to ensure slope stability around the bridge, as well as the re-establishment of woody nooks, protruding salvaged logs to collect woody drift, the planting of native plants and small trees to create near-shore overhanging vegetation, and the re-contouring of the creek bed to create pools for salmonids. These interventions sound similar to those utilized by SPAWN for its restoration of salmonid habitat in Lagunitas creek. These mitigation efforts appear to refute narratives suggesting the proposed project results in concrete channelization of this portion of San Anselmo Creek.

Item 8: Discrepancies in the classification of San Anselmo creek as described in the Mitigated Negative Declaration

I recognize concerns about the discrepancies in the classification of San Anselmo Creek. After all, the 2020 Mitigated Negative Declaration for the Winship Bridge in the town of Ross, CA, states that the San Anselmo Creek "is classified in the National Wetland Inventory as a semi-permanently flooded upper perennial creek with an unconsolidated bottom..."

Furthermore, WRA's Mitigated Negative Declaration for the *Meadow Way Bridge Replacement Project* (2020) citation of "Figure 3a," that supposedly indicates the ordinary high water (OHW) mark and confirms the intermittency this section of San Anselmo Creek was not found in the body of the Mitigated Negative Declaration.

Federal hydrography datasets (below) and regional hydrography graphics (attached) indicate San Anselmo Creek as perennial:



Why is this data conflicting?

The Mitigated Negative Declaration, however, does specifically state "at this location, San Anselmo Creek is an intermittent creek..." Review of the United States Fish and Wildlife Service *National Wetlands Inventory* (using their "Mapper" tool) does indicate that this location of San Anselmo Creek is intermittent. In that database, this section of San Anselmo Creek has a classification code of "R4SBC" -- also known as Riverine (R), Intermittent (4), Streambed (SB), Seasonally Flooded (C). The section of San Anselmo Creek that runs through Ross bears a classification code of "R3UBF" -- also known as Riverine (R), Upper Perennial (3), Unconsolidated Bottom (UB), Semipermanently Flooded (F). A review of the United States Fish and Wildlife Service *Wetlands and Deep Water Classification Chart*, confirms these particular classification codes. The two codes match up with the classifications for each section of San Anselmo Creek identified in the respective Mitigated Negative Declarations for the Meadow Way Bridge and the Winship Bridge Replacement Projects.

The lack of homogenous data across federal agencies is not uncommon; however, it certainly leads to confusion -- as it has in this case.

I kindly recommend the council clarify this particular item with WRA Environmental Consultants. **Why are there discrepancies in stream classification between USGS and USFWS data. Why are they choosing one over the other?**

Finally, The Meadow Way Mitigated Negative Declaration states, "Intermittent stream is considered "other waters" under the CWA and is considered a Water of the United States subject to RWQCB and Corps regulations." Regardless of whether or not the classification of the stream is incorrect, the real question for

WRA is: *So what?* I'd recommend asking how the classification of perennial versus intermittent affects the Clean Water Act Section 404 Form 4345, Application for Department of the Army Permit from the Army Corps of Engineers or the Section 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife. I believe San Anselmo Creek is jurisdictional either way.

I apologize for the long comment, and for sending it so late. I just want to be exact with my research that I provide to the council. I hope these two questions for WRA will alleviate some concerns from the public, and I hope my thorough review of a couple of concerns will alleviate some concerns from you all.

Thank you very much for your time.

In service,

Chance Cutrano

Cell:

Major Streams and Watersheds of East Marin

- East Marin Schools**
1. ADALINE E KENT MIDDLE SCHOOL
 2. ALLAIRE SCHOOL
 3. ANTHONY G SAUGH ELEM. SCHOOL
 4. BAYVIEW ELEM. SCHOOL
 5. BAYSIDE ELEM. SCHOOL
 6. BEL AIRE ELEM. SCHOOL
 7. BIG ROCK SUBURBY SCHOOL
 8. BRANDER HILLET DAY SCHOOL
 9. BRIDGE ELEM. SCHOOL LOWER
 10. BRIDGE ELEM. SCHOOL UPPER
 11. CASCADE CANYON SCHOOL
 12. COLLEMAN ELEM. SCHOOL
 13. COLLEGE OF MARIN - INDIAN VALLEY
 14. COLLEGE OF MARIN - SOUTHWEST
 15. COUNTY COMMUNITY SCHOOL
 16. DAVENSON MIDDLE SCHOOL
 17. DEL MAR MIDDLE SCHOOL
 18. DORSE ELEM. SCHOOL
 19. DOMINICAN UNIVERSITY
 20. DURHAM ACADEMY
 21. EDNA MAGUIRE ELEM. SCHOOL
 22. GALLINAS ELEM. SCHOOL
 23. OLDFORD ELEM. SCHOOL
 24. GOOD SHEPHERD LUTHERAN SCHOOL
 25. GREENWOOD SCHOOL
 26. HALL MIDDLE SCHOOL
 27. HAMILTON ELEM. SCHOOL
 28. HILL MIDDLE SCHOOL
 29. LAKOTA JEFF ELEM. SCHOOL
 30. LAUREL BELL ELEM. SCHOOL
 31. LOMA VERDE ELEM. SCHOOL
 32. LUVINGTON ELEM. SCHOOL
 33. LYCEE FRANCAIS LA PEROUSE
 34. LYNWOOD ELEM. SCHOOL
 35. MADRONA CONTINUATION HIGH SCHOOL
 36. MANOR ELEM. SCHOOL
 37. MARIN ACADEMY
 38. MARIN CATHOLIC HIGH SCHOOL
 39. MARIN COUNTY DAY SCHOOL
 40. MARIN HORIZON SCHOOL
 41. MARIN MONTESSORI SCHOOL
 42. MARIN OAKS HIGH SCHOOL
 43. MARIN PRIMARY AND MIDDLE SCHOOL
 44. MARIN SCHOOL
 45. MARIN WALDOFF SCHOOL
 46. MARINDALE SCHOOL
 47. MARTYR LUTHER KING JR ACADEMY
 48. MARY E BEVERA ELEM. SCHOOL
 49. MARY VALLEY MIDDLE SCHOOL
 50. NORTH BAY CHRISTIAN ACADEMY
 51. NORTH INDEPENDENT STUDIES
 52. NOVATO CHARTER SCHOOL
 53. NOVATO HIGH SCHOOL
 54. OGDEN ELEM. SCHOOL
 55. OLIVE ELEM. SCHOOL
 56. OUR LADY OF LORETTO
 57. PARK ELEM. SCHOOL
 58. PHOENIX ACADEMY
 59. PLEASANT VALLEY ELEM. SCHOOL
 60. RAINBOW ELEM. SCHOOL
 61. REDWOOD HIGH SCHOOL
 62. REED ELEM. SCHOOL
 63. RING MOUNTAIN DAY SCHOOL
 64. ROSS ELEM. SCHOOL
 65. SAINT MARIES SCHOOL
 66. SAN ANTONIO HIGH SCHOOL
 67. SAN DOMINGO SCHOOL
 68. SAN JOSE MIDDLE SCHOOL
 69. SAN MARINO HIGH SCHOOL
 70. SAN PEDRO ELEM. SCHOOL
 71. SAN RAFAEL ADULT EDUCATION
 72. SAN RAFAEL HIGH SCHOOL
 73. SAN RAMON ELEM. SCHOOL
 74. SPALDIN MIDDLE SCHOOL
 75. SFR FRANCIS DRAKE HIGH SCHOOL
 76. ST ANSELMO SCHOOL
 77. ST HEARY SCHOOL
 78. ST ISABELLA
 79. ST PATRICK SCHOOL
 80. ST RITA SCHOOL
 81. STRAWBERRY POINT ELEM. SCHOOL
 82. TARA VALLEY ELEM. SCHOOL
 83. TAMALPAIN HIGH SCHOOL
 84. TAMALPAIN VALLEY ELEM. SCHOOL
 85. TAMASCAL HIGH SCHOOL
 86. TERA LINDA HIGH SCHOOL
 87. THE BRANSON SCHOOL
 88. UNION JEFF ELEM. SCHOOL
 89. VALEGGIO ELEM. SCHOOL
 90. WADE THOMAS ELEM. SCHOOL
 91. WHITE HILL MIDDLE SCHOOL
 92. WILLOW CREEK ACADEMY

Marin County, California

- City
- Town or Contiguity
- Major Road
- Perennial Stream
- County Boundary
- Water Body
- Ocean or Bay

Pacific Ocean

East Marin Perennial Streams

1. Arroyo Ascuti Creek
2. Arroyo Corte Madera del Presidio
3. Arroyo de San Jose
4. Baccaglio Basin
5. Baccaglio Creek
6. Besak Creek
7. BB Williams Creek
8. Black Canyon Creek
9. Black John Slough
10. Bowman Canyon Creek
11. Cascade Creek
12. Cascade Falls Creek
13. Chiles Creek
14. Corte Madera Channel
15. Corte Madera Creek
16. Corte Madera Outlet Channel
17. Coyote Creek
18. Creek Marin Creek
19. Deer Island Channel
20. Deer Park Creek
21. East Creek
22. Eldridge Creek
23. Ennis Creek
24. Farfan Creek
25. Gallinas Creek
26. Glen Creek
27. High Canal
28. King Mountain Creek (Bison Creek)
29. Little Creek
30. Lancelot Creek
31. Larpape Creek
32. Laveroni Ditch
33. Low Canal
34. Lynwood Slough
35. Miller Creek
36. Miller Creek Tributary
37. Novato Creek
38. Nyhan Creek
39. Oakwood Valley Creek
40. Old Mill Creek
41. Peacock Gap Creek
42. Petaluma River
43. Phoenix Creek
44. Pine Mountain Creek
45. Red Hill Creek
46. Reed Creek
47. Ross Creek
48. Rush Creek
49. Salt Works Canal
50. San Anselmo Creek
51. San Clemente Creek
52. San Rafael Canal
53. Simons Slough
54. Sister's Creek
55. Slippy Hollow Creek
56. Stranahan Creek
57. Upper San Anselmo Creek
58. Warner Creek
59. West Creek
60. Windy Ridge Creek
61. White Grade Creek
62. Wood Lane Creek (Farfan-Bolinas Creek)

