



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
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Bay Delta Region
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June 24, 2026

Vincent Yan, Civil Engineer
Marin County Department of Public Works
3501 Civic Center Drive, Suite 304
San Rafael, CA 94903
EnvPlanning@MarinCounty.gov

Subject: Sir Francis Drake Boulevard Bridge Replacement Project, Mitigated Negative Declaration, SCH No. 2026051083, Marin County

Dear Vincent Yan:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from Marin County Department of Public Works (County) for the Sir Francis Drake Boulevard Bridge Replacement Project (project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the MND to inform the County, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Marin County Department of Public Works.

Objective: The project would consist of the replacement of the Sir Francis Drake Boulevard bridge over Olema Creek. Bridge replacement will include replacing the existing bridge structure with a new clear span structure that is wider, longer, and higher. Construction of

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the bridge will involve excavation for, and construction of, concrete abutments supported on driven piles; new abutments will be placed above top of bank. Construction of the roadway approaches will involve the removal of existing pavement and the placement of fill material, aggregate base, and hot mix asphalt pavement. Tree removal and the removal of other vegetation along the creek banks will be necessary for the project. Temporary falsework to support the cast-in-place structure while it reaches full strength will be required within the dewatered waterway. Other temporary work within Olema Creek that is anticipated includes removal of the existing bridge, including existing abutments, piers, foundations, and wingwalls; installation of new abutments; and installation of scour countermeasures. A temporary creek diversion is anticipated in order to complete these activities within the waterway. Relocation of overhead and underground utilities is anticipated as part of the project.

Location: The project site is located along Sir Francis Drake Boulevard in unincorporated Marin County near the unincorporated community of Point Reyes Station in Section 36, Township 3 North, Range 9 West as depicted on the Mount Diablo Meridian Inverness U.S. Geological Survey 7.5' quadrangle map, and at approximately Latitude 38.06398°N, Longitude 122.81044°W.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) or Consistency Determination (CD) must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA either during construction or over the life of the project. **The project has the potential to impact Coho salmon, central California coast Evolutionary Significant Unit (*Oncorhynchus kisutch* pop. 4), which is CESA listed as endangered, and Mason's lilaeopsis (*Lilaeopsis masonii*), an Native Plant Protection Act (NPPA) listed as rare species, as further described below. Thank you for initiating consultation with CDFW on a CESA CD for Coho salmon.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

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Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., is required for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. **The project would impact Olema Creek, therefore an LSA Notification would be required as indicated in the SIS/MND and further described below.** CDFW, as a Responsible Agency under CEQA, would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Fully Protected Species

Fully protected species which may occur in or adjacent to the project area, such as **California black rail (*Laterallus jamaicensis coturniculus*)**, may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code, § 2081.15). Project proponents should consult with CDFW early in the project planning process. **The project has the potential to impact California black rail, as further described below.**

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below, CDFW concludes that an MND is appropriate for the project. **Attachment 1** includes CDFW's recommended mitigation measures in a Draft Mitigation Monitoring and Reporting Program.

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Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of a rare or endangered plant or animal?

COMMENT 1: MND Pages 3239, Coho Salmon, Mitigation Measure Related Impact Shortcoming

Issue: The MND states that Coho salmon have a high potential to occur within Olema Creek in the project area. In addition, the MND also includes Avoidance and Minimization Measures (AMMs) BIO-2: Biological Monitoring, AMM BIO-3: Water Diversion and Dewatering, AMM: BIO-15 Listed Species On-site, AMM: BIO-21: Salmonid Work Period, AMM BIO-22: Coho salmon and Steelhead Critical Habitat and EFH Protection, and AMM-BIO-23: Fish Handling Plan, which are intended to minimize impacts to Coho salmon. However, even with the implementation of the referenced AMMs, the project may result in take of Coho salmon during dewatering operations or other project activities.

Specific impacts and why they may occur and be significant: Coho salmon may be directly or indirectly impacted by the project resulting in mortality of individuals from direct impacts or indirect impacts from degradation of habitat adjacent to ground disturbance and other factors. Coho salmon are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if Coho salmon are present on or adjacent to the project site where they may be directly or indirectly impacted, or habitat loss occurs, the project may substantially reduce the number or restrict the range of these species, which would be a mandatory finding of significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: To reduce impacts to Coho salmon to less-than-significant and to comply with CESA and ESA, CDFW recommends including the following mitigation measure in the MND.

MM-BIO-1: Coho Salmon CESA Authorization. Prior to commencing project construction, the project shall obtain a CESA ITP or CD from CDFW for impacts to Coho salmon and comply with the ITP or CD. The project shall also obtain authorization from the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS) for impacts to Coho salmon and comply with the authorization. CDFW staff are available to assist with the ITP process.

COMMENT 2: MND Pages 4041, California black rail, Mitigation Measure Related Impact Shortcoming

Issue: California black rail (CNDDDB Occurrence Number 318) has been documented within 0.2-mile of the project, and suitable nesting habitat for California black rail occurs directly adjacent to the project site. The MND states that California black rail has a moderate potential to occur within the project area. The MND requires AMM BIO-2: Biological Monitoring and AMM BIO-12: Nesting Birds. However, AMM BIO-12 only requires a 50-foot no-

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work buffer around active passerine nests and a 100-foot no-work buffer around active raptor nests. In addition, AMM BIO-12 does not specify survey methodology for detecting active nests. California black rail are cryptic species and individuals and nests may be very difficult to detect without call-back surveys.

Specific impacts and why they may occur and be significant: The project has the potential to impact nesting California black rail through direct impacts from construction activities and auditory or visual disturbances above ambient levels. Disturbances from project activities within 700 feet of suitable nesting habitat may result in California black rail nest abandonment and loss of eggs or reduced health and vigor and loss of young. California black rail is CESA listed as threatened and therefore is considered to be a threatened or endangered species pursuant to CEQA Guidelines section 15380. Therefore, if an active California black rail nest is disturbed by the project, the project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: To reduce potential impacts to California black rail to less-than-significant and comply with Fish and Game Code section 3511 (fully protected avian species), CDFW recommends including the mitigation measure below.

MM-BIO-2: California black rail Avoidance. The project shall map the location of potentially suitable California black rail nesting habitat within 700 feet of the project site and obtain CDFW's written approval of the mapping prior to project construction. Any project activities within 700 feet of potentially suitable California black rail nesting habitat shall be avoided during the breeding season (February 1 – August 31) each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted in writing by CDFW, or the project implements noise and visual avoidance measures below. Surveys shall focus on suitable habitat that may be disturbed by project activities during the breeding season to ensure that California black rail are not nesting in these locations.

If breeding California black rail are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within 700 feet of areas where California black rail have been detected during the breeding season.

If work must be done during the breeding season within 700 feet of California black rail nesting habitat, and annual surveys have not documented California black rail absence, noise levels shall not exceed 10 dBA over existing ambient noise levels and a noise attenuating fence and/or visual barrier shall be installed to reduce visual and/or acoustic impacts, unless otherwise approved in writing by CDFW. In this case, the project shall prepare

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a noise and visual avoidance plan and obtain CDFW's written approval of the plan, and implement the CDFW-approved plan, prior to conducting project activities.

COMMENT 3: MND Pages 25, Mason's lilaeopsis, Environmental Setting and Mitigation Measure Related Impact Shortcoming

Issue: There is one CNDDDB documented occurrence of Mason's lilaeopsis within five miles of the project area and a documented occurrence in Calflora (<https://www.calflora.org/search.html>) within 750 feet of the project area. The MND states that special-status plant surveys were conducted in July 2015, and a habitat assessment survey was conducted in 2020, however it is unclear if the plant surveys were protocol level including if reference populations were visited. The MND requires AMM BIO-9: Aquatic and Riparian Vegetation Protection but it does not include protocol level plant surveys.

Specific impacts and why they may occur and be significant: The project has potential to impact Mason's lilaeopsis. Mason's lilaeopsis is an NPPA listed as rare species and therefore is considered a rare species pursuant to Section 15380 of the CEQA Guidelines. Mason's lilaeopsis is threatened by erosion, bank and channel-stabilization, flood-control projects, dredging and dumping of spoils, boat wake overwash, recreation (e.g., fishing trails), and in some areas, by water hyacinth (see *Species Accounts of Rare, Threatened, and Endangered Plants from 2004 Status Report* at <https://wildlife.ca.gov/Conservation/Plants/Info>). Impacts to Mason's lilaeopsis could substantially reduce the species' population or restrict its range, which would be considered a mandatory finding of significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if Mason's lilaeopsis is present in the project area and would be directly or indirectly impacted by the project, then project impacts to Mason's lilaeopsis would be potentially significant.

Recommended Mitigation Measure: To reduce impacts to Mason's lilaeopsis to less-than-significant and comply with CESA, CDFW recommends including the below mitigation measure in the MND.

MM-BIO-3: Special-Status Plant Surveys and Protection. Prior to the start of project activities, a qualified biologist shall conduct a habitat assessment for Mason's lilaeopsis and other special-status plants. If potential habitat for Mason's lilaeopsis or other special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys for wetland species shall encompass the entire wetland and not just the portion of the wetland that would be impacted, as impacts to portions of a wetland often impact the entire wetland. Surveys shall include visiting reference populations unless

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otherwise approved in writing by CDFW. Surveys and associated reporting shall be conducted according to CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (see: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>). The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to project activities. If full avoidance is not possible, project activities may not commence until the project has consulted with CDFW and obtained CDFW's written approval, which may include topsoil salvage, transplanting, or habitat compensation. The project shall obtain and comply with a CESA ITP from CDFW for any impacts to Mason's lilaeopsis or any other CESA or NPPA listed plants, and provide habitat compensation to mitigate impacts to Mason's lilaeopsis or any other CESA or NPPA listed plant species at a minimum 3:1 mitigation to impact ratio, unless otherwise approved in writing by CDFW. Habitat compensation shall include placing a conservation easement over occupied habitat for the applicable species and preparing, funding, and implementing an interim and/or long-term management plan, unless otherwise approved in writing by CDFW. The habitat compensation location, conservation easement, and all associated land conservation documents including, but not limited to, the management plan(s) shall be submitted to CDFW for review and the Project shall obtain CDFW's written approval of these documents, unless otherwise approved in writing by CDFW. The conservation easement shall be recorded and management plan(s) funding shall be completed prior to project construction, unless otherwise approved in writing by CDFW.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 4: MND Page 43, Lake and Streambed Alteration Agreement, Mitigation Measures and Related Impact Shortcoming

Issue: The project would impact Olema Creek and connected tidal marsh habitat, therefore an LSA Notification to CDFW is required. AMM BIO-9 requires "[d]isturbance and removal of riparian, emergent, and aquatic vegetation shall be minimized. If riparian vegetation must be cut back, it shall be to the minimum height necessary (no lower than ground level) in order to promote rapid re-growth." However, AMM BIO-9 does not specifically require the project to submit an LSA Notification to CDFW prior to construction.

Specific impacts and why they may occur and be significant: The project will permanently and likely temporarily impact Olema Creek and connected tidal marsh including likely substantial alteration of the bed, bank, or channel. Stream habitat including connected

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wetlands is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When stream habitat is substantially altered, riparian functions become impaired, thereby, likely substantially adversely impacting aquatic and terrestrial species. Removing connected tidal marsh habitat may also result in the degradation of stream habitat. Therefore, if the above impacts to stream habitat occur, project impacts to stream habitat would be potentially significant.

Recommended Mitigation Measure: To reduce impacts to streams to less-than-significant and comply with Fish and Game Code section 1602 et seq., CDFW recommends including the following mitigation measure in the MND.

MM-BIO-4: Lake and Streambed Alteration (LSA) Notification and Agreement. The project shall submit an LSA Notification to CDFW pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to, requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a minimum 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored onsite in the same year as the impact. Restoration shall include preparing a restoration plan, a minimum of five years of monitoring and maintenance, and achieving success criteria.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

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CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nick Wagner, Senior Environmental Scientist (Specialist), at (707) 428-2075 or Nicholas.Wagner@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation, State Clearinghouse (SCH No. 2026051083)
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

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ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure(MM)	Description	Timing	Responsible Party
MM-BIO-1	<u>Coho Salmon CESA Authorization.</u> Prior to commencing project construction, the project shall obtain a CESA ITP or CD from CDFW for impacts to Coho salmon and comply with the ITP or CD. The project shall also obtain authorization from the USFWS or NMFS for impacts to Coho salmon and comply with the authorization. CDFW staff are available to assist with the ITP process.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
MM-BIO-2	<u>California black rail Avoidance.</u> The project shall map the location of potentially suitable California black rail nesting habitat within 700 feet of the project site and obtain CDFW's written approval of the mapping prior to project construction. Any project activities within 700 feet of potentially suitable California black rail nesting habitat shall be avoided during the breeding season (February 1 – August 31) each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted in writing by CDFW, or the project implements noise and visual avoidance measures below. Surveys shall focus on suitable habitat that may be disturbed by project activities during the breeding season to ensure that California black rail are not nesting in these locations. If breeding California black rail are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within 700 feet of areas where California black rail have been detected during the breeding season. If work must be done during the breeding season within 700 feet of California black rail nesting habitat, and annual surveys have not documented California black rail absence, noise levels shall not exceed 10 dBA over existing ambient noise levels and a noise attenuating fence and/or visual barrier shall be installed to reduce visual and/or acoustic impacts,	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	unless otherwise approved in writing by CDFW. In this case, the project shall prepare a noise and visual avoidance plan and obtain CDFW's written approval of the plan, and implement the CDFW-approved plan, prior to conducting project activities.		
MM-BIO-3	<u>Special-Status Plant Surveys and Protection.</u> Prior to the start of project activities, a qualified biologist shall conduct a habitat assessment for Mason's lilaeopsis and other special-status plants. If potential habitat for Mason's lilaeopsis or other special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys for wetland species shall encompass the entire wetland and not just the portion of the wetland that would be impacted, as impacts to portions of a wetland often impact the entire wetland. Surveys shall include visiting reference populations unless otherwise approved in writing by CDFW. Surveys and associated reporting shall be conducted according to CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (see: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline). The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to project activities. If full avoidance is not possible, project activities may not commence until the project has consulted with CDFW and obtained CDFW's written approval, which may include topsoil salvage, transplanting, or habitat compensation. The project shall obtain and comply with a CESA ITP from CDFW for any impacts to Mason's lilaeopsis or any other CESA or NPPA listed plants, and provide habitat compensation to mitigate impacts to Mason's lilaeopsis or any other CESA or NPPA listed plant species at a minimum 3:1 mitigation to impact ratio, unless otherwise approved	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	in writing by CDFW. Habitat compensation shall include placing a conservation easement over occupied habitat for the applicable species and preparing, funding, and implementing an interim and/or long-term management plan, unless otherwise approved in writing by CDFW. The habitat compensation location, conservation easement, and all associated land conservation documents including, but not limited to, the management plan(s) shall be submitted to CDFW for review and the Project shall obtain CDFW's written approval of these documents, unless otherwise approved in writing by CDFW. The conservation easement shall be recorded and management plan(s) funding shall be completed prior to project construction, unless otherwise approved in writing by CDFW.		
MM-BIO-4	<u>Lake and Streambed Alteration (LSA) Notification and Agreement.</u> The project shall submit an LSA Notification to CDFW pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to, requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a minimum 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored onsite in the same year as the impact. Restoration shall include preparing a restoration plan, a minimum of five years of monitoring and maintenance, and achieving success criteria.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant