

Memorandum

MAY 29 2019

STATE CLEARINGHOUSE

Date: May 29, 2019

To: Afifa Awan
California State Lands Commission

From: **Curt Babcock**, Habitat Conservation Program Manager
Northern Region

Subject: **RTI Infrastructure, Inc. Manchester Subsea Cables Project (SCH#2019049159)**

On April 29, 2019, California Department of Fish and Wildlife (CDFW) received a Notice of Intent to adopt a Mitigated Negative Declaration (MND) from the California State Lands Commission (CSLC) for the RTI Infrastructure, Inc. Manchester Subsea Cables Project (Project), as proposed by RTI Infrastructure, Inc. (Applicant). As a Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*).

CDFW's primary concern with the MND is that it does not adequately assess, map, or disclose potentially impacted rare plant populations, Sensitive Natural Communities (SNCs), or bridge bat roosts. Given the Project's location, it is highly likely that rare plant populations, SNCs, and bat colonies occur within the Project footprint. Due to incomplete biological surveys and impact assessments, CDFW and the public cannot meaningfully review the MND to determine if the Project's impacts are significant or if proposed mitigations are feasible and effective. For this reason, CDFW recommends the MND be recirculated once completed biological survey results are incorporated into the environmental document.

Project Description

The Project would create a temporary staging area, approximately 100 feet by 150 feet, on Assessor's Parcel Number 132-170-11, approximately 0.6 miles north of Manchester Beach State Park. Within this staging area, a landing manhole and surface access vault would be constructed, and this would be the connection site for marine and terrestrial fiber-optic cables. From this site, horizontal directional drilling would install steel bore pipes under the bluff, beach, and near-shore ocean and connect with marine pipes approximately 3,300 feet offshore. At the staging area, vertical holes would be drilled down to ground water in order to electrically ground each pipe. A combination of trenching and directional drilling would connect an underground conduit system to the landing manhole and to one of three pre-existing buildings in Manchester

that would then function as the Cable Landing Station. The underground conduit system would be trenched on both sides of State Route 1 (SR1), and potentially along both sides of Kinney Road, if selected. The conduit system would be approximately ten miles long. Crossings of waterways may be by directional drilling beneath, or by traditional trenching with the cables secured to existing bridges.

Work would be staged over six years, from 2019 to 2025. In the first two years, the landing manhole, surface access vault, bore pipes, and underground conduit system would be constructed, and the chosen site would be upgraded to a cable landing station. One cable connection and electrical ground would be established each successive year, totaling four cables.

The entire Project area is within the Coastal Zone and within two miles of the Pacific Ocean. This transition area from marine to upland habitat is a biologically diverse area, and commonly supports SNCs, rare plants, and wetlands. The Project area along the highway includes Alder Creek, Brush Creek, and four unnamed creeks, where riparian vegetation and moist conditions facilitate use by nesting birds, terrestrial and aquatic wildlife, and function as important corridors for wildlife movement.

Consultation History

CDFW Region 1 staff were not provided the opportunity to consult on any aspect of this Project, the Initial Study, or a draft MND prior to the Notice of Intent to adopt this MND.

Rare Plants and Sensitive Natural Communities

The MND, Appendix C2 – Terrestrial Biological Resources Technical Report, states only portions of the biological study area (BSA) were surveyed during the flowering period in 2018, and follow-up surveys are planned for 2019. Once 2019 surveys are complete, a supplemental report will be prepared. Because the public review period for the adoption of this MND closes on May 29, 2019, deferred botanical surveys do not provide CDFW or the public the opportunity to review the survey adequacy, the potential significant impacts to rare plants and SNCs, if any, or the adequacy of proposed mitigations.

This Project needs further botanical surveys during the appropriate flowering periods for all rare plants with the potential to occur in the Project area. Rare plant mitigations should be proposed where appropriate. Prior to the start of construction, rare plant and SNC survey results with maps, and mitigations as appropriate, should be submitted to CDFW for review and concurrence.

The MND does not adequately describe potentially affected natural communities for CDFW to determine if the correct natural community alliances have been properly identified. The MND identifies 8.5 acres as "*Perennial Grasslands*" with "*Common velvet-grass – sweet vernal grass meadow*" as the vegetative alliance. These habitat

types are difficult to interpret because they combine older vegetation classification systems with the current classification in the Manual of California Vegetation (MCV) (CNPS 2019). It is important to classify vegetation using the current system MCV classification, when feasible, because the definition of whether these alliances are SNCs, which must be considered under CEQA, is based primarily on the current MCV classification.

Because of the difficulty in classifying grassland natural communities with a high abundance of non-native plants, CDFW provides on-line guidance (CDFW 2019). This guidance to classifying grassland stands states "*a stand is considered native if 10% or more relative cover consists of native taxa that are evenly distributed in the stand and present at any time during the growing season*" (CDFW 2019). The natural community classification should be based on both the distribution of native plants in a grassland area and their presence throughout the growing season. This approach takes careful consideration and typically multiple visits during the growing season.

From the information presented in the MND, CDFW cannot determine the potential presence of and impacts to SNC grassland alliances. This particularly affects decisions regarding the placement of the staging area and landing manhole/surface access vault, and any necessary mitigations. The Applicant should describe all potentially impacted SNCs by using the MCV to the maximum extent practicable and current CDFW guidance on grassland classification. Mitigations should be proposed for significant impacts to SNCs.

Of further note is the potential presence of the coastal bluff morning-glory (*Calystegia purpurata* ssp. *saxicola*), within the Project area, particularly on the Landing Parcel. Coastal bluff morning-glory has a California Natural Diversity Database State Rank of S2/S3, meaning its imperilment status in California is "*imperiled*" or "*vulnerable*."

This rare plant occurs in Manchester Beach State Park and other nearby parcels with similar habitat to the Landing Parcel. It is commonly misidentified as a different subspecies, or as a "*hybrid*" subspecies, so careful determination of both presence and correct identification is paramount. The current plant list for this Project and MND lists *Calystegia purpurata* ssp. *purpurata*, which may be a mistake. The Applicant should confirm the identification of *Calystegia purpurata* ideally using a botanist familiar with these taxa.

Biological Study Area

The MND does not specify the location of the staging area or the landing manhole/surface access vault, presumably because the siting will depend on the results of upcoming botanical surveys. It also does not specify the location of drill pits and receiving pits for the horizontal directional drilling (HDD) proposed at six watercourse crossings. These activities have a higher potential for adverse impacts (e.g., noise, vibration, dewatering, potential leaks/pollution) than the trenching along the highway corridor.

In most Project locations along SR1, the BSA on each side of the highway is less than the width of the highway. This BSA is too narrow to include the potential impact area of HDD pits and drilling on adjacent habitats. The BSA at these locations should be extensive enough to account for potential direct and indirect impacts from these activities.

At the Landing Parcel, the BSA boundary is the edge of the parcel. This suggests that the staging area and landing manhole will need to be sited an appropriate distance from the edge of the BSA to account for direct and indirect impacts to resources at or beyond the edge of the BSA. For instance, there is a watercourse and riparian vegetation on the south side of the Landing Parcel, but outside the boundary of the BSA. An appropriate disturbance buffer should be given to this watercourse, even though it is outside of the BSA boundary.

The Project should site the landing manhole/surface access vault and all HDD drill and receiving pits in areas with the least potential for impacts to natural resources. Prior to starting construction, the Applicant should submit to CDFW for review and concurrence a map showing Project component locations in relation to rare plant populations, SNCs, wetlands, and riparian habitat.

Assessing Impacts to Bats

HDD is proposed at six identified watercourse crossings, however the MND also presents the option of traditional trenching and securing cables to the sides of existing bridges. Bats are known to commonly use bridges as roosting and nursery sites, often in large multi-species colonies. Disturbance from bridge construction could significantly affect bat colonies, including abandonment of nursery colonies if they exist on these bridges. Twelve of California's 24 bat species are designated by CDFW as Species of Special Concern, and a number of these species may be utilizing these bridges.

If cables will be routed on bridges, then prior to starting construction, a professional biologist with experience surveying for bats on bridges should assess if bats are utilizing these bridges. The bat survey report should be submitted to CDFW for review and concurrence prior to work commencing on, or within 200 feet of the bridges. If bats are detected utilizing the bridges, CDFW should be immediately consulted to address what if any mitigation measures are needed to avoid significant impacts to roosting bat colonies.

Recirculating the MND

As described above, the MND does not adequately assess potentially significant impacts to rare plants, SNCs, and bats. Rare plant surveys, for instance, will not be completed until after the CEQA comment period is over, thus vitiating CDFW's and the public's ability to review and comment on these survey results and impact assessments.

Consequently, CDFW recommends the MND be recirculated through the State Clearing House once completed biological survey results are incorporated into the environmental document. If this is not feasible, then CDFW recommends that as a condition of approval, the Lead Agency require that all outstanding biological survey results, impact assessments, and proposed mitigations be submitted to CDFW for review and concurrence prior to the start of Project construction.

Summary of Recommendations

- 1) The MND should be recirculated to the public once completed biological survey results are incorporated into the environmental document.
- 2) The Applicant should complete botanical surveys during the appropriate flowering period for all rare plants with the potential to occur in the Project area. Mitigation measures should be proposed for all rare plant populations that will be significantly impacted by the Project. Prior to starting construction, the Applicant should submit to CDFW for review and concurrence a full botanical survey report with mapped rare plant populations, if any, and proposed mitigations, as needed.
- 3) All potentially impacted SNCs should be identified and mapped using the MCV classification and current guidance on grassland alliance membership rules. Prior to starting construction, a completed SNC report with maps and proposed mitigations, as needed, should be submitted to CDFW for review and concurrence.
- 4) The identification of *Calystegia purpurata* should be verified by a botanist familiar with this taxon because of the high likelihood it is the rare *Calystegia purpurata* ssp. *saxicola*.
- 5) The landing manhole/surface access vault, and all HDD drill and receiving pits should be sited in areas with the least potential for impacts to rare plants, wetlands, watercourses, and SNCs.
- 6) If cables will be routed on existing bridges, then prior to construction, the bridges should be surveyed by a bat biologist with experience assessing bridge bat habitat. The bat survey report should be submitted to CDFW for review and concurrence prior to work commencing on or within 200 feet of the bridges.
- 7) If bats are detected utilizing the bridges, CDFW should be consulted to address what if any mitigation measures are needed to avoid significant impacts to roosting bat colonies.

If you have questions regarding these comments or recommendations, please contact Environmental Scientist Daniel Harrington at (707) 456-0335 or by e-mail at daniel.harrington@wildlife.ca.gov.

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Ec: Afifa Awan
California State Lands Commission
CEQA.comments@slc.ca.gov

Destiny Preston
California Coastal Commission
destiny.preston@coastal.ca.gov

Julia Acker
Mendocino County Planning and Building Services
ackerj@mendocinocounty.org

State Clearinghouse, Office of Planning and Research
state.clearinghouse@opr.ca.gov

Gordon Leppig, Jennifer Garrison, Daniel Harrington, Dana Mason,
Arn Aarreberg
California Department of Fish and Wildlife
gordon.leppig@wildlife.ca.gov, jennifer.garrison@wildlife.ca.gov,
daniel.harrington@wildlife.ca.gov, dana.mason@wildlife.ca.gov,
arn.aarreberg@wildlife.ca.gov

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