

Bahia Marsh Restoration Project

FINAL

ENVIRONMENTAL IMPACT REPORT

Comments and Responses

Submitted by:

California Department of Fish and Game

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TABLE OF CONTENTS

1.0 Introduction.....	1
2.0 Comments and Responses to the DEIR.....	1
2.1 Introduction.....	1
2.2 Log/Index – Comments and Responses.....	2

3.0 Attachments

ATTACHMENT A – Revised Executive Summary

ATTACHMENT B – Seasonal Wetlands, Derelict Dredge Disposal Site

ATTACHMENT C – Summary of Changes to Preliminary Design of September 2004

ATTACHMENT D – Typical Section Drawings for the East Bahia Peninsulas

ATTACHMENT D – Proposed Project – East Bahia

ATTACHMENT E – Historical Maps of Project Site

ATTACHMENT F– Zentner and Zentner California Clapper Rail Survey

1.0 INTRODUCTION

1.1 California Environmental Quality Act Process

On April 4, 2006 the California Department of Fish and Game (CDFG) released the Draft Environmental Impact Report (DEIR) for the Bahia Marsh Restoration Project for public review. CDFG is the state lead agency for the Project and will use the EIR to comply with state California Environmental Quality Act (CEQA) requirements. The 45-day public review and comment period for the DEIR ended on May 22, 2006.

The DEIR and this Response to Comments document constitute the Final EIR for the proposed Project. Under CEQA, before approving the Project or any CDFG actions under the Plan, CDFG will need to certify that the Final EIR is complete and adequate in order to make the necessary findings for project approval. A certified EIR indicates the following:

- The document complies with CEQA;
- The decision-making body of the lead agency reviewed and considered the Final EIR prior to approving the project; and
- The Final EIR reflects the lead agency's independent judgment and analysis.

CDFG may require the mitigation measures identified in this Final EIR as conditions of project approval. In connection with approval of the project, CDFG must also adopt a separate document, prepared pursuant to CEQA Guidelines Section 15091 and 15093, containing a set of required CEQA "Findings" with respect to each significant environmental effect, and a "Statement of Overriding Considerations" for any effects that are unavoidable or infeasible to mitigate. Findings must be accompanied by a brief explanation of the rationale for each finding and should indicate that either:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment;
- Those changes or alterations are the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that agency; or
- Specific economic, legal, social, technological, or other considerations, including the consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the DEIR.

Also included in the Findings document is a Mitigation Monitoring and Reporting Program that must be adopted in accordance with California Public Resources Code Section 21081.6.

1.2 Organization of the Final EIR

This document is organized as follows:

1.0 Introduction. This section introduces the reader to the requirements of a Final EIR and to the organization of this Response to Comments document. Section 1 also contains a summary of the process for soliciting public and agency comment during the DEIR review period.

2.0 Comments and Responses. This section contains summaries of the comments received during the DEIR public review period, and the corresponding responses to each comment. The responses are followed by the respective changes that were made to the DEIR in response to comments. A copy of the comment letter precedes the comment summaries and responses for each letter. An index to the letters and individual comments and responses is provided at the beginning of this section.

3.0 Attachments. This section contains documents that clarify responses to comments on the DEIR. The first-Attachment A- is a revised Executive Summary. This includes a revised summary of impacts table.

1.3 Public Participation and Review

CDFG notified all Responsible, Trustee and Reviewing agencies, interested groups, organizations, and individuals that a DEIR had been completed for the proposed Project. CDFG used several methods to notice the availability of the DEIR and to solicit input during the review period, including:

- A Notice of Preparation (NOP) for the EIR was issued on November 8, 2005. The NOP was circulated through the State Clearinghouse and copies were sent to Responsible, Trustee and Reviewing agencies, adjacent property owners, selected interest groups, organizations and individuals.
- A Notice of Completion (NOC) and eleven copies of the DEIR were filed with the State Clearinghouse on April 4, 2006. An official 45-day state review period for the DEIR was established by the State Clearinghouse, ending on May 22, 2006.
- Copies of the DEIR were distributed to state, regional, and local agencies, as well as to any requesting individuals and organizations, for their review and comment (see Chapter 17.0 of the DEIR).
- A copy of the DEIR and Final EIR have been posted on the following website:
<http://www.sfbayjv.org/>