State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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March 8, 2022

Mr. Christian Murdock
City of Pacifica
540 Crespi Drive
Pacifica, California 94044
cmurdock@pacifica.gov

Subject: General Plan Update and Sharp Park Specific Plan, Draft Environmental Impact Report, SCH No. 2012022046, City of Pacifica, San Mateo County

Dear Mr. Murdock:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) with attached appendices prepared by the City of Pacifica (City) for the General Pacifica Plan Update and Sharp Park Specific Plan (Project) located in the City of Pacifica.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, section 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological 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), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. CDFW is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Permit 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. Take, as defined by Fish and Game Code section 86 is to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Issuance of a CESA Permit 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 a CESA Permit.

Lake and Streambed Alteration Program

Notification is required, pursuant to CDFW's LSA Program (Fish & G. Code section 1600 et. seq.) for any Project-related activities 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 generally subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute a final LSA Agreement until it has complied with CEQA (Pub. Resources Code section 21000 et seq.) as the responsible agency.

Fully Protected Species

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take, except for collecting these species for necessary scientific research and relocation of a fully protected bird species for the protection of livestock. Take of any fully protected species is prohibited, and CDFW cannot authorize their take in association with a general project except under the provisions of a Natural Communities Conservation Plan (NCCP), 2081.7 or a Memorandum of Understanding for scientific research purposes. "Scientific Research" does not include an action taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

PROJECT LOCATION AND DESCRIPTION

The Project includes the General Plan update and the Sharp Park Specific Plan. Collectively these two plans are known as the Plan Pacifica Project. The General Plan update will outline a broad range of policies related to development and conservation in the Planning Area through 2040. The General Plan update encompasses all elements except housing, which is not proposed to be updated at this time. Chapters of the General Plan that are required by State Law include land use, conservation, open space, circulation, noise, and safety. Optional elements included in the General Plan update include economic development, community facilities, historic preservation, and community design. The state-mandated housing element will be updated as part of a separate process during the next housing element cycle. The City's Local Coastal Program Land Use Plan is not expressly included as part of the DEIR although the draft General Plan is consistent with the Local Coastal Program Land Use Plan amendment.

Along with the preparation of its General Plan Update, the City of Pacifica is undertaking a parallel but related planning process for the Sharp Park area. The Sharp Park Specific

Plan builds on a first phase of pedestrian improvements made along Palmetto Avenue, the area's "main street." In February 2020, the planning area was designated a "Priority Development Area" by the Metropolitan Transportation Commission and the Association of Bay Area Governments due to its potential to support new housing and employment near transit. This designation qualifies the city to receive potential future additional grants for specific projects and public improvements consistent with the Specific Plan. The Sharp Park Specific Plan includes chapters on land use, mobility and parking, urban design and public space, public facilities and infrastructure, environmental and coastal resilience, and implementation.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Pacifica in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on biological resources.

COMMENT 1: Wildlife Connectivity

Issue: Conservation Element CO-G-10 seeks to protect environmentally sensitive habitat areas, high value or high habitat value areas, and wildlife movement corridors from development that would significantly disrupt habitat values but does not provide a set of standards for evaluating these impacts and ensuring the impacts are reduced to less-than-significant. On page 3.2-20 of the DEIR it states, "While a wildlife movement corridor is needed somewhere within the area designated in Figure 3.7-3; the entire area would not be designated as a wildlife movement corridor. Corridors typically range from 100 to 400 feet in width, within which habitat is continuous and suitable for wildlife movements". Additionally, Figure 3.7-3 indicates wildlife corridors are only needed between Milagra Ridge and Sharp Park/Sweeney Ridge and the need for identifying wildlife corridors in the other sensitive habitat is not discussed. Development and road construction or widening has the potential to significantly impact wildlife movement due to habitat conversion and built infrastructure such as roads that can cause habitat fragmentation, and cut off migration corridors.

Evidence the impacts would be significant: Road use can result in wildlife mortality, altered abundances and diversity of wildlife, and modification of animal behavior (Trombulak and Frissell 2000). Additionally, wildlife mortality can occur as a result of road construction (Trombulak and Frissell 2000). Road density has been shown to affect habitat selection in frogs (Vos and Chardon 1998). Both independently and collectively, these impacts have the potential to affect public trust resources.

Recommended Measure 1 – Minimize New Road Construction: Limit the construction of new roads and properly use and maintain existing roads when possible. When new roads must be constructed or reconstructed, use practices that minimize

environmental impacts. Restore drainage areas connected to current roadways to limit environmental impacts like erosion and diversion of surface flow. Terrestrial connectivity elements such as wildlife friendly culverts, directional fencing, strategically placed median barriers, under-crossings, over-crossings and elevated causeways should be programmed into the Project as design features or conditions of approval in coordination with the natural resource agencies.

Recommended Measure 2- Wildlife Connectivity: The EIR should incorporate a wildlife movement studies to develop a baseline understanding of the areas where wildlife movement, crossings, and mortalities are most prevalent in order to identify species use and to aid in identifying criteria used to determine appropriate wildlife corridor widths and locations where development should not occur. The studies should be focused in those areas identified in Figure 3.7-3 as a wildlife movement corridor and the areas identified as potential environmentally sensitive habitat areas, and high habitat value/threatened by fragmentation. CDFW recommends the study occur over a period of at least 12 months prior to the approval of any project relying on the Plan Pacifica Project. The study should also be utilized to develop project design and identify areas where wildlife crossing structures would result in the largest benefit to rare, threatened, endangered special status, and non-special-status species for wildlife connectivity. Analysis during the 12-month study should also be utilized to determine the type, size and number of structures that would be most beneficial to facilitate wildlife connectivity (new wildlife crossing culverts, modification of existing culverts, elevated causeways, etc.) in existing developed areas. Upon completion of any development, wildlife connectivity structures and movement corridors should be studied for an additional 6 to12 month period, at minimum, to determine the effectiveness of the designs. The protocol for the baseline survey, post-construction surveys, site selection criteria and design criteria for the development of the wildlife connectivity structures should follow the protocols outlined in; *The California Department of Transportation (Caltrans), Wildlife Crossings Design Manual* (Caltrans, 2009) and the *Federal Highway Administration Wildlife Crossing Structure Handbook – Design and Evaluation in North America, Publication No. FHWA-CFL/TD-11-003* (FHWA, 2011).

COMMENT 2: Fish Passage Assessment

Issue: Multiple potential fish passage barriers and unassessed locations exist within the Project area. The Project contains stream crossings within areas mapped as historic or current watersheds where anadromous fish are, or historically were found. The species include but are not limited to Steelhead – California Central Valley Distinct Population Segment (DPS) (BIOS; DS-810), Steelhead – Central Coast DPS (BIOS; DS-806).

Section 156 of the Streets and Highways Code (Senate Bill (SB)-857), which amended Fish and Game Code section 5901 and added section 156 to the Streets and Highways Code which requires in section 156.3, any project using state or federal transportation

funds programmed after January 1, 2006, the lead agency shall ensure that, if the project affects a stream crossing on a stream where fish are, or historically were found, an assessment of potential barriers to fish passage is done prior to commencing project design. For this Project, the City of Pacifica would need to submit the assessment to the CDFW and add it to the CALFISH database. If any structural barrier to passage exists, remediation of the problem shall be designed into the Project by the implementing agency. New projects shall be constructed so that they do not present a barrier to fish passage.

Evidence the impact would be significant: The decline of naturally spawning steelhead trout is primarily a result of the loss of appropriate stream habitat and the inability of fish to get access to habitat, according to reports to the Fish and Game Commission and by the CDFW (CDFW, 1996). Restoration of access to historical spawning and rearing areas should be incorporated into the Project design through barrier modification, fishway installation, or other means (CDFW, 1996).

Recommendations: The EIR should include technical evaluation of the current status of each crossing location noted in the California Fish Passage Assessment Database within the Project limits that may be barriers to fish passage. If any barriers or unassessed barriers noted within the Project limits are found to be exist, remediation of the barrier should be designed into the Project by the implementing agency as a Project feature in consultation with CDFW and other natural resource agencies.

Recommended Measure 1 - Fish Passage Assessment: To evaluate potential impacts to native fish species and fisheries resources, City of Pacifica should submit any fish passage assessments to the CDFW and add it to the CALFISH database. If any structural barrier to passage exists, remediation of the barrier shall be designed into the Project by the implementing agency. New projects shall be constructed so that they do not present a barrier to fish passage. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with the CDFW. CDFW shall be engaged prior to design in early coordination and at 30% design at minimum.

Recommended Measure 2 - Fish Passage Design Coordination:

CDFW recommends incorporation into the EIR a condition of approval to engage with CDFW in early and continued coordination before design commences on any fish passage barrier remediation.

Recommendation Measure 3 - Bridge and Stream Crossing References: CDFW recommends utilizing principles outlined in the California Salmonid Stream Habitat Restoration Manual, Part XII (CDFW, 2009) and NOAA Fisheries Service Guidelines for Salmonid Passage at Stream Crossings (National Marine Fisheries Service (NMFS),

2001) into stream crossing designs. CDFW strongly recommends incorporation of free-span bridge designs that are at minimum 1.25 times greater than the channel width. Such designs allow natural stream flow and sedimentation processes to continue for long term dynamic channel stability.

COMMENT 3: Mountain Lion

Issue: The Project falls within the Central Coast North (CC-N) mountain lion subpopulation. The CC-N subpopulation has the potential to be impacted by development facilitated by the Project. Development within sensitive and critical habitat as defined in Figure 3.7-3has the potential to cause impacts during construction and operation by increasing human presence, traffic, noise, vibration, air pollutants and dust, artificial lighting, habitat removal, severing access to or impacting habitat resources (e.g. streams, dens site, impacts to prey-base, etc.), causing disruption during breeding cycles, impacting den selection, forcing animals into movement paths and areas that could increase their vulnerability to vehicle strikes, and has the potential to significantly and permanently reduce or eliminate the existing wildlife movement corridor necessary for gene flow. Decreased and impeded connectivity could increase the decline in genetic diversity of mountain lions in southern and central parts of the State (Dellinger et al., 2020).

Evidence the impact would be significant: Mountain lion (*Puma concolor*) is a specially protected mammal in the State (Fish & G. Code, § 4800). In addition, on June 25, 2019, a petition to list the mountain lion, Southern California/Central Coast Evolutionarily Significant Unit (ESU) in Southern and Central California as Threatened or Endangered pursuant to CESA (Fish & G. Code §§ 2050 et seq.) was submitted to the California Fish and Game Commission. Specifically, the petitioners requested listing as a “threatened species” for the ESU comprised of the following recognized mountain lion subpopulations: 1) Santa Ana Mountains; 2) Eastern Peninsular Range; 3) San Gabriel/San Bernardino Mountains; 4) Central Coast South (Santa Monica Mountains); 5) Central Coast North (Santa Cruz Mountains); and 6) Central Coast Central. On April 21, 2020, the Fish and Game Commission determined that the petitioned action “may be warranted” and established mountain lion within the proposed ESU as a candidate species under CESA (CDFW 2020). As a candidate species, mountain lion within the proposed ESU now is granted full protection of a threatened species under CESA.

Recommendations: It is important that the CC-N subpopulation remain connected to adjacent mountain lion populations via suitable habitat and unobstructed sizeable movement corridors. Permanently conserving and restoring habitat connectivity and corridors is essential for minimizing impacts to mountain lions. Gene flow through maintenance of existing occupied habitat within improved and additional wildlife corridors will promote long-term persistence of isolated subpopulations (Gustafason et

al. 2019). It is important that the CC-N subpopulation remain connected to adjacent mountain lion populations via suitable habitat and unobstructed sizeable movement corridors. Restrictions to mountain lion movement between the CC-N and CC-C can further compound this issue absent conservation strategies to ensure mountain lion movement opportunities. Opportunities to protect and enhance wildlife connectivity should be incorporated into the EIR.

COMMENT 4: Monarch Overwintering

The draft EIR does not include impacts to monarch butterfly overwintering colonies or suitable overwintering habitat. CDFW is concerned about the loss of trees and host plants needed for monarch butterflies. The loss of suitable overwintering habitat for monarchs will contribute to extirpation of western monarch populations. If projects will remove trees used by over-wintering monarchs, tree planting alone is unlikely to be sufficient to mitigate impacts to a less-than-significant level.

Evidence the impact would be significant: The data gathered from the Western Monarch Thanksgiving Count show that western overwintering monarchs are at an all-time critical low level and have significantly declined to approximately two percent of their numbers since 1997 (Xerces Society Western Monarch Thanksgiving Count, 2019). The decrease in Western Monarch butterflies may be due to the loss of overwintering habitat and loss of its host plant (milkweed) (Pelton et al. 2019). According to the Xerces Society, “Western monarchs use the same sites each year, even the same trees, and need intact overwintering habitat, which provides a very specific microclimate and protection from winter storms,” (Xerces Society, 2020).

Recommendations: The EIR should incorporate protective measures for western monarch butterflies that includes protecting trees used for overwintering.

Recommended Measure 1 -Protect, Manage, Enhance and Restore Monarch Butterfly Overwintering Sites:

- Conduct overwintering grove habitat assessment(s) and develop and implement long-term grove management plans (https://www.westernmonarchcount.org/). Management plan actions for groves may include, but are not limited to:

    - Enhance roosting trees within overwintering groves and within 1/2 mile of groves by planting native insecticide-free trees (e.g., Monterey pine (*Pinus radiata*), Monterey cypress (*Cupressus macrocarpa*), coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), Douglas-fir (*Pseudotsuga menzesii*), Torrey pine (*Pinus torreyana*), western sycamore (*Platanus racemosa*), Bishop pine (*Pinus radiata*) and others, as appropriate for location).

- Avoid the removal of trees or shrubs within 1/2 mile of overwintering groves, except for specific grove management purposes, and/or for human health and safety concerns. The maintenance of trees and shrubs within a 1/2 mile of these sites provides a buffer to preserve the microclimate conditions of the winter habitat.

- Conduct management activities in groves from March 16-September 14, in coordination with a monarch biologist, such as tree trimming, mowing, burning and grazing in monarch overwintering habitat outside of the estimated timeframe when monarchs are likely present.

- Enhance native, insecticide-free nectar sources by planting fall/winter blooming forbs or shrubs within overwintering groves and within one mile of the groves (https://xerces.org/sites/default/files/publications/18-003_02_Monarch-Nectar-Plant-Lists-FS_web%20-%20Jessa%20Kay%20Cruz.pdf).

- Avoid the use pesticides within one mile of overwintering groves, particularly when monarchs may be present. If pesticides are used, then conduct applications from March 16-September 14, when possible. Avoid the use of neonicotinoids or other systemic insecticides, including coated seeds, any time of the year in monarch habitat due to their ecosystem persistence, systemic nature, and toxicity. Avoid the use of soil fumigants.

- Consider non-chemical weed control techniques, when possible (https://www.cal-ipc.org/resources/library/publications/non-chem/).

- Remove tropical milkweed that is detected, and replace it with native, insecticide-free nectar plants suitable for the location (https://xerces.org/sites/default/files/publications/18-003_02_Monarch-Nectar-Plant-Lists-FS_web%20-%20Jessa%20Kay%20Cruz.pdf).

- To assist in maintaining normal migration behavior, do not plant any type of milkweed within five miles of the coast from Mendocino County south through Santa Barbara County, and within one mile of the coast south of Santa Barbara County, unless the species of milkweed is native to the local area.

- Conduct grove monitoring for butterflies during the Western Monarch Counts each fall and winter. When possible, report when monarchs arrive and depart the groves each year (https://www.westernmonarchcount.org/).

COMMENT 5: Setback from Streams, Creeks, Ponds, Lakes, Wetlands, etc.

Issue: The Project DEIR does not include prescriptive riparian buffers into its zoning updates. “A riparian buffer is an area along a shoreline, wetland or stream where

development is restricted or prohibited. The primary functions of the buffer is to physically protect and separate a stream, lake, pond, wetland etc. from future disturbances or encroachment." If there are no Project setbacks, there are no protective measures for environmental sensitive habitat in these areas.

Evidence: Riparian areas provide important ecological functions for terrestrial and aquatic ecosystems. More than 225 species depend on California's riparian habitat. These species use riparian habitat for migrating, nesting, feeding and rearing young. Each stream, creek, lake, pond, wetland, etc., is unique and may require a different buffer or setback. Riparian areas perform many ecological functions such as enhancing water quality/quantity, biodiversity, habitat connectivity, and flood capacity. The stream, lake, pond, wetlands etc., conveys runoff, provides groundwater recharge, supports aquatic plants and animals, as well as supplies water to trees and plants that thrive in the riparian zone. Setbacks or buffers are an effective tool to physically protect and separate stream or wetlands from future disturbances. If properly maintained, setbacks or stream buffers can have significant opportunities to mitigate some of the effects of development. Setbacks or stream buffers protect stream function, protect habitat, and provide additional capacity for flood flow conveyance. A summary of impacts to aquatic features from insufficient riparian setbacks include the following (San Francisco Bay Regional Water Quality Control Board (RWQCB), 2004):

- Elimination of natural channel, including loss of wetlands, wildlife, fisheries and riparian areas;
- Increased sedimentation due to construction activities and land clearing;
- Unmitigated changes in hydrology that upset the geomorphic equilibrium of streams, causing destabilization and erosion of channels, and more frequent flooding;
- Increased pollutant loads associated with urban activities;
- Impairment of fish habitat from water diversions and fish passage barriers due to the construction of in-channel reservoirs and diversion structures, the sedimentation of channels, and the removal of vegetation; and;
- Increased pollutant loads associated with agricultural activities.

In its Watershed Management Initiative, the State Water Resources Control Board (San Francisco Bay RWQCB, 2004) identified the major non-point source problems within the San Francisco Bay Region. "Many of which can be partially or fully addressed through establishment of setbacks or stream buffers".

The San Francisco Bay RWQCB prepared a Stream Protection Policy with the objective for riparian buffer zones:

> "Buffer zones shall be maintained or enhanced to protect stream functions. Examples of ways in which buffer zones protect stream functions include: removing agricultural and urban stormwater pollutants, reducing sediment from upland sources, stabilizing stream banks, minimizing changes to the hydrograph by infiltrating stormwater runoff, metering stream baseflow, and supporting vegetation which provides nutrients and shade." (San Francisco Bay RWQCB, 2004)

Furthermore, the establishment of buffer zones in moderate to highly disturbed agricultural areas has been shown to increase aquatic condition and habitat value (Teels et al., 2006). Increased buffer widths have also been shown to have a general positive relationship with terrestrial species abundance (Marczak et al., 2010).

Recommendations: CDFW strongly recommends the City of Pacifica adopt riparian buffer zones into its zoning to prohibit development adjacent to streams, creeks, rivers (including perennial, intermittent, and ephemeral), wetlands, ponds, and other environmentally sensitive habitat areas. Additionally, these buffer areas will help to protect water quality and habitat for aquatic and terrestrial species.

Because the size of a buffer zone may be dependent on numerous factors including the size of the watershed, level of disturbance, and species that occupy the habitat, CDFW recommends the City of Pacifica coordinate with CDFW to develop a detailed and descriptive document that lays out the guidelines for riparian buffers and setbacks.

For agricultural riparian buffers, CDFW has a California Landowner Incentive Program (https://wildlife.ca.gov/Lands/CWHP/Private-Lands-Programs/Landowner-Incentive-Program/Phase-2) that is a voluntary, incentive-based program. It provides funding to restore marginal or flood-prone farmland to riparian buffers, disburses annual incentive funding to assist with costs of habitat management and the loss of income associated with idling farmland, and provides technical assistance to restore and manage riparian buffers.

COMMENT 6: San Francisco Garter Snake

Issue: The DEIR states that there is high potential for San Francisco garter snake (SFGS; *Thamnophis sirtalis tetrataenia*) to be present in the Project area during both the dry and the wet season. However, the proposed Project does not consider the full extent of development impacts to upland habitat for SFGS, a State Fully Protected species. Construction and maintenance activities in suitable upland SFGS habitat has the potential to result in direct and indirect take to SFGS. Indirect take may occur as a result of upland habitat loss and degraded site suitability for SFGS to complete all

stages of their life cycle such as through the construction of roads, installation of fences blocking suitable habitat and loss of habitat through development.

Because of the high probability of presence of the species within the Project area, the appropriate avoidance and minimization measures must be in place to avoid take. As currently stated, CDFW does not believe the avoidance measures in the DEIR will avoid all impacts to SFGS. Take of a fully protected SFGS is prohibited, and CDFW cannot authorize its take in association with development or maintenance projects, except under the provisions of an NCCP.

Evidence the impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of SFGS as an endangered species under CESA (Fish & G. Code, § 2050 et seq.) and as a Fully Protected species (Fish & G. Code § 5050) qualifies it as an endangered, rare, or threatened species under CEQA. SFGS is an endemic snake with a highly limited range in the San Francisco Peninsula. SFGS utilize a variety of habitats including upland sites for basking, rodent burrows for shelter and low-lying marsh for feeding and reproduction (U.S. Fish and Wildlife Service (USFWS), 1985). In coastal areas, SFGS may hibernate during the winter in small mammal burrows (USFWS, 2007). SFGS are threatened by loss of habitat from agricultural, commercial, and urban development, illegal collection by reptile breeders, and decline of their prey species, California red-legged frog (CRLF, *Rana draytonii*) (USFWS, 2007).

Both CRLF and SFGS utilize upland habitat. CRLF can disperse up to one mile through upland habitat during the wet season (USFWS, 2002). Habitat loss, fragmentation, and degradation remain the leading cause of amphibian and reptile decline (Gallant et al., 2007; Thompson et al., 2016). Although the Project proposes to implement avoidance and minimization measures, it does not avoid the of potential upland habitat destruction which would reduce and restrict the range of both SFGS and their prey species CRLF. Ground disturbing work such as grading and grubbing necessary for the completion of development has the potential to result in the direct take of SFGS utilizing animal burrows and indirectly impact their habitat availability by removing the availability of burrows from the site.

Recommendation: CDFW recommends the following avoidance measures are incorporated into the EIR and included in all projects that are within suitable SFGS habitat.

Recommended SFGS Avoidance and Minimization: All projects shall be designed to avoid all impacts to SFGS within suitable SFGS habitat including but not limited to wetlands, streams and waterways as well as associated upland habitat capable of providing dens and basking habitat as determined by a qualified biologist, experienced with SFGS, in coordination with CDFW. Increased no build buffer zones around wetland and riparian resources shall be incorporated and the footprint of any new structures in

upland habitat shall be the minimum necessary. If take of SFGS is likely then the Project shall not be approved. The lead agency shall coordinate with CDFW to ensure the Project is designed to avoid take of a fully protected species.

COMMENT 7: Loss of Pond Habitat

Issue: Development of a golf course to a residential and commercial development may result in the destruction of on-site golf course ponds, which provide habitat for wetland dependent species and reduce wildlife connectivity.

Evidence the impact would be significant: Manmade ponds on golf courses can provide food resources for many species of waterbirds (White and Main, 2005). Manmade ponds on golf courses can also provide suitable habitat for wetland dependent wildlife including semi-aquatic turtles (Price et al., 2013), amphibians, and macroinvertebrates (Colding et al., 2009).

Recommendations to minimize significant impacts: CDFW recommends retaining onsite ponds into the design of the development and incorporating wildlife corridors with adjacent open space.

COMMENT 8: California Red-Legged Frog

Issue: CRLF is known to occur within the Project range but the DEIR does not identify specific locations of all known or recorded detections. In addition, the DEIR does not include sufficient avoidance, minimization and mitigation measures to off-set potentially significant effects to CRLF.

Evidence the impact would be significant: CRLF is a species listed as threatened under the Federal Endangered Species Act (ESA) and a California Species of Special Concern (SSC). CRLF require a variety of habitats, including aquatic breeding habitats and upland dispersal habitats. Breeding sites of the species are in aquatic habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, CRLF frequently breed in artificial impoundments such as stock ponds (USFWS 2002). Breeding sites are generally found in deep, still, or slow-moving water (>2.5 feet) and can have a wide range of edge and emergent cover amounts. CRLF can breed at sites with dense shrubby riparian or emergent vegetation, such as cattails or overhanging willows, or can proliferate in ponds devoid of emergent vegetation (i.e., stock ponds). Habitat includes nearly any area within one to two miles of a breeding site that stays moist and cool through the summer; this includes non-breeding aquatic habitat in pools of slow-moving streams, perennial or ephemeral ponds, and upland sheltering habitat such as rocks, small mammal burrows, logs, densely vegetated areas, and even man-made structures (i.e., culverts, livestock troughs, spring-boxes, and abandoned sheds) (USFWS 2017). CRLF populations throughout the State have experienced ongoing and drastic declines and

many have been extirpated (Thomson et al. 2016). Habitat loss from growth of cities and suburbs, mining, overgrazing by cattle, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to the species (Thomson et al. 2016, USFWS 2017).

Development could injure or kill CRLF if they occur on-site, resulting in a substantial reduction of the population.

Recommendations: CDFW recommends the EIR include additional detection information of known CRLF detections including those from the following sources: historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB) In addition, CDFW recommends the following measures are incorporated into the EIR and included in all projects in suitable CRLF habitat:

- A qualified biologist shall complete CRLF habitat assessments in accordance with the Revised Guidance on Site Assessments and Field Surveys for the California red-legged frog (USFWS 2005) (survey protocol). Results of the habitat assessment shall be submitted to USFWS and CDFW for review and written acceptance prior to starting Project activities. If after review of the results of the habitat assessment, USFWS or CDFW determines that surveys are warranted, then surveys shall be conducted in accordance with the USFWS survey protocol prior to starting project activities. Results of surveys shall also be submitted to CDFW for review and approval in writing.

- If a project may impact CRLF based on the results of the habitat assessment and any surveys, the project shall obtain authorization from USFWS for impacts to the species prior to project start.

- If CRLF is discovered during the habitat assessment, surveys, or during Project construction, work shall be delayed/ceased immediately and contact CDFW and USFWS within 24 hours. In this event, Project work shall not resume/proceed until the frog, through its own volition, moves out of harm's way and CDFW and USFWS have provided permission in writing to proceed with the Project.

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 the CNDDB. The CNNDB field survey

form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data#44524420-pdf-field-survey-form. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, section 711.4; Pub. Resources Code, section 21089). 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.

Thank you for the opportunity to comment on the Project's DEIR. If you have any questions regarding this letter or for further coordination with CDFW, please contact Will Kanz, Environmental Scientist, at (707) 337-1187 or Will.Kanz@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

cc: State Clearinghouse #2020090171

REFERENCES:

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