



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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August 20, 2020

Governor's Office of Planning & Research

Aug 21 2020

STATE CLEARINGHOUSE

Mr. James Pruett
San Mateo Harbor District
Post Office Box 1449
El Granada, CA 94018
jpruett@smharbor.com

Subject: Pillar Point West Trail Living Shoreline Project, Initial Study/Mitigated Negative Declaration, SCH No. 2020079020, San Mateo County

Dear Mr. Pruett:

The California Department of Fish and Wildlife (CDFW) reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the San Mateo Harbor District for the Pillar Point West Trail Living Shoreline Project (Project), located in San Mateo County. CDFW is submitting comments on the IS/MND to inform the San Mateo Harbor District, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the proposed Project.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (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 (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.

PROJECT DESCRIPTION AND LOCATION

The Project is located along the western edge of Pillar Point Harbor (Harbor) in western San Mateo County, California at the Pillar Point West Trail (Trail). The Trail is a pedestrian and emergency vehicle pathway from the West Point Avenue access and parking area to the Pillar Point outer harbor and Mavericks Beach.

The Project area has experienced coastal erosion that has degraded the Trail. The Project proposes to stabilize the trail with a living shoreline and upgrade an existing stormwater system to accommodate a 50-year storm event.

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COMMENTS AND RECOMMENDATION

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

COMMENT 1: State Fully Protected Species – San Francisco Garter Snake

Issue: San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), a state fully protected species, has the potential to occur within the Project area. CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code §§ 3511, 4700, 5050, and 5515. Take¹ of any fully protected species is prohibited, which includes handling and relocation. CDFW cannot authorize incidental take of fully protected species unless the take is for scientific purposes pursuant to Fish and Game Code Section 2081(a) or a project has an approved Natural Communities Conservation Plan pursuant to Fish and Game Code section 2800.

Based on the current Mitigation Measures, the proposed Project cannot completely avoid impacts to San Francisco garter snake and has the potential to significantly impact the species.

Evidence impact would be significant: The Project has the potential to disturb, injure, or kill San Francisco garter snake during project construction, including use of heavy equipment, and relocation. Exclusion fencing is not fully effective for snakes and can cause mortality or injury by capturing San Francisco garter snakes within the fencing.

Recommendation 1: CDFW recommends that Mitigation Measure BIO-1f is revised to avoid handling and relocation of San Francisco garter snakes, which includes the handling and relocation of individuals by a qualified biologist. CDFW recommends that if San Francisco garter snake individuals are found within the Project area, Project activities immediately stop, and the individual is allowed to leave the Project area on its own accord. Project activities should not recommence until San Francisco garter snake are no longer within the Project area.

Recommendation 2: CDFW recommends that vegetation removal be conducted by using hand tools and not heavy equipment.

¹ Take is defined by Fish and Game Code § 86 as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

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FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game 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 IS/MND. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Monica Oey, Environmental Scientist, at (707) 428-2088 or Monica.Oey@wildlife.ca.gov; or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at Randi.Adair@wildlife.ca.gov.

Sincerely,

DocuSigned by:


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Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse