



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



October 9, 2020

Mr. Christian Murdock  
City of Pacifica Planning Department  
170 Santa Maria Avenue  
Pacifica, CA 94044  
[murdockc@ci.pacifica.ca.us](mailto:murdockc@ci.pacifica.ca.us)

Governor's Office of Planning & Research

**Oct 12 2020**

**STATE CLEARINGHOUSE**

Dear Mr. Murdock:

**Subject:** Rockaway Quarry Reclamation Plan Project, Notice of Preparation of an Environmental Impact Report, SCH No. 2020090036, City of Pacifica, San Mateo County

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Rockaway Quarry Reclamation Plan Project (Project), located at State Route (SR) 1 and Del Mar in the City of Pacifica (City).

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §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), 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. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

**PROJECT DESCRIPTION AND LOCATION**

**Proponent:** City of Pacifica

**Location and Description:** The Project is located at State Route 1 and Reina Del Mar Avenue, City of Pacifica, San Mateo County, Accessors Parcel Numbers (APNs): 018-150-120 and 018-150-150.

The Project involves the reclamation of an existing quarry to minimize adverse environmental impacts of surface mining and mined land areas. Project activities include regrading steep slopes of the former quarry into a safe condition, installing new drainage infrastructure, constructing new unpaved trails, restoring features to natural conditions, and improving stormwater drainage.

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The following further describes each reclamation activity by site area:

*Hilltop.* The quarry hilltop would be graded to a lower elevation to create a safely sloped access road between the hilltop and ocean bluff, providing a transition of 2:1 slope above the preserved limestone face.

*East Flank.* This area contains former quarry fills within a stable slope. The northern part of the East Flank is dominated by native vegetation that would be preserved through reclamation activities. The Reclamation Plan includes installing a multi-use trail connecting the southern side of the East Flank to the Hilltop, replacing existing eroded informal trails.

*Quarry Face.* The Quarry face has a stable slope, so no activities will occur in this area aside from installing hazard warning signage.

*Quarry Pit.* The Quarry Pit has an uneven mix of slopes, fills, and pits. The Reclamation Plan includes grading the pit to resemble pre-mining slope conditions as determined by analyzing historic imagery. Additionally, a multi-use trail would be installed.

*Southern Bluff.* The Reclamation Plan involves regrading of the loose soil and uneven surface on the top of the southern end of the bluff to form a stable, gently sloping surface.

*Eastern Parcel Reclamation.* A total of 0.25 acres of seasonal wetlands would be graded and filled as part of the reclamation activities. In order to mitigate for the loss of wetlands, 0.6 acres of mitigation seasonal wetlands would be created on the Eastern Parcel to account for a 2:1 mitigation-to-impact ratio.

*Stormwater/Stream Improvements (General).* Two drainage terraces with a concrete ditch would be built to collect runoff from the Hilltop. Runoff from the Southern Bluff would drain via sheet flow to a newly constructed four-foot wide vegetated swale that would be located along the base of the bluff. A temporary culvert and then, ultimately a permanent culvert would be installed on the ephemeral stream along State Route 1.

## **ENVIRONMENTAL SETTING**

Sufficient information regarding the environmental setting is necessary to understand the Project, and its significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Fully protected, threatened or endangered, candidate, and other special-status species that

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are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- San Francisco garter snake (*Thamnophis sirtalis tetrataenia*; SFP, FE, SE),
- California red-legged frog (*Rana draytonii*; FT, SSC),
- San Francisco common yellowthroat (*Geothlypis trichas sinuosa*; SSC), and
- Pappose tarplant (*Centromadia parryi ssp. parryi*, 1B.2)

FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; SFP = State Fully Protected; SSC = State Species of Special Concern

#### CNPS Plant Ranks

- 1B = Rare, Threatened, or Endangered in California and Elsewhere
- 2A = Presumed Extirpated in California, But Common Elsewhere
- 2B = Rare, Threatened, or Endangered in California, But More Common Elsewhere

#### CNPS Threat Ranks

- 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

CDFW recommends that prior to Project implementation surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

#### **IMPACT ANALYSIS AND MITIGATION MEASURES**

The CEQA Guidelines (§15126.2) necessitate that the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for “take” of special-status species;

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- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The CEQA document should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a listed species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the Project on the environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

## **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: Botanical Surveys**

**Issue:** The project has the potential to directly and/or indirectly impact pappose tarplant and/or its habitat. The scope of potential Project impacts to pappose tarplant individuals and populations is unclear.

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**Occurrence:** There is a sighting of pappose tarplant in the southernmost part of the Eastern Parcel (California Natural Diversity Database (CNDDDB) Accessed October 2020).

**Recommendation:** CDFW recommends completing full floristics surveys in impact areas within potentially suitable habitat with a focus on pappose tarplant.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: <https://www.wildlife.ca.gov/Conservation/Plants>.

### **Comment 2: California Red-Legged Frog**

**Issue:** Reclamation activities will include the restoration of a 0.60-acre seasonal wetland and creation of a 0.15-acre California red-legged frog pond. The Project has the potential to directly and/or indirectly impact California red-legged frog and/or its habitat. The scope of potential Project impacts to California red-legged frog individuals and/or populations is unclear.

**Occurrences:** There are two known detections of California red-legged frog at the Project site; one located on the former Quarry parcel and one on the eastern parcel where restoration activities will take place (CNDDDB Accessed October 2020).

**Recommendation:** The draft EIR should analyze all groundwork activities, such as grading and filling, that may potentially impact California red-legged frog. It should also discuss all potentially significant impacts to California red-legged frog. CDFW recommends early consultation with CDFW and USFWS to develop appropriate avoidance, minimization and mitigation measures. Those measures should be specified in the draft EIR to reduce any potentially significant impacts to less-than-significant.

### **Comment 3: San Francisco Garter Snake**

**Issue:** San Francisco garter snake, a state fully protected species, is known to occur throughout 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. Take<sup>1</sup> of any fully protected species is prohibited. CDFW cannot authorize incidental take of fully protected species unless the take is

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<sup>1</sup> 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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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.

The Project has the potential to disturb, injure, or kill San Francisco garter snake during Project construction, including use of heavy equipment for grading activities. Exclusion fencing and/or funnels are not always fully effective for snakes and can cause mortality or injury by capturing San Francisco garter snake within exclusion fencing and coverboards.

**Recommendation:** CDFW recommends a full-time biological monitor actively observe all vegetation removal and ground-disturbing activities. Vegetation removal should be done using hand tools. If work would occur in different areas of the site such that the biological monitor would not be able to fully monitor all activities, additional monitors may be needed. CDFW recommends early consultation with CDFW and USFWS to develop appropriate avoidance measures.

**Issue:** The proposed Project includes creating multi-use trails that could impact the state fully protected San Francisco garter snake. San Francisco garter snakes may utilize the trails for thermoregulation (basking) or move across trails during hunting and other movements. If bicyclists and equestrians do not observe San Francisco garter snakes on the trail, they have the potential to disturb, injure, and/or kill snakes.

**Evidence of impacts:** A San Francisco garter snake was run over by a bicyclist and killed along a road on San Francisco Public Utilities Commission (SFPUC) property in area surrounding Crystal Springs and San Andreas Reservoirs in San Mateo County (USFWS 2006). Several additional cases of San Francisco garter snake mortality have been reported in the vicinity under similar circumstances. Snake mortality associated with bicycle and vehicle traffic is common on trails where such uses are allowed (Miller and Alvarez, 2016).

**Recommendation:** CDFW recommends that the trails be limited to pedestrian use to completely avoid take of San Francisco garter snake.

#### **Comment 4: Tree Removal**

**Issue:** The Project will result in the removal of eleven heritage trees, defined as having a circumference of 50 inches diameter at breast height (dbh) or greater. Both native and non-native trees provide nesting habitat for birds, and habitat value for other wildlife. Large-diameter heritage trees found on the site (primarily native oaks) are expected to provide food and shelter for a variety of native species. Additionally, it would take many years for planted oaks to get to a size that could provide the same ecological benefits that old, native trees provide. Removal of heritage trees and potentially other trees on-site without adequate mitigation should be considered

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a substantial adverse change in the physical conditions within the area affected by the Project.

**Recommendation:** The draft EIR should include a clear analysis of potential impacts to all trees located within or adjacent to the Project area, and appropriate and effective compensatory mitigation to completely offset any permanent impacts of removing trees from the Project area. CDFW recommends the Project avoid heritage tree removal to the greatest extent feasible. On-site tree planning should be considered as a potential impact minimization measure but not sufficient to completely off-set temporal impacts from loss of heritage trees. CDFW recommends Project mitigation from loss of heritage trees should include off-site preservation of heritage trees in perpetuity.

#### **Comment 5: Nesting Birds**

**Issue:** If ground-disturbing or vegetation-disturbing activities occur during the bird breeding season (February through early-September), the Project could cause impacts to nesting birds.

**Recommendation:** To evaluate and avoid for potential impacts to nesting bird species, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project.

1. **Nesting Bird Surveys:** If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), CDFW recommends that a qualified biologist conduct two surveys for active nests of such birds within 7 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys should be conducted at the appropriate times of day and during appropriate nesting times.
2. **Active Nest Buffers:** If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction should be established. The buffer should be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist should conduct baseline monitoring of the nest to characterize "normal" bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The

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qualified biologist should monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman should have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in draft environmental impact reports be incorporated into a data base 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, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>.

## **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. 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.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA section 21001(c), 21083, and CEQA Guidelines section 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code section 2080.

### **Lake and Streambed Alteration Program**

Notification is required, pursuant to CDFW’s LSA Program (Fish and Game 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,



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watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

### **Nesting Birds**

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

### **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, § 711.4; Pub. Resources Code, § 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.

### **CONCLUSION**

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Mia Bianchi, Environmental Scientist, at (707) 210-4531 or by email at [mia.bianchi@wildlife.ca.gov](mailto:mia.bianchi@wildlife.ca.gov); or Mr. Wes Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or by email at [wesley.stokes@wildlife.ca.gov](mailto:wesley.stokes@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Gregg Erickson  
Regional Manager  
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento

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## REFERENCES

California Department of Fish & Wildlife (CDFW). 2020. California Natural Diversity Database (CNDDDB) Rarefind Electronic database. Sacramento, CA. Search of U.S. Geological Survey 7.5-minute quadrangles Montara Mountain. Accessed July 2020.

Miller, Ariel and Jeff A. Alvarez. 2016. Habitat use and management considerations for the threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*) in Central California. *Western Wildlife* 3:29-32.

U.S. Fish and Wildlife Service, 2006. San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*) 5-year review: Summary and Evaluation. U.S. Fish and Wildlife Service, Sacramento Field Office, Sacramento, California.