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DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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August 25, 2021

Governor's Office of Planning & Research

August 25 2021

Mr. Nicholas Calderon
San Mateo County Parks Department
455 County Center, 2nd Floor
Redwood City, CA 94063
ncalderon@smcgov.org

STATE CLEARINGHOUSE

Subject: Off-Leash Dog Recreation Pilot Program at Pillar Point Bluff and Quarry Park, Mitigated Negative Declaration, SCH No. 2021070237, San Mateo County

Dear Mr. Calderon:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Off-Leash Dog Recreation Pilot Program at Pillar Point Bluff and Quarry Park (Project). CDFW is submitting comments on the IS/MND to inform the San Mateo County Parks Department, as Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit, a Native Plant Protection Act (NPPA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or approval under other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. CDFW has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, eggs, and nests. Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION AND LOCATION

The Project will take place in two public parks that are owned and operated by the San Mateo County Parks Department. Pillar Point Bluff is a 220-acre bluff that has a 3.1-mile loop trail network and is part of the California Coastal Trail system. Quarry Park is a 577-acre community park that is located on a eucalyptus forested, coast facing hillside in unincorporated community of El Granada. The Park includes a network of approximately eight miles of trails, a playground, community gardens, and a picnic area. San Mateo County Parks proposes to conduct the Pilot Program at both Pillar Point Bluff and Quarry Park for 12 months (1) to determine if the rules in 3.5.1 "Ordinance

Mr. Nicholas Calderon
San Mateo County Parks Department
August 25, 2021
Page 2 of 5

Governing Off-Leash Dogs in San Mateo County Parks” are being adhered to and (2) to make management adjustments as needed to avoid or minimize potential impacts to the environment. To evaluate the impacts of the Pilot Program, an Adaptive Management Plan (AMP) has been prepared. The AMP will establish an environmental baseline and monitor impacts of the Pilot Program. The Project will allow dogs on-leash in areas where dogs previously were not allowed.

ENVIRONMENTAL SETTING

Environmental Reviews should provide sufficient information regarding the environmental setting (“baseline”) to understand the Project’s, and its alternative’s, potentially significant impacts on the environment.

COMMENTS AND RECOMMENDATIONS

CDFW acting as a Responsible Agency, has discretionary approval under CESA through issuance of a CESA ITP and LSA Agreement, as well as other provisions of the Fish and Game Code that afford protection to the State’s fish and wildlife resources. CDFW would like to thank you for preparing the IS/MND and CDFW recommends the following, avoidance and minimization measures be imposed as conditions of Project approval by the lead agency, the County of San Mateo (Lead Agency), to ensure all Project-related impacts are mitigated to below a level of significance under CEQA:

Comment 1. Impacts to Marine Mammals

Issue: CDFW is concerned about potential significant impacts to marine mammals at Ross’ Cove due to the Project. All marine mammals are protected under the federal Marine Mammal Protection Act (MMPA), which prohibits the “take” of marine mammals in the United States. Take is defined by the MMPA as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill” (16 U.S. Code Section 1362).

While the trails nearest to Ross’ Cove have not been proposed for off-leash dog use, potential for an off-leash dog to enter Ross’ Cove still exists, as stated within the IS/MND. An off-leash dog disturbing marine mammals in this area would result in take and therefore be considered a significant impact of the Project. CDFW disagrees with the IS/MND’s determination that checklist item 4.a., under Section 5.4 (Biological Resources), is a “less than significant impact.”

Recommendations: The Final IS/MND should acknowledge and take into greater consideration the potential impact to marine mammals due to the Project in Sections 4.0 (Environmental Factors Potentially Affected) and 5.0 (Evaluation of Environmental Impacts). CDFW recommends the following:

- Reevaluation of checklist item 4.a. in the Biological Resources Section;

Mr. Nicholas Calderon
San Mateo County Parks Department
August 25, 2021
Page 3 of 5

- The Final IS/MND should explain in greater detail measures the Project will develop to avoid disturbance to marine mammals, how these measures will be enforced, and what mitigation actions will be taken if impacts occur;
- Frequent monitoring of dogs and dog owners near Ross' Cove during the pilot program to ensure disturbance does not occur;
- Consultation with the National Oceanic and Atmospheric Administration (NOAA) regarding marine mammal monitoring, avoidance measures, enforcement, violations, and mitigation measures;
- A study/monitoring program to determine marine mammal use at Ross' Cove, if one does not already exist.

Comment 2. Impacts to Birds

Issue: The IS/MND does not sufficiently explain how disturbance to shorebird and potentially other bird species will be avoided during the one-year Pilot Program and after the one-year Pilot Program. CDFW is particularly concerned about potential significant impacts to bird species along the Pillar Point Bluff coastline such as shorebirds. Allowing dogs on leash access to coastline locations where they previously did not have access creates a risk of possible "take" or other impacts to birds.

According to the Sequoia Audubon Society, many shorebird species occur at Pillar Point Bluff County Park, such as black oystercatcher (*Haematopus bachmani*), black-bellied plover (*Pluvialis squatarola*), snowy plover (*Charadrius nivosus*), killdeer (*Charadrius vociferus*), wandering tattler (*Tringa incana*), greater yellowlegs (*Tringa melanoleuca*), willet (*Panicum miliaceum*), whimbrel (*Numenius phaeopus*), marbled godwit (*Limosa fedoa*), ruddy turnstone (*Arenaria interpres*), black turnstone (*Arenaria melanocephala*), sanderling (*Calidris alba*), western sandpiper (*Calidris mauri*), and red-necked phalarope (*Phalaropus lobatus*). If leash rules are not strictly followed, potential impacts to shorebirds and other bird species from off-leash dogs could include but are not limited to the following:

- Causing migratory birds to flee suitable foraging habitat along rest stops;
- Destruction of nests and eggs of ground nesting species;
- Mortality to adults and/or young from dog predation.

In addition, California Code of Regulations § 251.1 states the following: Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or drive any game or nongame bird or mammal or furbearing mammal.

Mr. Nicholas Calderon
San Mateo County Parks Department
August 25, 2021
Page 4 of 5

Recommendation: The Final IS/MND should explain in greater detail measures the Project will develop to avoid disturbance to shorebird and other bird species, how these measures will be enforced, and what mitigation actions will be taken if impacts occur. The following considerations should be included as part of the Project IS/MND final avoidance, minimization and mitigation measures:

- Ensuring frequent monitoring of dogs and dog owners when shorebirds are present and near environmentally sensitive habitat areas during the pilot program to ensure bird disturbance does not occur;
- Based on seasonal species presence such as migratory bird stop-overs and any beach nesting, develop periods of limited or no dog access;
- The IS/MND should include how the Lead Agency will follow California Code of Regulations § 251.1.
- The IS/MND should provide additional information about the potential scope of impacts to specific shorebird species located within the Project area, including the species listed above, the timing of those species presence and if nesting occurs in the Project area.

Comment 3: Wooden Split-Rail Fencing

Issue: Limited information is provided in the IS/MND about proposed wooden split-rail fencing surrounding environmentally sensitive habitat areas. CDFW is concerned if proposed fencing is sufficient to protect environmentally sensitive areas and if the timing of fence installation can disrupt nesting bird species or interfere with movement of California red-legged frogs.

Recommendation: The Final IS/MND should explain in greater detail the purpose of the wooden split-rail fencing. Please consult with CDFW on specific plans for building the wooden split-rail fencing. At a minimum, plans should include additional detail on the following:

- When and where the wooden split-rail fencing will be built;
- If the wooden split-rail fencing is built to protect species, what species are included.

Comment 4: 3.5.1: Ordinance Governing Off-Leash Dogs in San Mateo County Parks

Issue: The Lead Agency mentions that the current County Ordinance Code (Chapter 3.68) does not authorize park rangers to remove persons from a park if the situation

Mr. Nicholas Calderon
San Mateo County Parks Department
August 25, 2021
Page 5 of 5

warrants it. The Lead Agency goes on to mention “Parks is seeking an amendment to Chapter 3.68 of the County Ordinance Code to allow a park ranger to remove any person from a County Park or Recreation Area for violating an ordinance.”

Recommendation: CDFW supports amending Chapter 3.68 of the County Ordinance Code to allow law enforcement the proper action to protect wildlife, property, or person(s).

CONCLUSION

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California’s fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Questions regarding this letter or further coordination should be directed to Mr. Will Kanz, Environmental Scientist, at (707) 337-1187 or Will.Kanz@wildlife.ca.gov; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Stacy Sherman

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Stacy Sherman

Acting Regional Manager

Bay Delta Region

ec: State Clearinghouse (SCH No. 2021070237)
Will Kanz, CDFW Bay Delta Region
Wesley Stokes, CDFW Bay Delta Region
Robynn Swan, CDFW Bay Delta Region
Amanda Canepa, CDFW Marine Region

References:

California Department of Fish and Wildlife. (2021) California Natural Diversity Database. <https://wildlife.ca.gov/Data/CNDDDB>

Sequoia Audubon Society. (2021) Pillar Point Bluff County Park. [Pillar Point Bluff County Park Description & Information \(sequoia-audubon.org\)](https://sequoia-audubon.org/Pillar-Point-Bluff-County-Park-Description-Information)