

**State of California
Department of Fish and Wildlife**



M e m o r a n d u m

Date: September 3, 2021

To: Tanvi Gupta
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Governor's Office of Planning & Research

September 07 2021

STATE CLEARINGHOUSE

DocuSigned by:

Stephanie Fong

From: Ms. Stephanie Fong, Acting Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: US-101 Produce Avenue Interchange, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2021010873, San Mateo County

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for the U.S.-101 Produce Avenue Interchange (Project), draft Environmental Impact Report (EIR) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW is submitting comments on the EIR as a means to inform the California Department of Transportation (Caltrans) as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under 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 the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act Permit, the Lake and Streambed Alteration (LSA) Agreement 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 LOCATION AND DESCRIPTION

Caltrans, as the lead agency in association with the City of South San Francisco and San Mateo County propose improvements along United States Interstate – 101 (US-101) at the Produce Avenue Interchange in San Mateo County, California. The Lead Agency for the Project proposes a build alternative and a no-build alternative. The build

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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alternative proposes improvements to US-101 that include an overcrossing extending from the Utah Avenue and South Airport Boulevard intersection to San Mateo Avenue. The overcrossing will provide two lanes in each direction as well as sidewalks and Class II bike lanes. The intersections at South Airport Boulevard and Utah Avenue and San Mateo Avenue/Utah Avenue will also be reconstructed to include turning lanes and connect to the new overcrossing. The Airport Boulevard, Produce Avenue and San Mateo Avenue intersection will be modified, or reconstructed, to include new through lanes and turning lanes.

Lake and Streambed Alteration Agreement

The Project has the potential to impact stream resources including mainstems, tributaries and floodplains associated with Colma Creek known to occur within the identified limits of the Project that has direct connection to San Francisco Bay. If work is proposed that will impact the bed, bank, channel or riparian habitat, including the trimming or removal of trees and riparian vegetation please be advised that the proposed Project may be subject to LSA Notification. This also includes impacts to Colma Creek that may result from additional shading created by new structures that span the creek or expanding existing structures that span Colma Creek within the proposed Project limits. CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for or any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, bank or channel 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.

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. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project, and its alternative's (if applicable), 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). Threatened, endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

Common Name	Scientific Name	Status
Coho salmon – Central California coast ESU	<i>Oncorhynchus kisutch</i>	FE, SE
Steelhead - Central California Coast – Distinct Population Segment (DPS)	<i>Oncorhynchus mykiss</i>	FT
Alameda song sparrow	<i>Mesospia melodia pusillila</i>	SSC
Western mastiff bat	<i>Eumops perotis</i>	
Pallid bat	<i>Antrozous pallidus</i>	
Brazilian free-tailed bat	<i>Tadarida brasiliensis</i>	
Notes: FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; ST = State Threatened; SFP = State Fully Protected; SSC = State Species of Special Concern; ESU = Evolutionarily Significant Unit, DPS = Distinct Population Segment		

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from “positive occurrence” databases such as California Natural Diversity Database (CNDDDB). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends that prior to Project implementation surveys be conducted for special-status species noted in this comment letter 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>.

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

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Fish and Game Code that afford protection to the State's fish and wildlife resources. CDFW would like to thank you for preparing the NOP for the EIR. CDFW recommends the following updates, avoidance and minimization measures be imposed as conditions of Project approval by the lead agency, Caltrans, to ensure all Project-related impacts are reduced below a level of significance under CEQA:

COMMENT 1: Project Design Analysis and Coordination

Issue: The Project may have the potential to create potentially significant impacts to fish and wildlife resources if the bridge is not designed to allow fish passage, natural stream flow and sediment transport processes to persist for long term dynamic channel stability (CDFW, 2009).

Recommendation: CDFW recommends the following is incorporated into the subsequent EIR as conditions of approval:

Recommendation Mitigation Measure 1 – Design Coordination:

CDFW recommends incorporation of a condition of approval in the EIR to engage in early and continued coordination before design commences with the CDFW Habitat Conservation and Conservation Engineering Branch to provide the proper review and analysis of any proposed structures or Project elements with the potential to impact fish and wildlife resources. Once a design is selected engineered drawings and design specification planning sheets should be provided to CDFW through continued coordination during the design and permitting process for review and comment; re-initiating consultation at 30% design.

COMMENT 2: Fish Passage Assessment

Issue: Colma Creek has a direct connection to the San Francisco Bay and potential to support anadromous fish species currently or historically, including Coho salmon and steelhead - Central California Coast – DPS (CNDDDB, 2021). Potential barriers are noted within the Project limits that may be barriers to fish passage. Senate Bill 857 (SB-857), which amended Fish and Game Code 5901 and added section 156 to the Streets and Highways Code states in section 156.3, "For any project using state or federal transportation funds programmed after January 1, 2006, [Caltrans] shall insure that, if the project affects a stream crossing on a stream where anadromous fish are, or historically were, found, an assessment of potential barriers to fish passage is done prior to commencing project design. [Caltrans] shall submit the assessment to the [Department of Fish and Wildlife] 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. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with the [Department of Fish and Wildlife]."

Evidence the impact would be significant: Passage impediments/barriers are considered potentially significant impacts because they may entirely preclude migration and seasonal movement patterns of both adult and juvenile steelhead and have a direct and significant impact by reducing the available access to habitat (National Marine Fisheries Service (NMFS), 2016). Passage impediments and barriers also have the potential to alter habitat conditions to create such low water flows, high temperatures, and artificial passage routes through man-made barriers that can exacerbate susceptibility to infectious diseases (NMFS, 2016) that has the potential to degrade the quality of the environment.

Recommendations: CDFW recommends discussing the following location as it pertains to fish passage in the subsequent EIR. Location 1, North Channel (US-101; PM 21.6, San Mateo County), Fish Passage Assessment Database ID# 761201, fish barrier status: unassessed. The fish passage section should discuss the current status of the crossing location noted in the California Fish Passage Assessment Database, conduct first pass and or second pass fish assessments, as necessary, as well as, provide images of the upstream and downstream ends of water conveyance structures. CDFW requests a fish passage discussion section is included to address these potentially significant impacts through the following avoidance and minimization measure, which should be made a condition of approval by the lead agency:

Recommended Mitigation Measure 1: Fish Passage Assessment

To evaluate potential impacts to native fish species and fisheries resources, Caltrans shall submit the assessment to the [Department of Fish and Wildlife] 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. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with the Department of Fish and Wildlife. CDFW shall be engaged prior to design in early coordination and at 30% design at minimum.

COMMENT 3: Bat Assessment and Avoidance

Issue: Proposed Project work has the potential to result in the modification of multiple bridges, elevated causeways and elevated interchanges that may contain possible cracks, crevices or voids. Those cracks, crevices or voids may provide suitable roosting habitat for bats and the loss of access to that habitat may create a potentially significant impacts to bats. The subsequent EIR should include an assessment and analysis (as a condition of approval in the Biological Resources section) to evaluate and survey for the potential for bat species to roost within anthropogenic structures proposed for modification as a result of Project completion. According to CNDDDB, potentially suitable habitat exists within the Project for pallid bat western mastiff bat and brazilian free-tailed bat (CNDDDB, 2021).

Evidence the impact would be significant: The proposed work has the potential to result in the modification of multiple bridges, elevated causeways and elevated interchanges that may contain design elements, possible cracks, crevices or voids utilized by bats. This impact may be potentially significant because a total of 18 species are known to use bridges and other transportation structures in one way or another for day roost, night roost or maternal roosts (Erickson, 2003). Alteration of the structures may have the potential to degrade the quality of the environment, substantially reduce available bat habitat and reduce a local bat population to below self-sustaining levels (Erickson, 2003). Modification of bridges or other structures may also potentially eliminate a bat community or reduce the number or restrict the range of a rare or endangered bat, this would also be considered a potentially significant impact.

Recommendation: To evaluate and avoid potentially significant impacts to bat species CDFW recommends incorporating the following mitigation measures into the EIR and that these measures be made conditions of approval for the Project:

Recommended Mitigation Measure 1: Bat Habitat Assessment

A qualified biologist should conduct a habitat assessment within the Project limits for suitable bat roosting habitat. The habitat assessment shall include a visual inspection of features within the work area for potential roosting features including crevices, portholes, expansion joints and hollow areas (bats need not be present). The EIR should also include a section that discusses the results of the suitable habitat assessment and if any bats or signs of bats (feces or staining at entry/exit points) are discovered. The surveys should occur at least two seasons in advance of Project initiation.

Recommended Mitigation Measure 2: Bat Habitat Monitoring

If potentially suitable bat roosting habitat is determined to be present a qualified biologist shall conduct focused surveys at the bridge(s), causeways and interchanges utilizing night-exit survey methods, sound analyzation equipment survey methods and visual inspection within open expansion joints and portholes of the structures from March 1 to April 15 or September 1 to October 15 prior to construction activities. If the focused survey reveals the presence of roosting bats, then the appropriate exclusionary or avoidance measures will be implemented prior to construction during the period between March 1 to April 15 or September 1 to October 15. Potential avoidance methods may include temporary, exclusionary blocking, one way-doors or filling potential cavities with foam. Methods may also include visual monitoring and staging of work at different ends of the Project to avoid work during critical periods of the bat life cycle or to allow roosting habitat to persist undisturbed throughout the course of construction. Exclusion netting or adhesive roll material shall not be used as exclusion methods. If presence/absence surveys indicate bat occupancy, then construction should be limited from March 1 through April 15 and/or September 1 through October 15.

Recommended Mitigation Measure 3: Bat Project Avoidance

If active bat roosts are observed at the Project site, at any time, all Project activities should stop until the qualified biologist develops a bat avoidance plan to be implemented at the Project site. Once the plan is implemented, Project activities may recommence in coordination with the natural resource agencies. The bat avoidance plan should utilize seasonal avoidance, phased construction as well as temporary and permanent bat housing structures developed in coordination with CDFW.

COMMENT 4: Light Impact Analysis and Discussion

Issue: Natural habitat associated with the Colma Creek channel exist within the Project area. Artificial light pollution has the potential to significantly and adversely affect biological resources. Unlike the natural brightness created by the monthly cycle of the moon, the permanent and continuously powered lighting fixtures create an unnatural light regime that produces a constant light output. Continuous light output for 365 days a year can have cumulatively significant impacts on fish and wildlife populations.

Evidence the impact would be significant: Artificial night lighting can disrupt the circadian rhythms of many species. Many wildlife species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Artificial night lighting has also been found to impact juvenile salmonid overwintering success by delaying the emergence of salmonids from benthic refugia and reducing their ability to feed during the winter (Contor and Griffith 1995).

Recommendation: CDFW strongly recommends reducing artificial light beyond the prism of the roadway into natural areas within the Project boundaries that can result in artificial light pollution. In segments of the Project that have the potential to direct artificial light pollution into naturalized areas beyond the prism of the roadway, CDFW recommends reducing the number of light poles by increasing the spacing from light pole source to light pole source within the proximity of those resources. In addition, utilizing light shielding, light output restrictions and the following measures may reduce the potentially significant impacts from artificial lighting within the state highway system:

Recommended Mitigation Measure 1: Light Output Limits

All LED's or bulbs installed as a result of the Project shall be rated to emit or produce light at or under 2700 kelvin that results in the output of a warm white color spectrum.

Recommended Mitigation Measure 2: Vehicle Light Barriers

Solid concrete barriers at a minimum height of 3.5 feet should be installed in areas where they have the potential to reduce illumination from overhead lights and from vehicle lights into areas outside of the roadway. Barriers should only be utilized as a light pollution minimization measure if they do not create a significant barrier to

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wildlife movement. Additional barrier types should be employed when feasible, such as privacy slats into the spacing of cyclone fencing to create light barriers for areas outside the roadway.

Recommended Mitigation Measure 3: Reflective Signs and Road Striping

Retro-reflectivity of signs and road striping should be implemented throughout the Project to increase visibility of roads to drivers and reduce the need for electrical lighting.

Recommended Mitigation Measure 4: Light Pole Modifications and Shielding

All light poles or sources of illumination that shall be new or replacement installations of existing light sources should be installed with the appropriate shielding to avoid excessive light pollution into natural landscapes or aquatic habitat with the Project corridor in coordination with CDFW. In addition, the light pole arm length and mast heights should be modified to site-specific conditions to reduce excessive light spillage into natural landscapes or aquatic habitat within the Project corridor. In areas with sensitive natural landscapes or aquatic habitat the lead agency should also analyze and determine in the subsequent EIR if placing the light poles at non-standard intervals has the potential to further reduce the potential for excessive light pollution caused by decreasing the number of light output sources in sensitive areas.

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. Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 339-6534 or Robert.Stanley@wildlife.ca.gov; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

cc: State Clearinghouse #2021010873

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