State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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February 16, 2022

Mr. Todd Seeley
City of Half Moon Bay, Public Works Department
501 Main Street
Half Moon Bay, CA 94019
TSeeley@hmbcity.org

Subject: Half Moon Bay Corporation Yard Update Project, Mitigated Negative Declaration, SCH No. 2022010242, San Mateo County

Dear Mr. Seeley:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) prepared by the City of Half Moon Bay (City) for the Half Moon Bay Corporation Yard Update Project (Project), located in San Mateo County. CDFW is submitting comments on the MND regarding potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines § 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.

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 (Pub. Resources Code, §§ 21001(c), 21083,

and CEQA Guidelines §§ 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, § 2080.

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 § 21065 of the Public Resources Code.

Lake and Streambed Alteration Program

The Project has the potential to impact resources including but not limited to Pilarcitos Creek. Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code, § 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. CDFW considers 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 (Public Resources Code § 21000 et seq.) as the Responsible Agency.

PROJECT DESCRIPTION

The Project consists of the construction of a new fabric tension warehouse building, solar field, roadway, parking areas, gates, and fencing over a 4-acre area at the existing City's Corporation Yard. The Project would be constructed in two phases. The first phase consists of site preparation, and construction of wildlife corridor, a new materials enclosure, solar field, roadways, parking areas, gates, and fencing. Phase 2 consists of construction of the new warehouse and interior improvements. The Project would result in 54,260 square feet of new impervious surfaces and the creation of flow-through, planter style stormwater channels. The Project would take approximately 4 to 6 months to complete over the course of 2 to 3 years.

ENVIRONMENTAL SETTING AND LOCATION

The Project is located at the City's Corporation Yard at 880 Stone Pine Road, Half Moon Bay, CA. The site is located between State Route 92 to the north and Pilarcitos Creek to the south. A commercial center is located on the east and residential units to the west. The site encompasses a total of 20.33 acres and was former plant nursery. The eastern portion of the site is currently used as a Corporation Yard by the City for storage and the western portion of the site is undeveloped except for a water impoundment/wetland area created during the previous agricultural operation.

COMMENTS AND RECOMMENDATIONS

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

San Francisco Garter Snake

Issue: The MND states that there is high potential for San Francisco garter snake (SFGS; *Thamnophis sirtalis tetrataenia*) to be present in the work area during both the dry and the wet season. The proposed Project does not consider the full extent of Project impacts to upland habitat for SFGS, a State fully protected species. Project impacts to suitable upland SFGS habitat has the potential to result in direct and indirect take to SFGS. Potential for direct take includes construction related activities where SFGS occupy upland habitat locations such as within burrows or if a SFGS is accidently moved or handled. 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 installation of fences blocking suitable habitat and loss of habitat through development.

Because of the high probability of presence of the species on-site, 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 MND will avoid all impacts to SFGS. Take of a fully protected SFGS is prohibited, and CDFW cannot authorize its take in association with this Project, 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 (*Rana draytonii*) (USFWS, 2007).

Both California red-legged frog (CRLF) and SFGS utilize upland habitat. CRLF can disperse up to one mile through upland habitat during the wet season (USFWS, 2002). The Project proposes to install a chain link fence with vinyl slats around the 50-foot-wide wildlife corridor, 100 feet from the water impoundment, and around the conservation trail easement by Pilarcitos Creek. CDFW has concerns the placement of the proposed fencing on the site can restrict movement from both SFGS and CRLF attempting to utilize upland habitat outside of the fenced areas. Fencing has been shown to cause a connectivity barrier by preventing movement resulting in habitat loss and fragmentation (Jakes et al, 2018; Harrington and Conover, 2006). Fencing can also be a hazard to wildlife resulting in entanglement and mortality (van der Ree 1999, Stuart et al. 2001, Harrington and Conover 2006).

Habitat loss, fragmentation, and degradation remain the leading cause of amphibian and reptile decline (Gallant et al., 2007; Thompson et al., 2016). The Biological Resources Report for the MND states that the Project development would permanently impact upland dispersal habitat for both CRLF and SFGS. Although the Project proposes to implement avoidance and minimization measures, it does not avoid the development of 4 acres of potential upland habitat which would reduce and restrict the range of both SFGS and their prey species CRLF on-site.

Ground disturbing work such as grading and grubbing necessary for the completion of the Project 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 that the Project is designed to avoid impacts to SFGS.

Recommended SFGS Avoidance and Minimization: The Project shall be designed to avoid all impacts to SFGS from Project related activity 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. This may be accomplished by increasing the buffer zones for wetland and riparian resources on site and reducing the footprint of any new structures in upland habitat. CDFW recommends that the lead agency coordinate with CDFW to ensure the Project is designed to avoid

take of a fully protected species. CDFW also recommends the Project MND incorporate any Project design changes needed to avoid SFGS take such as increased upland protections and buffers. Lastly, CDFW recommends wildlife exclusion fencing is placed with the goal of maximizing upland habitat on the site and wildlife safe crossing options through the proposed access road.

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 MND. If you have any questions regarding this letter or for further coordination with CDFW, please contact Mr. Will Kanz, Environmental Scientist, at (707) 707-337-1187 or Will.Kanz@wildlife.ca.gov; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
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Erin Chappell
Regional Manager
Bay Delta Region

ec: State Clearinghouse No. 2022010242

REFERENCES

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