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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

June 14, 2023

Itoco Garcia
Sausalito-Marin City School District
200 Phillips Drive
Sausalito, CA 94965
igarcia@smcsd.org

Subject: MLK Academy, Nevada Campus Reconstruction, Mitigated Negative Declaration, SCH No. 2023050506, City of Sausalito, Marin County

Dear Mr. Garcia:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the Sausalito-Marin City School District (District) for the MLK Academy, Nevada Campus Reconstruction Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

CDFW is submitting comments on the MND to inform the District, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 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) or Native Plant Protection Act, the Lake or Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Description: Demolish 30,940 square feet of school buildings, modernize 14,720 square feet of school buildings, and build 20,005 square feet of new buildings, new play areas, new parking areas, and a new recreation field. The total square feet of buildings would be reduced from 45,660 square feet to about 34,725 square feet, not including canopies and overhangs. The new school buildings will include four classroom buildings, a multi-use building, and an administration building. Eleven trees including large trees, and several areas of shrubs, would be removed and 42 trees would be planted.

[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.

Location: MLK Academy Nevada Campus at 636 Nevada Street, Sausalito, California 94965; east of U.S. Highway 101, bordered by Lincoln Drive and Buchanan Drive, at approximate coordinates 37.863627°N, -122.503043°W.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. A suggestion regarding daylighting Willow Creek and editorial comment are also included below. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below and in **Attachment 1**, CDFW concludes that an MND is appropriate for the Project.

I. Environmental Setting and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service?

Comment 1: Bat Species of Special Concern, MND Pages 8, 20, and 21

Issue: The Project is within the range of pallid bat (*Antrozous pallidus*), western red bat (*Lasiurus blossevillii*), and Townsend's big-eared bat (*Corynorhinus townsendii*).[2] There are four occurrences of Townsend's big-eared bat mapped in the California Natural Diversity Database (CNDDB) within 5 miles of the Project, with the closest approximately 3.4 miles east of the Project. All three of these bat species are known to roost in tree bark, hollows, or foliage; pallid bat and Townsend's big-eared bat are also known to roost in structures including buildings (Johnston 2004). Buildings, especially buildings not currently in use, that would be removed as part of this Project (MND page 8) may be occupied by bats. Trees that would be removed as part of this Project (MND pages 20 and 21) may also be occupied by bats.

Specific impacts, why they may occur and be potentially significant: The above bat species are California Species of Special Concern (SSC). CDFW designates certain vertebrate species as SSC because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction or extirpation in California. Removing a roost tree or building during breeding or hibernating seasons could kill many bats as they roost together in a colony. Bats are unusual for small mammals because they are long-lived and have a low reproductive rate (Johnston 2004). Lifespans of 15

[2] CDFW maintains range maps for all terrestrial wildlife species in California, available at https://wildlife.ca.gov/Data/CWHR/Life-History-and-Range.

years are not uncommon, and most species have only one young per year (Johnston 2004). The long lifespan of bats means that each mortality will have a protracted effect. Bats also aggregate in colonies, some of which contain all the bats of a species from a wide area (Johnston 2004). The combination of these three factors (long lifespan, few young per year, and aggregation into colonies) means that if roosting bats are present on-site and are impacted, the Project may cause a substantial adverse effect to the regional population of bat species, including the above special-status bat species.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce potentially significant impacts to bats to less-than-significant, CDFW recommends including the below mitigation measure.

> Mitigation Measure BIO-2: Roosting Bat Habitat Assessment and Surveys: Prior to Project activities that would remove trees or modify buildings, a qualified biologist shall conduct a habitat assessment for bats. A qualified biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities.
>
> For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species, and anthropogenic structures such as buildings, bridges, and culverts). If suitable habitat is found, it shall be flagged or otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.
>
> For modification of buildings, if the qualified biologist determines that the buildings are suitable bat habitat, the qualified biologist shall conduct a survey for roosting bats. If roosting bats are detected, a bat avoidance, exclusion, and habitat mitigation plan shall be prepared and implemented, and the Project shall obtain CDFW's written approval of the plan prior to implementation. The plan shall recognize that

both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. The plan shall include habitat mitigation such as planting suitable roost trees in an appropriate location or installing and maintaining in perpetuity bat boxes if they are determined to be suitable for the bat species impacted. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.

II. Suggestion and Editorial Comment

Comment 2: Daylighting Willow Creek, MND Page 7

Willow Creek runs in an underground culvert through the southwestern portion of the Project site in a wooded area (San Francisco Estuary Institute 2023). The Project does not include buildings or other improvements in this wooded area (MND page 7). CDFW suggests revising the MND to include the daylighting of a portion of Willow Creek, which would increase the amount of stream and riparian habitat available for use by plants and animals. Daylighting the creek may provide additional benefits such as reducing runoff velocity, reducing ongoing maintenance costs, improving water quality, and providing recreational opportunities (Pinkham 2000).

Comment 3: Biological Resources Checklist, MND Page 20

The Biological Resources Checklist's first row should be revised from "No Impact" to "Less-Than-Significant with Mitigation" as the MND includes Mitigation Measure BIO-1 for the associated potentially significant impact type and based on CDFW's above comment to include a mitigation measure for potential impacts to bat species.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database 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 CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. 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. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Alex Single, Environmental Scientist, at (707) 799-4210 or Alexander.Single@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023050506)

REFERENCES

San Francisco Estuary Institute. 2023. California Aquatic Resources Inventory (CARI). San Francisco Estuary Institute. Richmond, CA. Website https://wildlife.ca.gov/Data/BIOS [accessed 30 May 2023].

CDFW. 2023. California Natural Diversity Database (CNDDB) Management Framework. California Department of Fish and Wildlife. Sacramento, CA. Website https://wildlife.ca.gov/Data/BIOS [accessed 26 May 2023].

Johnston, D., Tartarian, G., and Poerson, E. 2004. California Bat Mitigation Techniques, Solutions, and Effectiveness. Sacramento, CA.

Pinkham, R. 2000. Daylighting: New Life for Buried Streams. Rocky Mountain Institute, Snowmass, CO. https://rmi.org/insight/daylighting-new-life-for-buried-streams/ [accessed 30 May 2023].

Biological Resources (BIO)			
Mitigation Measure (MM)	**Description**	**Timing**	**Responsible Party**
IO-2	Roosting Bat Habitat Assessment and Surveys: Prior to Project activities that would remove trees or modify buildings, a qualified biologist shall conduct a habitat assessment for bats. A qualified biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities. For tree removal, the habitat assessment shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species, and anthropogenic structures such as buildings, bridges, and culverts). If suitable habitat is found, it shall be flagged or otherwise clearly marked. Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.	Prior to Ground Disturbance	Project Applicant

	For modification of buildings, if the qualified biologist determines that the buildings are suitable bat habitat, the qualified biologist shall conduct a survey for roosting bats. If roosting bats are detected, a bat avoidance, exclusion, and habitat mitigation plan shall be prepared and implemented, and the Project shall obtain CDFW's written approval of the plan prior to implementation. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. The plan shall include habitat mitigation such as planting suitable roost trees in an appropriate location or installing and maintaining in perpetuity bat boxes if they are determined to be suitable for the bat species impacted. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.		