

State of California
Department of Fish and Wildlife



Memorandum

Date: July 14, 2023

Governor's Office of Planning & Research

To: Cynthia Herzog
State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825
Cynthia.Herzog@slc.ca.gov

Jul 14 2023
STATE CLEARINGHOUSE

DocuSigned by:

Erin Chappell

From: Erin Chappell, Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: PG&E Gas Line 021G Replacement Project (L 021G/R-708) Across the Petaluma River, Mitigated Negative Declaration, SCH No. 2023060440, Sonoma County

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the PG&E Gas Line 021G Replacement Project (project) pursuant to the California Environmental Quality Act (CEQA).¹

CDFW is submitting comments on the MND to inform the California State Lands Commission (SLC), as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive biological resources associated with the project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under 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 permits issued under the California Endangered Species Act (CESA), the Lake and 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.

REGULATORY REQUIREMENTS

California Endangered Species Act and Native Plant Protection 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 or the Native Plant Protection

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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Act (NPPA), either during construction or over the life of the project. **The project has the potential to result in impacts to longfin smelt (*Spirinchus thaleichthys*, LFS), a CESA listed as Threatened species, and Soft salty bird's beak (*Chloropyron molle* ssp. *mole*, SSBB), an NPPA listed as Rare species, as further described below.** 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 or NPPA 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 restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; 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 section 2080.

Fully Protected Species

Fully Protected species, such as California Ridgway's rail (*Rallus obsoletus obsoletus*, CRR), also CESA listed as Endangered species; California black rail (*Laterallus jamaicensis coturniculus*, CBR), also CESA listed as Threatened species, and salt-marsh harvest mouse (*Reithrodontomys raviventris*), also a CESA listed as endangered species, may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515) except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan. **The project may impact the above Fully Protected species; therefore, avoidance measures are necessary as further described below.**

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et seq., is required for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may 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, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **The project would impact the Petaluma River, and Pacific Gas and Electric Company (PG&E) has submitted an LSA notification to CDFW.** CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

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PROJECT DESCRIPTION SUMMARY

Proponent: PG&E

Objective: Removal and replacement of two existing gas transmission pipelines that cross the Petaluma River. The existing dual 12-inch diameter pipelines will be removed from beneath the Petaluma River. Pipeline removal will cause temporary impacts to the riparian and salt marsh habitat along the riverbanks of approximately 130 square feet, and temporary impacts to the open channel habitat in the Petaluma River of approximately 4,000 square feet. In addition to removing the existing pipelines, a new gas transmission pipeline will be installed. The new pipeline will cross under the Petaluma River just upstream of the existing pipes. It will entail installing approximately 492 feet of 16-inch diameter steel pipe with open trench in an upland portion of the site and approximately 1,360 feet of the steel pipe utilizing horizontal directional drilling under the Petaluma River at a depth of 61 feet.

Location: The project is located at the Petaluma River, in the County of Sonoma, Latitude 38.221267°, Longitude -122.596617°; northern access located at 1400 Cader Lane, Petaluma, CA 94954, southern access located at the southern terminus of Landing Way, Petaluma, CA 94954; Assessor's Parcel Number 017-170-001.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist SLC in adequately identifying and/or mitigating the project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources, in part through implementation of CDFW's recommendations included below and in **Attachment 1**, CDFW concludes that an MND is appropriate for the project.

I. **Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?**

Comment 1: Section 3.4, Mitigation Measure Shortcoming

Issue: Mitigation Measure (MM) BIO-5 does not provide adequate avoidance measures for the CRR and CBR, both fully protected species.

Specific impact and why impact would occur: The project could result in the removal of CRR and CBR habitat and impacts to CRR and CBR such as nest abandonment and mortality of young, which would be a violation of Fish and Game Code.

Evidence impact would be potentially significant: CRR is CESA listed as Endangered species and CBR is CESA listed as Threatened species, and therefore, are considered an Endangered and a Threatened species, respectively, pursuant to Section

15380 of the CEQA Guidelines. Impacts to CRR and CBR could substantially reduce the species' population or restrict their range, which would be considered a Mandatory Finding of Significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if CRR and CBR are nesting in the vicinity of the project area and would be impacted, project impacts to CRR and CBR would be potentially significant.

Recommended Mitigation Measures: To reduce impacts to CRR and CBR to less-than-significant and comply with Fish and Game Code CDFW recommends replacing MM BIO-5 with the following mitigation measures:

Fully Protected Species Monitoring. A qualified biologist or biological monitor shall be present on-site to survey and monitor for CDFW Fully Protected species, including CRR, CBR, and SMHM (discussed below) during: a) all vegetation removal, b) the construction of exclusion fencing, and c) all work within 300 feet of tidal or pickleweed habitats. The qualified biologist or biological monitor shall have the authority to stop work if deemed necessary for any reason to protect these species, or any other special-status species. Take or possession of these CDFW Fully Protected species is prohibited and no permits may be issued for such (Fish & G. Code, §§ 3511 & 4700).

Ridgway's (California Clapper)/Black Rail – High Tide Restrictions. No project activities shall occur within 50 feet of suitable CRR or CBR habitat during extreme high tide events or when adjacent tidal marsh is flooded. Extreme high tides events are defined as a tide forecast of 6.5 feet or higher measured at the Golden Gate Bridge and adjusted to the timing of local high tides.

Ridgway's (California Clapper)/Black Rail – Avoidance and Surveys. Project activities within suitable CRR or CBR breeding habitat or within 700 feet of such habitat shall be avoided during rail breeding season (January 15 – August 31 for CRR, February 1 – August 31 for CBR) each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted by CDFW. Surveys shall focus on suitable habitat that may be disturbed by project activities during the breeding season to ensure that these species are not nesting in these locations.

If breeding rails are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within 700 feet of areas where CRR and/or CBR have been detected during the breeding season. If surveys have not been conducted, all work shall be conducted 700 feet from CRR and/or CBR habitat during nesting season.

Comment 2: Section 3.4, Mitigation Measure Shortcoming

Issue: Mitigation Measure (MM) BIO-7 does not provide adequate avoidance measures for the SMHM, a fully protected species.

Specific impact and why impact would occur: The project could result in the removal of SMHM habitat and impacts to SMHM including mortality which would be a violation of Fish and Game Code.

Evidence impact would be potentially significant: SMHM is CESA listed as Endangered species and therefore, is considered an Endangered species pursuant to Section 15380 of the CEQA Guidelines and therefore, is considered an Endangered species pursuant to Section 15380 of the CEQA Guidelines. Impacts to SMHM could substantially reduce the species' population or restrict its range, which would be considered a Mandatory Finding of Significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if SMHM is present in the project area and would be impacted, project impacts to SMHM would be potentially significant.

Recommended Mitigation Measures: To reduce impacts to SMHM to less-than-significant and comply with Fish and Game Code, CDFW recommends implementing the above recommended mitigation measure "Fully Protected Species Monitoring" and the following mitigation measures:

Salt Marsh Harvest Mouse – High Tide Restrictions. No project activities shall occur within 50 feet of suitable tidal marsh habitat for the SMHM within two hours before and after an extreme high tide event (6.5 feet or higher measured at the Golden Gate Bridge and adjusted to the timing of local high tides) or when adjacent marsh is flooded unless SMHM proof exclusion fencing has been installed around the work area.

Salt Marsh Harvest Mouse – Vegetation. Prior to impacting salt marsh habitat, an approved qualified biologist or biological monitor, familiar with SMHM, shall walk through and inspect suitable habitat prior to vegetation removal and search for signs of harvest mice or other sensitive wildlife and plants. Following inspection, personnel, under the supervision of the qualified biologist, will disturb (e.g., flush) vegetation to force movement of SMHM into adjacent marsh areas. Flushing of vegetation will first occur in the center of the site then progress toward the two sides away from the open water areas or in this case, away from impacted habitat. Immediately following vegetation flushing, personnel, under the supervision of the qualified biologist or biological monitor, will remove vegetation with hand tools (e.g., weed-eater, hoe, rake, trowel, shovel, grazing) so that vegetation is no taller than 2 inches.

Salt Marsh Harvest Mouse – Exclusion Fencing. After vegetation removal, a mouse proof barrier shall be placed along the edge of the area removed of vegetation to further reduce the likelihood of SMHM returning to the area prior to construction. The fence shall be made of a heavy plastic sheeting material that does not allow SMHM to pass through or climb, and the bottom shall be buried to a depth of 4 inches so that SMHM cannot crawl under the fence. Fence height shall be at least 12 inches higher than the highest adjacent vegetation with a

maximum height of 4 feet. All supports for the exclusion fencing shall be placed on the inside of the work area. An approximately 2-foot-wide de-vegetated buffer shall be created along the habitat side of the exclusion fence.

Salt Marsh Harvest Mouse – Inspections. The SMHM exclusion fencing shall remain in operating condition throughout the duration of all project activities in salt marsh habitat. The qualified biologist or biological monitor shall inspect daily the integrity of the exclusion fencing to ensure there are no gaps, tears, or damage. Maintenance of the fencing shall be conducted as needed. Any necessary repairs to the fencing shall be completed within 24 hours of the initial observance of the damage. Any mice found along or outside the fence shall be closely monitored until they move away from the project area.

Comment 3: Section 3.4, Environmental Setting Shortcoming

Issue: The MND does not evaluate potential impacts to SSBB. California Natural Diversity Database (CNDDDB) records indicate a 1993 occurrence of SSBB within 3.5 miles of the project site, and it appears suitable habitat for the species is present at and adjacent to the project site.

Specific impact and why impact would occur: The project could result in the removal of SSBB and its habitat or indirect impacts where suitable habitat occurs adjacent to the project site, resulting in impacts including mortality which would be a violation of NPPA.

Evidence impact would be potentially significant: SSBB is a NPPA listed as Rare species and therefore, is considered a Rare species pursuant to Section 15380 of the CEQA Guidelines. Impacts to SSBB could substantially reduce the species' population or restrict its range, which would be considered a Mandatory Finding of Significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if SSBB or their habitat is present in the project area and would be impacted, project impacts to SSBB would be potentially significant.

Recommended mitigation measure: For an adequate environmental setting and to reduce impacts to special-status plants to less-than-significant, CDFW recommends including the following additional mitigation measure in the MND.

Pre-Project Special-Status Plant Surveys. Prior to the commencement of any project activities, a qualified biologist shall conduct botanical surveys during the appropriate blooming period for special-status plants, unless otherwise approved in writing by CDFW. Surveys shall be conducted following CDFW's 2018 *Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>). More than one year of surveys may be required to establish that plants are absent. The survey shall include visiting reference populations unless otherwise approved in writing by CDFW. The project shall obtain written approval of the survey reports from CDFW prior to the start of

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construction. If SSBB or other special-status plants are observed, the project shall: 1) avoid all direct and indirect impacts to the special-status plants, and 2) prepare and implement an avoidance plan that is approved in writing by CDFW prior to project start. If CESA or NPPA listed plants are observed and impacts cannot be avoided, the project shall obtain a CESA Incidental Take Permit (ITP) prior to the start of construction.

Comment 4: Section 3.4, Environmental Setting Shortcoming

Issue: The MND does not evaluate potential impacts to LFS. An unpublished report titled “Interdisciplinary Studies on Longfin Smelt in the San Francisco Estuary” documented LFS within the Petaluma River at or near the project location (Lewis et al. 2019).

Specific impact and why impact would occur: The project could result in mortality of LFS larva during in-water work activities, as larva are not sufficiently developed to move away from project activities, resulting in impacts including mortality which would be a violation of CESA.

Evidence impact would be potentially significant: LFS is CESA listed as Threatened species and therefore, is considered a Threatened species pursuant to Section 15380 of the CEQA Guidelines. Impacts to LFS larva could substantially reduce the species’ population or restrict its range, which would be considered a Mandatory Finding of Significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if LFS larva are present in the project area and would be impacted, project impacts to LFS would be potentially significant.

Recommended mitigation measure: For an adequate environmental setting and to reduce impacts to LFS to less-than-significant, CDFW recommends including the following additional mitigation measure in the MND.

Longfin smelt avoidance. The project in-water work period shall be limited to when LFS larva are not expected to be present in the work area. The project shall adhere to the work period and all other requirements of the LSA issued by CDFW for the project.

II. 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 (USFWS)?

Comment 5: Section 3.4, Environmental Setting Shortcoming

Issue: The MND does not address potential impacts to California red-legged frog (*Rana draytonii*, CRLF). CNDDDB records indicate a 1994 occurrence of CRLF within 0.85 miles of the project site. The project site is located within the California Wildlife Habitat Relationships predicted range for the species and supports potentially high value habitat.

Specific impact and why impact would occur: Removal of suitable habitat in the vicinity of the Petaluma River could result in injury or direct mortality of CRLF if they occur on-site. Frogs can migrate long distances and occupy riparian habitat and any area with persistent summer moisture as they search for new breeding habitat.

Evidence impact would be potentially significant: CRLF is listed as threatened under the federal Endangered Species Act (ESA) and is a California Species of Special Concern, and their populations throughout the State have experienced ongoing and drastic declines and many have been extirpated (Thompson et al. 2016). Habitat loss from growth of cities and suburbs, mining, overgrazing by cattle, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to the species (Thompson et al. 2016). Therefore, if CRLF is present in the project area and would be impacted, project impacts to CRLF would be potentially significant.

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

California Red-legged Frog Habitat Assessment and Surveys. At least two weeks prior to the commencement of ground-disturbing activities, the project area and nearby vicinity, including a minimum 500-foot radius surrounding the project activity area, shall be assessed by a qualified biologist for the presence of CRLF individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows or other refugia. If habitat occurs, then no more than 48 hours prior to ground-disturbing activities the area shall be surveyed by a qualified biologist. The results of the habitat feature assessment and survey shall be submitted to CDFW for written acceptance prior to starting project activities. Burrows and refugia sites shall be flagged or otherwise marked for avoidance; project activities shall avoid habitat features to the extent feasible. If CRLF are encountered during the assessment or project activities, the project shall not proceed or all work shall cease, and CDFW shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm's way and CDFW has provided permission in writing to proceed with the project. If CRLF is encountered or the qualified biologist determines that impacts to the species are likely to occur, the project shall consult with USFWS pursuant to the federal ESA and receive written approval from CDFW prior to the impact. In this case, CDFW may require additional protection measures which shall be implemented by the project.

Please be advised that an LSA Agreement obtained for this project would likely require the above recommended mitigation measures, as applicable.

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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 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>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

CDFW anticipates that the project will have an impact on fish and/or wildlife, and assessment of 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 SLC in identifying and mitigating project impacts on biological resources. To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the feasible mitigation measures described above be incorporated as enforceable conditions in the final CEQA document for the project. Questions regarding this letter or further coordination should be directed to James Hansen, Environmental Scientist, at (707) 576-2869 or James.Hansen@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Attachment 1: Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023060440)

REFERENCES

Lewis et al. 2019. Interdisciplinary Studies on Longfin Smelt in the San Francisco Estuary. California Department of Water Resources & IEP Longfin Smelt Technical Team. Available online at: https://www.researchgate.net/publication/349428334_Interdisciplinary_Studies_on_Longfin_Smelt_in_the_San_Francisco_Estuary

Thomson, R.C., A.N. Wright, and H.B. Shaffer. 2016. California amphibian and reptile species of special concern. University of California Press, Oakland, CA.

ATTACHMENT 1**Draft Mitigation and Monitoring Reporting Plan**

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM-BIO-1	<p>Fully Protected Species Monitoring. A qualified biologist or biological monitor shall be present on-site to survey and monitor for CDFW Fully Protected species, including CRR, CBR, and SMHM during: a) all vegetation removal, b) the construction of exclusion fencing, and c) all work within 300 feet of tidal or pickleweed habitats. The qualified biologist or biological monitor shall have the authority to stop work if deemed necessary for any reason to protect these species, or any other special-status species. Take or possession of these CDFW Fully Protected species is prohibited and no permits may be issued for such (Fish & G. Code, §§ 3511 & 4700).</p> <p>Ridgway's (California Clapper)/Black Rail – High Tide Restrictions. No project activities shall occur within 50 feet of suitable CRR or CBR habitat during extreme high tide events or when adjacent tidal marsh is flooded. Extreme high tides events are defined as a tide forecast of 6.5 feet or higher measured at the Golden Gate Bridge and adjusted to the timing of local high tides.</p> <p>Ridgway's (California Clapper)/Black Rail – Avoidance and Surveys. Project activities within suitable CRR or CBR breeding habitat or within 700 feet of such habitat shall be avoided during rail breeding season (January 15 – August 31 for CRR, February 1 – August 31 for CBR) each year unless appropriately timed, yearly protocol level surveys are conducted and survey methodology and results are submitted to and accepted by CDFW. Surveys shall focus on suitable habitat that may be disturbed by project activities during the breeding season to ensure that these species are not nesting in these locations.</p> <p>If breeding rails are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within 700 feet of areas where CRR and/or CBR have been detected during the breeding season. If surveys have not been conducted, all work shall be conducted 700 feet from CRR and/or CBR habitat during nesting season.</p>	<p>Prior to Ground Disturbance and During Project Activities</p>	<p>Project Applicant</p>

<p>MM-BIO-2</p>	<p>Salt Marsh Harvest Mouse – High Tide Restrictions. No project activities shall occur within 50 feet of suitable tidal marsh habitat for the SMHM within two hours before and after an extreme high tide event (6.5 feet or higher measured at the Golden Gate Bridge and adjusted to the timing of local high tides) or when adjacent marsh is flooded unless SMHM proof exclusion fencing has been installed around the work area.</p> <p>Salt Marsh Harvest Mouse – Vegetation. Prior to impacting salt marsh habitat, an approved qualified biologist or biological monitor, familiar with SMHM, shall walk through and inspect suitable habitat prior to vegetation removal and search for signs of harvest mice or other sensitive wildlife and plants. Following inspection, personnel, under the supervision of the qualified biologist, will disturb (e.g., flush) vegetation to force movement of SMHM into adjacent marsh areas. Flushing of vegetation will first occur in the center of the site then progress toward the two sides away from the open water areas or in this case, away from impacted habitat. Immediately following vegetation flushing, personnel, under the supervision of the qualified biologist or biological monitor, will remove vegetation with hand tools (e.g., weed-eater, hoe, rake, trowel, shovel, grazing) so that vegetation is no taller than 2 inches.</p> <p>Salt Marsh Harvest Mouse – Exclusion Fencing. After vegetation removal, a mouse proof barrier shall be placed along the edge of the area removed of vegetation to further reduce the likelihood of SMHM returning to the area prior to construction. The fence shall be made of a heavy plastic sheeting material that does not allow SMHM to pass through or climb, and the bottom shall be buried to a depth of 4 inches so that SMHM cannot crawl under the fence. Fence height shall be at least 12 inches higher than the highest adjacent vegetation with a maximum height of 4 feet. All supports for the exclusion fencing shall be placed on the inside of the work area. An approximately 2-foot-wide de-vegetated buffer shall be created along the habitat side of the exclusion fence.</p> <p>Salt Marsh Harvest Mouse – Inspections. The SMHM exclusion fencing shall remain in operating condition throughout the duration of all project activities in salt marsh habitat. The qualified biologist or biological monitor shall inspect daily the integrity of the exclusion fencing to ensure there are no gaps, tears, or damage. Maintenance of the fencing shall be conducted as needed. Any necessary repairs to the fencing shall be completed within 24 hours of the initial observance of the damage. Any mice found along or outside the fence shall be closely monitored until they move away from the project area.</p>	<p>Prior to Ground Disturbance and During Project Activities</p>	<p>Project Applicant</p>
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MM-BIO-3	<p>Pre-Project Special-Status Plant Surveys. Prior to the commencement of any project activities, a qualified biologist shall conduct botanical surveys during the appropriate blooming period for special-status plants, unless otherwise approved in writing by CDFW. Surveys shall be conducted following CDFW's 2018 <i>Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants). More than one year of surveys may be required to establish that plants are absent. The survey shall include visiting reference populations unless otherwise approved in writing by CDFW. The project shall obtain written approval of the survey reports from CDFW prior to the start of construction. If SSBB or other special status plants are observed, the project shall: 1) avoid all direct and indirect impacts to the special status plants, and 2) prepare and implement an avoidance plan that is approved in writing by CDFW prior to project start. If CESA or NPPA listed plants are observed and impacts cannot be avoided, the project shall obtain a CESA ITP prior to the start of construction.</p>	Prior to Ground Disturbance	Project Applicant
MM-BIO-4	<p>Longfin smelt avoidance. The project in-water work period shall be limited to when LFS larva are not expected to be present in the work area. The project shall adhere to the work period and all other requirements of the LSA issued by CDFW for the project.</p>	Prior to In-Water Work	Project Applicant
MM-BIO-5	<p>California Red-legged Frog Habitat Assessment and Surveys. At least two weeks prior to the commencement of ground-disturbing activities, the project area and nearby vicinity, including a minimum 500-foot radius surrounding the project activity area, shall be assessed by a qualified biologist for the presence of CRLF individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows or other refugia. If habitat occurs, then no more than 48 hours prior to ground-disturbing activities the area shall be surveyed by a qualified biologist. The results of the habitat feature assessment and survey shall be submitted to CDFW for written acceptance prior to starting project activities. Burrows and refugia sites shall be flagged or otherwise marked for avoidance; project activities shall avoid habitat features to the extent feasible. If CRLF are encountered during the assessment or project activities, the project shall not proceed or all work shall cease, and CDFW shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm's way and CDFW has provided permission in</p>	Prior to Ground Disturbance	Project Applicant

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	<p>writing to proceed with the project. If CRLF is encountered or the qualified biologist determines that impacts to the species are likely to occur, the project shall consult with USFWS pursuant to the federal ESA and receive written approval from CDFW prior to the impact. In this case, CDFW may require additional protection measures which shall be implemented by the project.</p>		
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