



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

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April 30, 2025

Julie Moore, Senior Planner
City and County of San Francisco
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Subject: PG&E Power Asset Acquisition Project, Draft Environmental Impact Report,
SCH No. 2023060769, San Francisco and San Mateo Counties

Dear Julie Moore:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City and County of San Francisco (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. 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.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act

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(CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA or Native Plant Protection Act (NPPA), either during construction or over the life of the Project. Under CESA, take is defined as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill.” Issuance of an ITP is subject to CEQA documentation. If the Project will impact CESA or NPPA listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. Fully protected species may not be taken or possessed at any time (Fish and Game Code, §§ 3511, 4700, 5050, and 5515).

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 et. seq.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., 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, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Any impacts to the mainstems, tributaries and floodplains or associated riparian habitat would likely require an LSA Notification. CDFW, as a responsible agency under CEQA, will consider the draft EIR for the Project. CDFW may not execute a final LSA Agreement until it has complied with CEQA as the Responsible Agency.

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Raptors and Other Nesting Birds

CDFW has authority over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Fully protected species, such as California Ridgway's rail (*Rallus obsoletus obsoletus*, formerly California clapper rail) or California black rail (*Laterallus jamaicensis coturniculus*) may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an incidental take permit for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process.

PROJECT DESCRIPTION SUMMARY

Proponent: City and County of San Francisco

Objective: The City is proposing to purchase Pacific Gas and Electric (PG&E) owned electrical transmission and distribution assets in San Francisco and San Mateo County that are needed to provide electricity service to customers within San Francisco. After acquisition of assets, the City would own, operate and maintain the electricity grid in San Francisco, most of which is currently owned by PG&E. The project does not include the purchase of PG&E's natural gas facilities.

The change in ownership itself would not result in physical changes to the environment requiring environmental review; however, construction would be needed to physically

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separate PG&E's existing electric system into two separate systems (generally divided along the San Francisco/San Mateo County border), to allow both systems to be safely, reliably, and independently operated by the City and PG&E. The City would provide electricity service to city customers; PG&E would continue to provide electricity service to its customers outside of San Francisco. The EIR focuses on these areas where physical changes to the environment would occur as a result of the Project.

The portion of the Project requiring new construction or modifications to existing facilities would primarily be in the southern portion of San Francisco and along the county border in the northern portions of the cities of Brisbane and Daly City. The City would modify the existing Martin Substation (or construct a new substation, which is analyzed in the draft EIR as a new substation variant), construct new underground express distribution feeders, and modify the existing distribution infrastructure. The distribution express feeders alignment would be approximately 3.8 miles long and generally installed within streets, sidewalks, and other publicly owned land. It would extend from near Arch Street in the west, south to Brotherhood Way and Sagamore Street, east along Sickles Avenue, northeast along Huron Avenue and Alemany Boulevard, and southeast along Geneva Avenue to the Martin Substation in Brisbane. Disconnecting and connecting distribution lines between overhead poles and underground vaults could occur either above- or below-ground, and would be performed in small, discontinuous areas generally located near the county border.

Location: Cities of Brisbane, Daly City, San Francisco, in San Francisco and San Mateo Counties.

Timeframe: Construction associated with the Project would take approximately three years after the purchase and transfer of the assets.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Project Description and Related Impact Shortcoming

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or U.S. Fish and Wildlife (USFWS)?

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COMMENT 1: Riparian Delineation and Setbacks

Issue: The draft EIR describes existing conditions within the Project area and states that “although riparian habitat is present around Impound Lake, it was not identified within the limits of the project areas,” concluding that no impacts on riparian communities would occur with implementation of the project. However, on page 155 of the Initial Study (DEIR Appendix A), under the “Wetlands and Other Waters” section in the review of potential impacts to biological resources, the draft EIR states that “an aquatic resources delineation to identify the boundaries of aquatic resources under the jurisdiction of [the] federal and state regulatory agencies was not conducted for the project or project variant.” Further, cursory review of the Project area reveals the presence of creeks adjacent to Lake Merced and within Visitacion Valley near Brisbane Lagoon.

Per CEQA Guidelines section 15125 (a), EIRs must include descriptions of the physical environmental conditions in the vicinity of the Project, and this environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant, the purpose of which is to give the public and decision makers the most accurate and understandable picture practically possible of the Project’s likely near-term and long-term impacts. The draft EIR does not provide sufficient information on the location and extent of aquatic resources and their associated riparian areas within the Project area and inhibits meaningful review of potential significant impacts of development within the Project area.

Specific impact, why impact would occur, and evidence impact would be significant: Riparian vegetation, and associated floodplains, provide many essential benefits to stream and aquatic species habitat (Moyle 2002, CDFW 2007). Development within or adjacent to riparian zones can result in fragmentation of riparian habitat and decreases in native species abundance and biodiversity (Davies et al. 2001, CDFW 2007). Riparian buffers help keep pollutants from entering adjacent waters, benefiting species who rely on those waters for habitat and drinking water. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1997, Dong et al. 1998, Kiffney et al. 2003, Moore et al. 2005).

Riparian habitats also contribute to bank stability and provide flood protection. Development can modify natural streamflow patterns by increasing the magnitude and frequency of high flow events and storm flows (Hollis 1975, Konrad and Booth 2005). Riparian habitat and adjacent wetlands and floodplains are critical to lessening these impacts because they store and meter floodwaters, recharge groundwater aquifers, trap sediment, filter pollution, help minimize erosion, lessen peak flow velocities, and protect against storm surges. In doing so, they protect

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adjacent upland, down-stream, and coastal properties from loss and damage during flooding and help maintain surface and groundwater during summer months.

Recommendation 1: CDFW recommends the draft EIR include sufficient information to facilitate meaningful review of potentially significant impacts of Project development within any streams and riparian habitat. Specifically, CDFW recommends conducting aquatic resources delineations and habitat assessments to determine the locations, extent, and vegetation composition of riparian areas in the Project area and include this information in detailed map depictions in the draft EIR. The following site-specific mitigation measure is recommended for inclusion in the draft EIR to protect riparian areas:

Recommended Riparian Setback Mitigation Measure: Prior to Project development in the vicinity of streams, wetlands, or other aquatic areas, an agency-approved qualified biologist shall conduct habitat surveys to identify riparian boundaries and determine the size of site-specific buffers necessary to protect riparian areas. Consideration for appropriate riparian buffer widths shall depend on site-specific characteristics such as the area and type of habitat to be buffered, the presence of habitat for sensitive species and their potential habitat use, site topography, slope, slope stability, and soils present at a particular site.

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 USFWS?

COMMENT 2: Impact Uncertainty

Issue: The draft EIR includes a table on Construction Assumptions for the Project (Table 2-10), which summarizes construction duration, necessary equipment, and estimated volume and depth of soil to be excavated for specific Project construction activities, such as “System Reinforcements,” which would involve excavation of 35,100 cubic yards of soil to a maximum depth of 15 feet. The draft EIR also includes a figure (Figure 2 of the Biological Resources Technical Memorandum in Appendix H), depicting the “Reinforcement Boundary” within the Project extent, along with mapped sensitive resource habitats. The extent of the Reinforcement Boundary spans areas that provide habitat for sensitive species, such as grasslands and scrub at San Bruno Mountain, aquatic habitat in and adjacent to Lake Merced, and salt marsh wetlands in and adjacent to Brisbane Lagoon. It is unclear whether and to what extent “System Reinforcements” as described in Table 2-10 of the draft EIR would occur within the “Reinforcement Boundary” depicted in Figure 2. Comments 3-6 of this letter are included based on the assumption that System Reinforcements would occur within the mapped Reinforcement Boundary.

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Recommendation 2: CDFW recommends the EIR include sufficient information to facilitate meaningful review of potentially significant impacts of Project development in habitats with sensitive resources. Specifically, CDFW recommends clarifying the location and extent of impacts of Project activities, specifically System Reinforcements, within sensitive habitat, and including this information in a detailed map, along with details on impact acreage. CDFW also recommends the Lead Agency consider the recommendations provided in Comments 3-6, which address species-specific concerns relating to ground-disturbance and Project construction within the Project Reinforcement Boundary.

COMMENT 3: Special-Status Plants

Issue: Appendix H of the draft EIR identifies the potential for special-status plant species to occur within the Project area, including San Francisco lessingia (*Lessingia germanorum*), and states that “there is one occurrence of this species within Harding Park near Lake Merced approximately 0.5 miles from the Project area and one occurrence on the west side of San Bruno Mountain approximately 0.2 miles from the Project area,” and that the occurrence at San Bruno Mountain is likely extant. The draft EIR, however, does not provide avoidance, minimization or mitigation measures to address potential temporary or permanent impacts to special-status plant species due to Project activities.

Specific impact, why impact would occur, and evidence impact would be significant: San Francisco lessingia is a plant species listed as endangered under the California Endangered Species Act (CESA), and has a California Rare Plant Rank (CRPR) of 1B.1. Plants with a CRPR of 1B are rare throughout their range, endemic to California, and are seriously or fairly threatened. Most plants that are ranked 1B have declined significantly over the last century. The additional threat rank of 0.1 indicates that over 80 percent of their occurrences are threatened.

The conservation of special-status native plants is essential to maintaining biodiversity in the California Bay Area. Native plants are better adapted to the local environment, allowing them to grow more efficiently, require less maintenance, and provide habitat resources for other native species (Berthon et al. 2020). Industrial land development is a leading threat to endangered plant communities, causing resource depletion through direct habitat replacement and increased input of pollutants into the environment (Czech et al. 2000). Limited distribution and small population sizes of special-status plants can increase the difficulty in species detection, and robust survey efforts are imperative to determine whether plant species protected under the CESA and NPPA occur within the Project area. Robust and timely survey efforts are a necessary first step in avoiding take of listed species.

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If any special-status plants, including San Francisco lessingia, occur within or adjacent to Project sites and would be directly or indirectly impacted by Project development, the Project may result in a substantial reduction in the number or restriction in the range of endangered, rare, or threatened species, a mandatory finding of significance pursuant to CEQA Guidelines section 15065, subdivision (a).

Recommendation 3: CDFW recommends the EIR incorporate the following mitigation measure to avoid, minimize, and mitigate potential impacts on special-status plants.

Recommended Special-Status Plant Mitigation Measure: A qualified biologist shall conduct botanical surveys prior to construction at all Project sites where suitable habitat occurs (e.g., not composed of hardscape or ornamental vegetation), Surveys shall be conducted during the appropriate blooming period for all special-status plants that have the potential to occur at or adjacent to each site where plants could be directly and/or indirectly impacted. Surveys shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (<https://wildlife.ca.gov/Conservation/SurveyProtocols#377281280-plants>) and include checking reference sites for target special-status plant species. Per this protocol, more than one year of surveys may be necessary if, for example, lack of rain inhibits growth of annual plants. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and provide an avoidance plan to CDFW and obtain CDFW written approval of the plan. If full avoidance is not possible, Project activities may not commence until the Project has consulted with CDFW and obtained CDFW's written approval prior to the start of construction, which may include salvaging topsoil, transplanting and monitoring individuals, compensatory habitat mitigation, or other measures, based on the life history of the species and other relevant factors.

COMMENT 4: Crotch's Bumble Bee

Issue: The draft EIR does not identify potential impacts to Crotch's bumble bee (*Bombus crotchii*, CBB). The current range of CBB encompasses the Project area, and proposed Project activities could impact bumble bees if they are present on-site. The draft EIR does not include avoidance, minimization or mitigation measures to protect potential CBB that may occur within the Project area.

Specific impacts, why they may occur and be potentially significant: CBB is a candidate species under CESA and therefore should be considered a threatened, endangered, or rare species under CEQA pursuant to CEQA Guidelines section 15380. Many bumble bee species, including CBB, once common in the western

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United States, have undergone a dramatic decline in both distribution and abundance and are now extirpated from much of their historic ranges. Many bumble bees are threatened with extinction due primarily to reductions in habitat from urbanization, intensive agriculture, and invasive species introductions.

Bumble bees, including CBB, are found in a wide variety of natural, agricultural, urban and rural habitats, and require suitable nesting and overwintering sites as well as availability of nectar and pollen from floral resources (Hatfield et al. 2018). Potential nest habitat utilized from late February to late October includes underground abandoned small mammal burrows, perennial bunch grasses and/or thatched annual grasses, brush piles, old bird nests, dead trees, or hollow logs. Overwintering sites are utilized from November through early February by mated queens in self-excavated hibernacula, and could be present in soft, disturbed soil, sand, well-drained or loose soils, under leaf litter or other debris with ground cover requisites such as barren areas, tree litter, and bare patches within short grass in areas lacking dense vegetation. Any near-surface or subsurface ground disturbance within Project sites could result in the direct take of bumble bee colonies or overwintering queens. Bumble bees are generalist foragers, and do not depend on any one flower type, often visiting native and non-native flowering plants alike to collect the pollen and nectar resources needed to sustain their colonies and provision nest cells. Vegetation removal, including removal of any flowering plants within the Project area, could impact bumble bee habitat.

If CBB are injured or killed, or their habitat is removed as a result of Project development, the Project may result in a substantial reduction in the number or restriction in the range of a threatened species or endangered species, a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendation 4: CDFW recommends the EIR provide an assessment of the potential for the Project to impact CBB, and to incorporate the following mitigation measure to avoid, minimize, and mitigate potential impacts on CBB.

Recommended Crotch's Bumble Bee Mitigation Measure: CBB habitat assessments shall be performed in Project sites that may provide suitable CBB habitat and that could be impacted by Project development. The habitat assessment shall be conducted by a qualified biologist knowledgeable with the life history and ecological requirements of CBB, and include all areas of suitable overwintering, nesting, and foraging habitats within 100 feet of proposed work areas.

In areas with potential CBB habitat, pre-construction surveys for CBB individuals shall be conducted by a qualified biologist between March to August. Surveys

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shall include a minimum of three survey efforts, over a three-day period within a temperature range of 15 degrees Celsius and 30 degrees Celsius. If the qualified biologist suspects CBB detection or occupancy, CDFW shall be consulted immediately. CBB survey results shall be considered valid for one year at a given site, but additional surveys shall be performed prior to ground-disturbing activities at the discretion of the qualified biologist in consultation with CDFW. If surveys document the presence of CBB within Project sites, the City shall consult with CDFW prior to construction to determine if a CESA ITP authorization is required.

Further, if CBB are detected during surveys, the qualified biologist shall identify the location of all nests in or adjacent to Project sites. If nests are identified, a minimum 45-foot no-disturbance buffer zones shall be established around nests. The qualified biologist shall expand buffer zones as necessary to prevent disturbance and avoid take.

Bumble bee floral resources shall be mitigated at a 3:1 ratio for any permanent impacts to CBB habitat. Floral resources shall be replaced as close to their original location as is feasible. If active CBB nests have been identified and floral resources cannot be replaced within 600 feet of their original location, floral resources shall be planted in the most centrally available location relative to identified nests. This location shall be no more than 4,900 feet (1.5-kilometers) from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests.

COMMENT 5: California Ridgway's Rail and California Black Rail

Issue: The draft EIR depicts a portion of the Project area as occurring adjacent to northern coastal salt marsh habitat that supports populations of California Ridgway's rail (CRRA) and California black rail (BLRA). The draft EIR identifies CRRA as occurring in the vicinity of the Project area and states that although the "area is unlikely to support breeding habitat for this species, [it] may provide temporary foraging habitat." The draft EIR, however, does not include analysis of the potential for Project development to impact CRRA or BLRA, nor does it include measures to avoid, minimize or mitigate potentially significant impacts to CRRA or BLRA.

Specific impact, why impact would occur, and evidence impact would be significant: CRRA is a state and federally endangered and state fully protected species, and BLRA is a state threatened and state fully protected species. These species are at great conservation risk and are experiencing serious population declines or range retractions. Project activities could include impacts such as generation of noise, groundwork, and operation and movement of equipment and workers that would have the potential to disturb CRRA or BLRA foraging, roosting, and nesting. Direct mortality of CRRA or BLRA could occur through nest

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abandonment, loss of potential foraging habitat resulting in reduced reproductive success (loss or reduced health or vigor of eggs or young), inadvertent entrapment or entrainment, or impingement.

If CRRA or BLRA are injured or killed, or their habitat is removed as a result of Project development, the Project may result in a substantial reduction in the number or restriction in the range of a threatened species or endangered species, a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendation 5: CDFW recommends the EIR provide an assessment of the potential for the Project to impact CRRA and BLRA, and incorporate the following mitigation measure to avoid, minimize, and mitigate potential impacts on these species.

Recommended CRRA and BLRA Mitigation Measure: A CDFW and USFWS approved biologist shall conduct protocol-level surveys of CRRA and BLRA in all suitable habitats adjacent to the Project using the 2017 California Clapper Rail Survey Protocol to determine where CRRA or BLRA are present in each year of construction (Wood et al. 2017). CDFW staff are available to collaborate to incorporate calls of BLRA into the protocol to ensure that both species are sufficiently surveyed.

If CRRA or BLRA are found in suitable habitat near the Project site, appropriate buffers shall be incorporated to avoid and minimize impacts to CRRA and BLRA. A 700-foot no-work buffer shall be implemented between construction activities and any current-year breeding CRRA and BLRA detections if construction cannot be avoided during the rail breeding season (January 15- August 31 for CRRA, February 1- August 31 for BLRA). If establishing a 700-foot buffer around breeding rail detections is not feasible, noise reducing modifications to equipment as well as portable acoustic barriers/blankets placed near noise sources may be appropriate to reduce auditory and visual impacts to breeding rails. Note that these noise reduction features may be appropriate regardless of time of year to minimize impacts to foraging rails as well. A qualified avian biologist shall advise and support buffer establishment in consultation with CDFW.

Fully protected species such as CRRA and BLRA may not be taken or possessed at any time. In the event a fully protected species is found within or adjacent to the Project site, an agency-approved qualified biologist shall implement an appropriate no-disturbance buffer and allow the individual to leave the Project site of its own volition. The qualified biologist shall also be on-site during all Project activities to ensure that fully protected species are not being disturbed by Project activities.

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COMMENT 6: California Red-Legged Frog

Issue: California Red-Legged Frog (*Rana draytonii*, CRLF) has the potential to occur within the Project area, but the draft EIR does not adequately discuss or evaluate to what extent direct and/or indirect impacts to CRLF individuals or their habitat may result due to Project activities. The draft EIR states that “there is potentially suitable habitat at Lake Merced and Visitacion Creek Marsh for CRLF.” Currently the draft EIR does not include sufficient avoidance, minimization (and potentially mitigation) measures to offset potentially significant impacts to CRLF. Specifically, the draft EIR does not include location-specific habitat delineations to determine if buffers can be developed to avoid CRLF breeding and upland habitat. Overall, the draft EIR does not provide sufficient information to facilitate a meaningful review of potentially significant impacts to CRLF due to Project construction.

Specific impact, why impact would occur, and evidence impact would be significant: CRLF is a species listed as threatened under the Federal Endangered Species Act (ESA) and is a California Species of Special Concern. CRLF requires a variety of habitats, including aquatic breeding habitat and upland dispersal habitat. Construction and/or maintenance activities in suitable habitat has the potential to result in direct and indirect take of CRLF. Project development could injure or kill CRLF if they occur on-site, potentially resulting in a substantial reduction of their populations. Indirect take may occur due to upland habitat loss and degraded site suitability for CRLF to complete all stages of their life cycle.

CRLF breeding sites occur in aquatic habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. (USFWS 2002). Upland dispersal habitat includes nearly any area within one to two miles of a breeding site that stays moist and cool through the summer, such as aquatic habitat in pools of slow-moving streams, perennial or ephemeral ponds, and sheltering habitat in and amongst rocks, small mammal burrows, logs, densely vegetated areas, and even man-made structures (i.e., culverts, livestock troughs, spring-boxes, and abandoned sheds) (USFWS 2017). CRLF populations throughout the State have experienced ongoing and drastic declines and many have been extirpated (Thomson 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 (Thomson et al. 2016, USFWS 2017).

Delineations of CRLF habitat components by a qualified expert are necessary to determine the size of suitable buffers to be implemented prior to construction in areas where CRLF may occur. Buffers should include migration corridors, breeding

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and non-breeding habitat, as well as adjacent land necessary to protect these areas. The design of protected areas and size of construction buffers are often developed under the assumption that only the most sedentary CRLF individuals can or need to be protected, without consideration for individuals that disperse across long distances (Fellers and Kleeman 2007). CRLF have been documented to disperse up to one mile. Far-dispersing individuals provide genetic diversity to distant breeding sites and thus aid the survival of small, disparate populations. Establishing appropriately sized construction buffers and protected areas that consider both short- and long-range CRLF dispersal is essential to protect CRLF individuals, populations, and habitat.

CRLF are federally listed as a threatened species and therefore are considered to be a threatened or endangered species pursuant to CEQA Guidelines section 15380. Therefore, CRLF are injured or killed, or their habitat is removed as a result of the Project, the Project may result in a substantial reduction in the number or restriction in the range of a threatened species or endangered species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendation 6: CDFW recommends the EIR include additional information to facilitate meaningful review and understanding of Project impacts on CRLF habitat and populations. Specifically, the EIR should describe the extent of temporary and permanent impacts that would occur to CRLF breeding and/or upland habitat within site-specific Project construction boundaries. The EIR should also incorporate the results of site-specific habitat delineations performed by a qualified professional.

Recommended CRLF Mitigation Measure: The Project shall be designed to avoid impacts to CRLF individuals and habitat. Protocol-level surveys for CRLF individuals and habitat shall be performed by an agency-approved qualified biologist prior to construction in or adjacent to potentially suitable CRLF aquatic and/or upland habitat, including wetlands, riparian areas, grasslands near ponds/wetlands, or other sensitive habitat, following survey protocols approved by USFWS and CDFW. An agency-approved qualified biologist, in consultation with USFWS and CDFW, shall determine appropriate, site-specific buffers to protect CRLF breeding and upland habitat prior to conducting grading or other construction activities.

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

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communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online 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>.

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 draft EIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Shannon Husband, Environmental Scientist at (707) 337-1364 or Shannon.Husband@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

692D021D81CA4F7...
Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

REFERENCES

Berthon, K., Thomas, F., and Bekessy S. 2020. The role of 'nativeness' in urban greening to support animal biodiversity. *Landscape and Urban Planning* 205 (2021) 103959.

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