



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Marine Region  
1933 Cliff Drive, Suite 9  
Santa Barbara, CA 93109  
[wildlife.ca.gov](http://wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



November 30, 2023

Makena Wong  
OneShoreline Project Manager  
1700 S. El Camino Real, Suite 502  
San Mateo, CA 94402  
Projects@OneShoreline.org

Dear Ms. Wong:

**Millbrae and Burlingame Shoreline Area Protection and Enhancement Project  
(Project)  
Notice of Preparation (NOP)  
SCH# 2023100227**

The California Department of Fish and Wildlife (Department) received a NOP from the San Mateo County Flood and Sea Level Rise Resiliency District (OneShoreline) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 the Department, 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**

The Department 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, Section 711.7, subd. (a) & 1802; Pub. Resources Code, Section 21070; CEQA Guidelines Section 15386, subd. (a).) The Department, 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.*, Section 1802.) Similarly for purposes of CEQA, the Department 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. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine

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<sup>1</sup> 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.

waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

The Department is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) The Department expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, implementation of the Project may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** OneShoreline (San Mateo County Flood and Sea Level Rise Resiliency District)

**Objective:** The objective of the Project is to protect the shoreline areas within the cities of Millbrae and Burlingame against coastal hazards and future sea level rise. Additionally, the Project proposes to enhance recreational access.

**Location:** The Project would be within San Francisco Bay south of the San Francisco International Airport and adjacent to and within the cities of Millbrae and Burlingame.

## **MARINE BIOLOGICAL SIGNIFICANCE**

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. This ecologically significant ecosystem supports both state and federally threatened and endangered species and sustains important commercial and recreational fisheries.

## **STATE AND FEDERALLY LISTED AND COMMERCIAL/RECREATIONALLY IMPORTANT SPECIES**

Protected species under the State and Federal Endangered Species Acts that could potentially be present near Project activities include:

- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Central Valley Spring-run), state and federally endangered (Sacramento River Winter-run)
- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Steelhead (*Oncorhynchus mykiss*), federally-threatened (Central California Coast and Central Valley ESUs)
- Green sturgeon (*Acipenser medirostris*), federally-threatened (southern DPS)

- White sturgeon (*Acipenser transmontanus*), state species of special concern

Several species with important commercial and recreational fisheries value and habitat value that could potentially be impacted by Project activities include:

- Dungeness crab (*Cancer magister*)
- Pacific herring (*Clupea pallasii*)
- Surfperches (*Embiotocidae*)
- California halibut (*Paralichthys californicus*)
- Eelgrass (*Zostera marina*)

## COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist OneShoreline 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. Marine Project Level Impacts and Other Considerations

#### Species Impacts

**Comment:** The creation of a Lagoon Barrier appears to isolate a large portion of the Bay along the shoreline of Millbrae and Burlingame from the rest of the bay by a single tide gate. Blocking this shoreline and creating a new one, blocks aquatic species from reaching potential and known habitat. Species of particular concern would be Pacific herring, which have been documented to spawn in this area, and Longfin smelt which is a state threatened species.

Additionally, as the NOP does not provide specific information of the construction methods that would be required to construct the barrier, shoreline features, and tide gate, such a large undertaking would likely include methods which the Department has determined may cause take of state listed species.

**Recommendation:** The Department recommends that the DEIR describe in detail why the Lagoon Barrier as proposed, must isolate such a large area of the bay and why shoreline protection measures along the existing shoreline are not feasible or not the preferred option.

**Recommendation:** The Department recommends the DEIR include specific information on the methods that will be used to construct the barrier and other project features. Methods of particular interest to the Department will include pile driving and dredging.

## Living Shoreline Features

**Comment:** The NOP describes the Lagoon Barrier as including habitat features that could be considered a living shoreline. However, NOP does not provide specific information on these structures, materials, method of placement and potential impacts.

**Recommendation:** The Department recommends the DEIR provide specific details in the discussion of the Lagoon Barrier on the type of habitat proposed for creation, features that will create this habitat, and the purpose of each habitat type.

## Water Intake

**Comment:** The NOP describes water intakes and pumps as a potential component of the Project. Any water intake or pump within San Francisco Bay has the potential to impinge and/or entrain aquatic species, including state listed species.

**Recommendation:** The Department recommends the DEIR provide discussion on the types of pumps and intakes that may be employed by the Project and the measures that would be taken to avoid that will be employed to avoid and or minimize impacts to aquatic species. Measures should include discussion on fish screens capable of avoiding impingement and entrainment of Longfin smelt.

## Eelgrass

**Comment:** California Public Resources Code (PRC Section 35630) outlines the importance of eelgrass protection and restoration in California and other West Coast states. Eelgrass has numerous benefits, as outlined within PRC 35630, such as habitat for listed and commercially valuable species, water quality, carbon sequestration, and shoreline protection. Eelgrass has previously been documented within the Project footprint and is a valuable spawning substrate for Pacific herring.

**Recommendation:** The Department recommends that the DEIR include discussion regarding potential impacts to eelgrass from the creation of the Lagoon Barrier. Additionally, the DEIR should include avoidance and minimization measures consistent with the California Eelgrass Mitigation Policy (attachment 1).

## 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 the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

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<https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>.

The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## FILING FEES

The Project, as proposed, would 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 the Department. Payment of the fee is required 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

The Department appreciates the opportunity to comment on the NOP to assist OneShoreline in identifying and mitigating Project impacts on biological resources. Please direct questions regarding this letter or further coordination to Arn Aarreberg, Environmental Scientist, at (707) 791-4195 or [R7CEQA@wildlife.ca.gov](mailto:R7CEQA@wildlife.ca.gov).

Sincerely,

 for

Craig Shuman, D. Env  
Marine Regional Manager

ec: Elizabeth Morrison  
San Francisco Bay Regional Water Quality Control Board  
[Elizabeth.Morrison@waterboards.ca.gov](mailto:Elizabeth.Morrison@waterboards.ca.gov)

Julie Garren  
San Francisco Bay Conservation and Development Commission  
[Julie.Garren@bcdca.gov](mailto:Julie.Garren@bcdca.gov)

Katharine Pan  
San Francisco Bay Conservation and Development Commission  
[Katharine.Pan@bcdca.gov](mailto:Katharine.Pan@bcdca.gov)

Kim Squires  
US Fish and Wildlife Service  
[Kim.Squires@fws.gov](mailto:Kim.Squires@fws.gov)

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Makena Wong  
OneShoreline  
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Brian Meux  
National Marine Fisheries Service  
[Brian.Meux@noaa.gov](mailto:Brian.Meux@noaa.gov)

State Clearinghouse (SCH No. 2023100227)  
[State.clearinghouse@opr.ca.gov](mailto:State.clearinghouse@opr.ca.gov)