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GAVIN NEWSOM, Governor
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January 3, 2024

Don Lewis
City and County of San Francisco
49 S Van Ness Ave, Suite 1400
San Francisco, CA 94103

Subject: St. Ignatius Field Lighting Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2023120190, City and County of San Francisco

Dear Don Lewis:

The California Department of Fish and Wildlife (CDFW) reviewed the City and County of San Francisco's Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the City and County of San Francisco (City) St. Ignatius Field Lighting Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines[1].

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). 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 these comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game Code. Likewise, to the extent 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.), related authorization as provided by the Fish and Game Code will be required.

[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.

PROJECT DESCRIPTION AND LOCATION

Proponent: St. Ignatius College Preparatory School (St. Ignatius)

The Project site is approximately 2.4 acres at 2750 Rivera Street, San Francisco, CA 94116, located between Rivera Street, 37th Avenue, and Quintara Street (APN 2094-006).

The Project proposes the operation in the evenings of four 90-foot-tall, light-emitting diode (LED) stadium lights at the school's main athletic stadium (J.B. Murphy Field), which were installed in November 2021, and the expanded use of four existing 40-foot-tall LED outdoor lights at the St. Ignatius's upper practice field. Use of both the stadium and upper practice field lights would allow school athletic teams to shift the timing of early morning practices to evening practices on up to 135 evenings and shift the timing of up to 15 games from Saturday morning and afternoon to Thursday and Friday evenings during the school year, which runs from approximately August 15 to May 31.

The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact.

ENVIRONMENTAL SETTING

Sufficient information for meaningful review regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the EIR (CEQA Guidelines, §§ 15125 & 15360). CDFW recommends the EIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380).

The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or state, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the City may require. Fully protected, threatened, endangered, candidate, and other special-status species that are known to occur, or have the potential to occur, in or near the Project site include, but are not limited to:

Common Name	Scientific Name	Status
western bumble bee	*Bombus occidentalis*	SC
obscure bumble bee	*Bombus caliginosus*	IUCN-V
monarch - California overwintering population	*Danaus plexippus plexippus* pop. 1	FC
California black rail	*Laterallus jamaicensis coturniculus*	ST
Townsend's big-eared bat	*Corynorhinus townsendii*	
hoary bat	*Lasiurus cinereus*	
western red bat	*Lasiurus frantzii*	
California red-legged frog	*Rana draytonii*	FT, SSC
Nesting birds		
Roosting bats		

Notes: SC = State Candidate Species; IUCN-V = International Union for Conservation of Nature (IUCN) Vulnerable Species; FC = Federal Candidate Species; ST = State Threatened Species; FT = Federal Threatened Species; SSC = California Department of Fish and Wildlife designation as Species of Special Concern.

Habitat descriptions and species profiles included in the EIR should include robust information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Only with sufficient data and information from the habitat assessment can the City adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://wildlife.ca.gov/Conservation/Survey-Protocols.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), should also be conducted during the blooming period for all sensitive plant species potentially

occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to special-status plants available at: https://wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines necessitate the EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Potential for "take" of special-status species;
- Loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence;
- Impacts both from the operation of the Project;
- Impacts to bed, channel, bank, and riparian habitat, and the direct and indirect effects to fish, wildlife, and their habitat.

The EIR should also identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, § 15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City, as the Lead Agency, to consider and describe in the EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This should include discussion of take avoidance and minimization measures for special-status species, which should be developed in consultation with the USFWS, the National Marine Fisheries Service, and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). If the Project will impact CESA 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 and to facilitate permit issuance, any such project modifications and mitigation measures must be incorporated into the EIR's analysis, discussion, and mitigation monitoring and reporting program.

CEQA requires a mandatory finding of significance if a Project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports findings of overriding consideration for impacts that remain significant despite the implementation of all feasible mitigation. Findings of consideration (FOC) under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Migratory Birds and Raptors

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

COMMENTS AND RECOMMENDATIONS

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

Artificial Night Lighting

Issue: The Project has potential to impact sensitive wildlife species, and/or their habitats from increased use of artificial night light. Light pollution has broadly become a significant environmental hazard to various biological resources.

Evidence: Light pollution due to artificial light at night (ALAN) is increasing in extent and intensity across California (Manríquez et al., 2021) with significant consequences for biological resources (Gaston et al. 2012; Owen and Lewis, 2018). A thorough analysis of the intensity, spectrum, and the extent of light is necessary to identify and analyze the potential impacts of ALAN on a species or natural community present in the vicinity of the Project activities, as well as to understand the appropriateness of potential mitigation measures (Gaston et al., 2012; Barentine 2019).

The environmental impacts of ALAN include on the physiology and behavior of organisms, the abundance and distribution of species, and the structure and function of natural communities and ecosystems (Borges, 2022; Gaston et al., 2012; Owen and Lewis, 2018). For example, the phototactic response of insects can disrupt and alter not only their behavior but also the behavior of predatory species that depend on them (Borges, 2022). Even brief operation of artificial light at critical times such as dawn and dusk can significantly impact numerous species including insects, birds, and bats, for example, by negatively impacting foraging and breeding behavior and increasing competition (Gaston et al., 2012; Borges, 2022; Owen and Lewis, 2018). Barrientos et al. (2023) found that ALAN impacted some species habitat selection and avoidance, thereby directly affecting the distribution of species.

Recommendation: CDFW recommends the EIR provide a robust evaluation of changes to lighting use at the Project site to assess potential impacts to biological resources such as bats in the vicinity of the Project location. As part of this evaluation, the Lead Agency should prepare Isolux Diagrams that note current light levels present during Pre-Project conditions and the predicted Project light levels that will be created upon completion of the Project. If an increase in light output from current levels to the projected future levels is evident additional avoidance, minimization or mitigation shall be developed in coordination with the natural resource agencies to offset indirect impacts to state listed species. Within 60 days of Project completion the Lead Agency shall conduct a ground survey that compares projected future light levels with actual light levels achieved upon completion of the Project through comparison of Isolux diagrams. If an increase from the projected levels to the actual levels is discovered additional avoidance, minimization or mitigation measures may also be required in coordination with the natural resource agencies.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to prepare subsequent EIRs or to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subds. (d) & (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNDDB online field survey form and other methods for submitting data can be found here: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found here: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

CDFW anticipates that the proposed Project will 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 provide comments on the proposed Project to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jason Teichman, Environmental Scientist, at Jason.Teichman@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

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Erin Chappell
Regional Manager
Bay Delta Region

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