



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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January 27, 2025

Justin Shiu, Contract Senior Planner
City of Pacifica
170 Santa Maria Avenue
Pacifica, CA 94044
planningdivision@pacificaca.gov

Subject: Pacifica Housing Element (6th Cycle) Targeted General Plan Amendments, Rezoning, and Objective Development Standards Program, Draft Environmental Impact Report, SCH No. 2024050168, San Mateo County

Dear Mr. Shiu:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City of Pacifica (City) for the Pacifica Housing Element (6th Cycle) Targeted General Plan Amendments, Rezoning, and Objective Development Standards Program (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW previously submitted comments in response to the Notice of Preparation of the draft EIR.

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

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 2

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 (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 rivers, 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 EIR for the Project. CDFW may not

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 3

execute a final LSA Agreement until it has complied with CEQA as the Responsible Agency.

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 (MBTA).

Fully Protected Species

Fully protected species, such as San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), 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 ITP 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 of Pacifica

Objective: The objective of the Project is to respond to current and near-term future housing needs in the City of Pacifica and provide a framework for the community's long-term approach to addressing its housing needs. The Project aims to create a regulatory framework to accommodate the Regional Housing Needs Allocation (RHNA) sites inventory and promote development of multi-family housing, including rental housing, missing middle housing, and mixed-use development, reflecting the priority to focus development at infill locations, including existing shopping centers. The Project focuses

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 4

on 31 sites to be redesignated and/or rezoned. Existing land uses at these sites are mainly comprised of retail and commercial spaces, with several public and vacant parcels as well. Along with rezoning specific sites, the Project will also involve General Plan amendments to existing land use designations and proposed objective development standards for the proposed zoning and land use designations.

Location: City of Pacifica, San Mateo County, CA 94044.

Timeframe: 2031-2040

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.

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 1: California Red-Legged Frog and San Francisco Garter Snake

Issue: California Red-Legged Frog (*Rana draytonii*, CRLF) and San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*, SFGS) have the potential to occur within the Project range, specifically within sites 10, 11, 12, 22, 29, 38, I, and J, but the draft EIR does not adequately discuss or evaluate to what extent direct and/or indirect impacts to CRLF or SFGS or their habitat. Additional site-specific impact assessment information is needed for CDFW to confirm Project protective measures will mitigate direct and/or indirect impacts to these species. Currently the draft EIR does not include sufficient avoidance, minimization (and potentially mitigation) measures to offset potentially significant impacts to CRLF and SFGS. Specifically, the draft EIR does not include site-specific habitat delineations in order to determine if buffers can be developed to avoid CRLF and SFGS breeding and upland habitat. Lastly, sites 10, 11, 12, 22, 29, 38, I and J are identified within a potentially important wildlife connectivity location. Although Highway 1 exists between Mori Point to the West and open space to the east, additional development at these locations have potential to create significant direct, indirect and/or cumulative impacts to wildlife movement including CRLF and SFGS and may prevent future wildlife connectivity improvement efforts.

Overall, the draft EIR does not provide sufficient information to facilitate meaningful review of potentially significant impacts to CRLF and SFGS, primarily from habitat

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 5

loss. The draft EIR states that “no suitable aquatic habitat is present within the subject sites, but there is potential for CRLF to disperse into grassland or riparian habitat contiguous with occupied habitat,” and similarly, “San Francisco garter snake has potential to occur in grassland or riparian habitat contiguous with nearby occupied habitat.” Further, the draft EIR states that development in suitable CRLF or SFGS habitat, including riparian areas and grassland habitat contiguous with subject sites 10, 11, 12, 22, 29, 38, I and J may result in temporary or permanent loss of breeding or upland habitat, a potentially significant impact under CEQA.

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, and SFGS is a State Fully Protected species. CRLF and SFGS require a variety of habitats, including aquatic breeding habitat and upland dispersal habitat. Construction and maintenance activities in suitable habitats have the potential to result in direct and indirect take to CRLF or SFGS. Project development could injure or kill CRLF or SFGS 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 and SFGS 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).

SFGS are endemic snakes with a highly limited range in the San Francisco Peninsula. They utilize a variety of habitats including upland sites for basking, rodent burrows for shelter and low-lying marsh for feeding and reproduction (USFWS 1985). In coastal areas, SFGS may hibernate during the winter in small mammal burrows (USFWS, 2007). SFGS are threatened by loss of habitat from agricultural, commercial, and urban development, illegal collection by reptile breeders, and decline of their prey species, CRLF. There are only six known significant populations

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 6

of SFGS remaining today, one of which is located at Mori Point, adjacent to proposed sites 10, 11, 12, 38, I, and J.

Delineations of CRLF and SFGS habitat components by a qualified expert are necessary to determine the size of suitable buffers to be implemented prior to construction in areas where these species may occur. Buffers should include migration corridors, breeding 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 and SFGS individuals can or need to be protected, without consideration for individuals that disperse across long distances (Fellers and Kleeman 2007). CRLF and SFGS have been documented to disperse up to one mile and half a mile, respectively. 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 and SFGS dispersal is essential to protect CRLF and SFGS individuals, populations, and habitat.

Recommendation 1: CDFW recommends the EIR include additional information to facilitate meaningful review and understanding of Project impacts on CRLF and SFGS habitat and populations. Specifically, the EIR should describe the extent of temporary and permanent impacts that would occur to CRLF and SFGS 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.

Implementing Policy CO-I-35, which pertains specifically to CRLF and SFGS, should be amended to ensure sufficient CRLF impact avoidance and minimization and SFGS avoidance. Protocol-level surveys should be performed by an agency-approved qualified biologist prior to construction in or adjacent to riparian areas, grasslands near ponds/wetlands, or other sensitive habitat, following survey protocols approved by USFWS and CDFW. CDFW recommends the EIR require an agency-approved qualified biologist, in consultation with USFWS and CDFW, determine appropriate, site-specific buffers to protect CRLF and SFGS breeding and upland habitat prior to conducting grading or other construction activities. Where significant impacts to SFGS and/or CRLF frog habitat cannot be avoided, CDFW recommends Implementing Policy CO-I-26 part 5 clarify that compensatory mitigation is required for impacts to special-status species habitat.

COMMENT 2: Nesting Birds

Issue: Nesting birds, including San Francisco common yellow throat (*Geothlypis trichas sinuosa*), white tailed kite (*Elanus leucurus*), and yellow warbler (*Setophaga*

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 7

petechia), which are State special-status species, have the potential to nest on the ground, in trees, on structures, or in vegetation within and immediately adjacent to each of the 31 proposed development sites. The avoidance, minimization and mitigation measures included in the draft EIR to protect special-status and nesting birds are not sufficient to reduce potential impacts to less-than-significant levels. Specifically, Implementing Policy CO-I-33 incorrectly identifies the nesting bird period for owl and raptor species and does not implement sufficiently sized raptor nest buffers.

Specific impact, why the impact would occur, and evidence the impact would be significant: The federal MBTA and California Fish and Game Code protect migratory and nesting birds, including special-status species with potential to occur in the Project area (e.g., San Francisco common yellow throat, white tailed kite and yellow warbler). The nesting seasons for passerines, owls, and raptors range from February 15- August 30, January 15- September 15, and February 15- September 15, respectively. The nesting season described in the draft EIR is not inclusive of early-season owl breeding or late-season raptor breeding.

No-disturbance buffers for any bird nests identified in pre-construction surveys should be of a sufficient, species-specific size to protect young birds until they have fledged and are foraging independently. Buffers for passerines, accipiters, and buteos should be a minimum of 250 feet, 500 feet, and 1,000 feet, respectively. The no-disturbance buffers proposed in the draft EIR nesting bird measure are not adequately sized to protect buteos, which require larger no-disturbance buffers than their smaller, accipiter kin.

If construction commences during the nesting season without sufficiently sized nest buffers in place, or if construction activities occur without a qualified biologist having performed appropriately timed breeding bird surveys, nesting birds, as stated in the draft EIR, “may be impacted directly through the removal of nest structures, or indirectly through localized disturbance sufficient to cause nest abandonment,” a potentially significant impact under CEQA.

Recommendation 2: CDFW recommends the EIR include additional avoidance and minimization measures to protect nesting birds. General Plan Implementing Policy CO-I-33 pertains specifically to nesting birds, and CDFW recommends incorporating the mitigation measure below to reduce potential impacts to less-than-significant levels:

Recommended Nesting Bird Measure: If project grading or construction is scheduled to take place between January 15 – September 15, a preconstruction survey of the project vicinity for nesting birds shall be conducted by a qualified biologist experienced with the nesting behavior of bird species of the region. The

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 8

survey shall determine if active nests are present within the planned area of disturbance or within 250 feet for passerines, 500 feet for accipiters and 1,000 feet for buteos. The survey shall be performed no more than 14 days prior to the commencement of construction activities, and a second focused survey shall be conducted within 48 hours prior to construction activities that would occur during the nesting/breeding season. If ground disturbance activities are delayed following a survey, then an additional preconstruction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground-disturbance activities. If a lapse of Project-related activities of seven days or longer occurs, another focused survey will be conducted before Project activities can be re]initiated.

If an active bird nest is found within the survey radii, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. A protective buffer distance shall be established by a qualified biologist based on the site conditions such as whether the nest is in a line of sight of the construction and the sensitivity of the birds nesting. Typical protective buffers are as follows: 1) 250 feet for passerines, 2) 500 feet for accipiters, and 3) 1,000 feet for buteos. No Project personnel or equipment shall be allowed to enter the protective buffer until the qualified biologist determines that the young have fully fledged and will no longer be adversely affected by the Project.

The qualified biologist shall observe any identified active nests prior to the start of any construction-related activities to establish a behavioral baseline of the adults and any nestlings, and the nest site(s) shall be monitored by the biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by the qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. All buffers shall be shown on all sets of construction drawings.

COMMENT 3: Mountain Lion

Issue: The Project falls within the Central Coast North (CC-N) mountain lion subpopulation, and proposed Project development has the potential to impact this subpopulation. The draft EIR does not address the potential for Project development

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 9

to significantly and permanently reduce or eliminate existing wildlife movement corridors necessary for mountain lion survival and gene flow.

Specific impact, why the impact would occur, and evidence the impact would be significant: The Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain lion (*Puma concolor*) is a candidate threatened species under CESA and are granted full protection of a threatened species under CESA.

Mountain lions act as “ecosystem engineers,” exerting top-down control over the ecosystems they inhabit, with their presence in an area modulating the behavior of their prey species (Ripple and Beschta 2006). By keeping their deer prey alert and mobile, mountain lions prevent overconsumption of vegetation and thus mitigate against inhibited riparian plant recruitment, increased erosion, changes to stream turbidity and temperature, and reductions in both terrestrial and aquatic species abundance. Permanently conserving and restoring habitat connectivity and corridors is essential for minimizing impacts to mountain lions particularly, due to their reliance on access to sprawling home ranges that can span 100 square miles or more. In 2020, Dellinger et. al found that over 63,000 square miles of suitable mountain lion habitat exists in California, half of which is on unprotected lands and thus vulnerable to development. In human-dominated areas mountain lions have higher resource requirements due to human-induced behavioral changes, and the increased energetic costs associated with mountain lions living in human proximity have ramifications on their prey species and can exacerbate human-wildlife conflict (Wang et. al 2017). Development within or adjacent to sensitive and critical habitat and wildlife movement corridors (as depicted in Figure 3.3-1 in the draft EIR) could result in increased human presence, traffic, noise, vibration and artificial lighting, as well as potential removal of mountain lion habitat and severance of access to habitat resources (such as streams, den sites, impacted prey populations). These actions could disrupt mountain lion breeding cycles, impact den selection, or force mountain lions to move into areas with increased potential for vehicle strikes.

The draft EIR states that “subject sites 10, 11, 12, 22, I, and J are undeveloped or partially developed and facilitate local and regional wildlife movement as they are contiguous with large tracts of undeveloped lands encompassed within mapped potential wildlife corridors. As such, these sites serve to connect larger habitat blocks or core habitat areas within the central coast of California.” It is important that the CC-N mountain lion subpopulation remain connected to adjacent populations via suitable habitat and unobstructed, sizeable movement corridors. Gene flow through maintenance of existing occupied habitat within improved and additional wildlife corridors will promote long-term persistence of isolated subpopulations (Gustafason et al. 2019). Developing lands along Highway 1, at sites 10, 11, 12, 38, I and J, for example, has the potential to further sever wildlife movement between Golden Gate National Recreation Area (GGNRA) lands in the east at Sweeny Ridge and Mori

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 10

Point to the west. The draft EIR does not address the potential for development in areas designated as “High Habitat Value/ Threatened by Fragmentation” to impact mountain lions.

Recommendation 3: CDFW recommends the draft EIR analyze and address the potential for the Project to significantly impact the CC-N mountain lion subpopulation through developing lands in wildlife corridors and incorporate opportunities to protect and enhance wildlife connectivity.

COMMENT 4: Bats

Issue: The draft EIR states that special-status bats, including pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), fringed myotis (*Myotis thysanodes*), and western red bat (*Lasiurus blossevillii*), as well as non-special-status bats, have the potential to occur within subject sites 2, 10, 11, 12, 16B, 19, 21, 22, 24, 25, 26, 29, 30, 31, 32, 34, 38, G, H, I, and J, and that Project activities could “directly or indirectly impact roosting bats during vegetation removal, ground disturbance, or other noise generating activities,” a potentially significant impact under CEQA. The draft EIR includes measures to avoid, minimize, and mitigate impacts to roosting bats, but Implementing Policy CO-I-34 is insufficient to reduce impacts to less-than-significant levels because the policy does not require surveys of all habitat that bats may utilize within or adjacent to sites, and does not establish sufficiently sized buffers to prevent disturbance of roosting bats that may be present.

Specific impact, why the impact would occur, and evidence the impact would be significant: The pallid bat, Western red bat, hoary bat and fringed myotis are State special-status species, and play an important role in Bay Area ecosystems, through pest control, pollination and seed dispersal. Recent studies estimate that bat consumption of insect pests results in more than three billion dollars in agricultural production savings per year in the U.S. (USFWS 2025). Bats are known to roost under bridges, in caves and mines, on buildings, in cliff crevices, in tree foliage, bark, and hollows, and in riprap, with habitat use varying temporally and seasonally. Suitability of bat roosting habitat is dependent on temperature, protection from predators and inclement weather, and proximity to foraging sites. Habitat reduction and disruption of hibernation and maternity roosts due to human development and activity have contributed to steep population declines in California and across the globe. Many bat species are long lived, with most females birthing only one to two young per year. Due to low reproductive rates and sensitivity of breeding females to disruption, maternity colonies affected by human activities that temporarily reduce fecundity, or mortality may require multiple years to recover following disturbance events (California Department of Transportation 2019).

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 11

Recommendation 4: CDFW recommends including additional avoidance and minimization measures to protect bats that have the potential to occur within the Project area. Implementing Policy CO-I-34 pertains specifically to bats, and CDFW recommends amending the policy with the following changes:

Recommended Bat Measure: Pre-construction surveys for special-status and non-listed bat species shall be performed by a qualified biologist if any trees are to be removed or underutilized or vacant buildings are to be demolished, or if any suitable habitat including buildings, trees, rock outcrops, bridges, or culverts are present within 100 feet of proposed construction. If any active maternity or hibernation roosts are identified within 100 feet of areas proposed for development, an agency-approved qualified biologist shall establish site-specific protective buffers around roosts, sized with consideration for the species that are present and the time of year bats are roosting, as well as levels of construction noise and light emission from Project activities.

COMMENT 5: Monarch Butterfly

Issue: Project activities have the potential to impact individuals and overwintering habitat of the monarch butterfly (*Danaus Plexippus Plexippus*), which may roost in suitable Monterey pine or cypress groves in subject sites 2, 11, 12, 21, 22, 25, A, H, I, and J. The draft EIR states that “construction activities may impact monarch butterfly if a roosting site is removed or otherwise altered so that it is no longer suitable for the species,” a potentially significant impact under CEQA. The draft EIR does not include measures that are sufficiently protective to reduce potential impacts to monarch butterfly overwintering habitat to less-than-significant levels.

Specific impact, why the impact would occur, and evidence the impact would be significant: Monarch butterflies are federal ESA candidate species, are considered special-status species in California, and are included on the CDFW Terrestrial and Vernal Pool Invertebrates of Conservation Priority list.

In recent decades, the western migratory monarch population that overwinters along the California coast has declined by more than 99 percent (Marcum and Darst 2021). Habitat loss and fragmentation, including grove senescence, are among the primary threats to the population (Thogmartin et al. 2017). Monarch overwintering sites have specific microclimate conditions that are influenced by the configuration of trees and other foliage near the site (Griffiths and Villablanca 2015). Alteration of Project sites and surrounding areas could impact microclimate conditions, thereby reducing the suitability of the sites for monarchs (Weiss et al. 1991). Project activities, including potential tree trimming, vegetation removal, and/or tree removal have the potential to significantly impact the species by reducing possible overwintering habitat, altering habitat climatic conditions, damaging roosts,

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 12

inadvertently entrapping monarch butterflies, and/or causing direct mortality of individual monarchs.

Recommendation 5: CDFW recommends the EIR include the following mitigation measure to evaluate potential impacts of the Project on monarch butterflies.

Recommended Monarch Butterfly Measure: In Project areas that have potential monarch butterfly habitat, a qualified biologist shall assess sites and their immediate vicinity to determine whether Project areas are suitable to support monarchs or if monarchs have been present historically. The qualified biologist shall follow the Xerces Management Guidelines for Monarch Butterfly Overwintering Habitat (The Xerces Society, 2017) or other CDFW-approved protocols.

If suitable habitat for monarch butterflies is present, the qualified biologist shall determine the primary roosting trees and other structural components or flora integral to maintaining microclimate conditions. These plants shall be marked and avoided during Project activities. The cutting or trimming of trees within core overwintering habitat shall be avoided or minimized, except for specific grove management purposes and/or human health and safety purposes. Management activities in groves shall be conducted between March 16 and September 14, in coordination with CDFW and the qualified biologist.

If suitable habitat is present and Project construction is planned during the monarch overwintering period (September 15- March 15), the qualified biologist shall assess whether monarchs are present, following protocol-level surveys such as the Xerces Society Western Monarch Count Protocol. If monarchs are detected within the Project area, monarch overwintering habitat shall be avoided by delineating and observing a no-disturbance buffer of at least half a mile from the outer edge of the habitat (Marcum and Darst 2021). If buffers cannot be maintained, then consultation with CDFW is warranted to determine how to implement ground-disturbing and/or tree disturbing 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 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

Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 13

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 Wes Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

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Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 14

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Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
Page 15

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Justin Shiu, Contract Senior Planner
City of Pacifica
January 27, 2025
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