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DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



November 13, 2024

Chris Dacumos, Senior Planner  
City of Belmont  
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San Mateo, CA 94002  
[CDacumos@goodcityco.com](mailto:CDacumos@goodcityco.com)

Subject: 1301 Shoreway Project, Draft Environmental Impact Report,  
SCH No. 2024060880, City of Belmont, San Mateo County

Dear Chris Dacumos:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City of Belmont (City) for the 1301 Shoreway Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> 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

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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.

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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 (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:** City of Belmont

**Objective:** The objective of the Project is to demolish an existing office building at 1301 Shoreway Road and to construct a Class-A building for office, technology, and/or R&D, including life sciences, as well as an associated parking structure.

Primary Project activities include demolition of all existing on-site uses and construction of an 8-story 270,446 square-foot building, a seven-story 271,589 square-foot building, and a 441,280 square-foot parking garage with 9 levels above grade. The total building footprint on the Project site would be 983,315 gross square feet. The parking garage and surface parking lots would provide approximately 1,626 parking stalls.

**Location:** 1301 Shoreway Road, Belmont, CA 94002, 37.524390, -122.266028. The approximately 6.9-acre Project site is bounded by Shoreway Road and Highway 101 to the southwest, commercial development to the northwest, a Pacific Gas and Electric Company (PG&E) substation to the southeast, and a tidal section of Belmont Creek and narrow strip of ruderal grassland to the northeast.

## **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.

### **I. Mitigation Measures and Impacts**

**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 Ridgway's Rail and California Black Rail**

**Section 7.3.4 Special-Status Species and Sensitive Habitats**

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**Issue:** The draft EIR describes the Project occurring upstream of northern coastal salt marsh habitat that supports populations of California Ridgway's rail (*Rallus obsoletus obsoletus*, formerly California clapper rail, hereafter CRRA), a state and federally endangered and state fully protected species, and California black rail (*Laterallus jamaicensis coturniculus*, BLRA), a state threatened and state fully protected species (California Natural Diversity Database [CNDDDB] 2024). Further, the draft EIR describes how the Project site is directly adjacent to tidal marsh habitat and exposed mudflats of Belmont Creek, which may serve as a wildlife movement corridor for special-status species that occur nearby.

**Specific impact:** Direct mortality of CRRA or BLRA could occur through nest 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.

**Why impact would occur:** The Project will include impacts such as noise, groundwork, and operation and movement of equipment and workers that would have the potential to disturb foraging, roosting, and nesting.

**Evidence impact would be significant:** CRRA and BLRA are fully protected species under California Fish and Game Code (§ 3511 or § 4700) and are either listed under the federal Endangered Species Act, CESA, or both. These species are at great conservation risk and may be experiencing serious population declines or range retractions.

## **Recommended Potentially Feasible Mitigation Measures**

### **Mitigation Measure 1: Rail surveys**

A CDFW and USFWS-approved biologist should 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.

### **Mitigation Measure 2: Rail Buffers**

If CRRA or BLRA are found in suitable habitat near the Project site, appropriate buffers should be incorporated to avoid and minimize impacts to CRRA and BLRA. A 700-foot no-work buffer should 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

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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. CDFW recommends that a qualified avian biologist advise and support buffer establishment in consultation with CDFW.

### **Mitigation Measure 3: Rail Take Avoidance**

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, CDFW recommends that a qualified biologist implement an appropriate no-disturbance buffer (see Mitigation Measure 2) and allow the individual to leave the Project site of its own volition. The qualified biologist should also be on-site during all Project activities to ensure that fully protected species are not being disturbed by Project 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 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 for the underlying project approval to be operative, vested, and final. (See 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.

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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](mailto:Shannon.Husband@Wildlife.ca.gov); or Wesley Stokes, Senior Environmental Scientist (Supervisory) at (707) 339-6066 or [Wesley.Stokes@Wildlife.ca.gov](mailto:Wesley.Stokes@Wildlife.ca.gov).

Sincerely,

DocuSigned by:

*Erin Chappell*

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Erin Chappell  
Regional Manager  
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024060880)

## REFERENCES

CNDDDB. 2024. RareFind 5. California Department of Fish and Wildlife Government Version 5.3.0 dated September 29, 2024.

Wood, J.K., Nur, N., Salas, L. and O.M.W. Richmond. 2016. Site-specific Protocol for Monitoring Marsh Birds: Don Edwards San Francisco Bay and San Pablo Bay National Wildlife Refuges. Prepared for the U.S. Fish and Wildlife Service, Pacific Southwest Region Refuge Inventory and Monitoring Initiative. Point Blue Conservation Science. Petaluma, CA.