



MEMORANDUM

Date: 16 October 2024

To: Derek Schweigart, Parks and Recreation Director, City of Foster City

From: Dan Biteman, Senior Wildlife Biologist, Wildlife Innovations

Subject: Foster City Canada Goose Adaptive Management Plan Project, Draft Initial Study/Mitigated Negative Declaration – Response to Comments

In accordance with 14, § 15074, titled “Consideration and Adoption of a Negative Declaration (ND) or Mitigated Negative Declaration (MND),” prior to approving a project, the lead agency shall consider the proposed ND or MND together with any comments received during the public review process. The decision-making body shall adopt the proposed ND or MND only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the ND or mitigated MND reflects the lead agency's independent judgment and analysis.

Although there is no legal requirement to formally respond to comments on a proposed MND as there is for an Environmental Impact Report (EIR), this memorandum provides a response to the written comments received for the Foster City Canada Goose Adaptive Management Plan Project, Initial Study/Mitigated Negative Declaration (IS/MND), to provide City of Foster City decision-makers adequate information to assist with their review of the proposed project.

The Draft IS/MND was available for public review and comment from 03 July 2024 through 02 August 2024 and was submitted to the State Clearinghouse on 05 September 2024. This memorandum includes all comments and responses received following completion of both public and agency review periods.

The MMRP will be adopted by the City of Foster City if the IS/MND is adopted.



Notice of Intent to Adopt Posted by Foster City

**JUL 02 2024
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ONLY**

**NOTICE OF INTENT (NOI) TO ADOPT A
MITIGATED NEGATIVE DECLARATION FOR THE
PROPOSED FOSTER CITY CANADA GOOSE ADAPTIVE MANAGEMENT PLAN PROJECT**

Project Name: Canada Goose Adaptive Management Plan

Lead Agency:
City of Foster City
610 Foster City Boulevard
Foster City, CA 94404
Attn: Monica Ly
Planning Manager
mly@fostercity.org
(650) 286-3244

Applicant:
City of Foster City
610 Foster City Boulevard
Foster City, CA 94404
Attn: Derek Schweigart
Parks and Recreation Director
dschweigart@fostercity.org
(650) 286-3390

NOTICE IS HEREBY GIVEN that the City of Foster City (City), as the lead agency under the California Environmental Quality Act (CEQA), has completed an Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Foster City Canada Goose Adaptive Management Plan (proposed project).

PROJECT LOCATION: Gull Park Assessor's Parcel Number (APN): 094231010, Erckenbrack Park (APN): 094071500, Marlin Park (APN): 094271320, Leo J. Ryan Park (APN): 094470130, Catamaran Park (APN): 094470290, Edgewater Park (APN): 094402010, and Sea Cloud Park (APN): 097080070

PROPOSED PROJECT: The Project proposes to identify CAGO (Canada Goose [*Branta canadensis*]) management techniques and deployment strategies to be implemented on an as needed basis. Selection criteria used to identify priority parks were based on their proximity to the lagoon system, presence of sports fields used by children, and history of conflicts between human use and CAGO presence. At this time, management of CAGO will focus on seven or 30 percent of the parks in the City: Gull Park, Erckenbrack Park, Marlin Park, Leo J. Ryan Park, Catamaran Park, Edgewater Park, Sea Cloud Park. All the parks included in the CAGO management plan are located along or near Foster City Lagoon, with the eastern portion of Sea Cloud Park enhanced as a wetland restoration area excluded from the CAGO Management Plan. The proposed management practices will be adaptive and include both habitat modification and hazing methodologies to deter CAGO from using City parks and the lagoon and encourage CAGO to relocate to more natural habitats.

FINDINGS: The Initial Study prepared by the City was undertaken for the purpose of deciding whether the proposed project may have a significant effect on the environment. On the basis of the Initial Study, City has concluded that the proposed project will not have a significant effect on the environment and, therefore, has prepared a Mitigated Negative Declaration. The project site is not on a list of hazardous waste sites compiled pursuant to Government Code Section 65962.5.

PUBLIC REVIEW: The Draft Initial Study, MND, and reference documents are available for review online at <https://www.fostercity.org/community/page/canada-goose-adaptive-management-plan-project>. Paper copies of the IS/MND are also available for review from 8:00 a.m. to 5:00 p.m. at the City's Community Development Department, located at 610 Foster City Boulevard, Foster City, CA 94404. **The public comment period for this Draft IS/MND begins on July 3, 2024 and ends on August 2, 2024.** Comments from all Responsible Agencies and interested parties are requested. Any person wishing to comment on the Draft IS/MND must submit written comments to the Lead Agency's contact listed above.

DATED: June 26, 2024
PUBLISHED: July 3, 2024



COMMENTS AND RESPONSES

This section includes a copy of all comment letters received regarding the IS/MND and associated responses to each substantive comment. Only one letter was received, and that letter only identified one primary comment, and suggestion, with additional information provided in support of the suggestion, with citations from literature.

The following comment letter regarding the IS/MND was submitted to the City:

LETTER A1

California Department of Fish and Wildlife

30 September 2024

Response:

The comment provided by California Department of Fish and Wildlife (CDFW) identified that irrigated grass is an attractant for Canada Geese and cautioned that hazing alone may not be effective to deter Canada Geese from using areas where irrigated grass exists. CDFW recommended that the Adaptive Canada Goose Management Plan Project be habitat modification centric, removing irrigated grass where possible, allowing irrigated grass to grow long where not possible to be removed, or replacing that grass with less palatable grasses, and adding taller, native, water-wise shrubs where possible to replace irrigated grasses.

The review, response, and information provided within the response from CDFW are appreciated. Habitat Modification is identified as one of the primary methods that will be employed as a part of the Adaptive Canada Goose Management Plan and within the IS/MND. The Plan identifies in more detail specific habitat modifications that will be tested for efficacy within the identified city parks, and carefully evaluated. Removal of all irrigated grass from within all city parks where Canada Geese exist may not be possible. Although the applicability of that will be evaluated further within each park, as well as within specific areas of each park during the implementation phase of this Project. Where irrigated grass cannot be removed, the possibility of allowing grass to grow long to be less desirable to geese or replacing the grass with less palatable grasses will be evaluated. Where grass must remain, and where less palatable grasses cannot be planted without negatively affecting public uses of those parks or park areas, taller, preferably native, and water-wise shrubs may be planted instead of irrigated grass. The Plan identifies all these options, and describes the expected pros and cons of each, for deterring grazing, loafing, and nesting by Canada Geese. The Plan also identifies specific habitat modifications to be tested and potentially implemented within each of the parks within the Project area.

Following review and consideration of the comments provided by CDFW, minor changes were made to a few sentences within the project description and are incorporated into the Final MND, which includes the Mitigation Monitoring and Reporting Program (MMRP). One sentence was modified within the Project Description of the IS/MND to clarify that habitat modification will be prioritized during implementation of the Plan, and additional clarifications were made to clarify the same priorities within the Plan document itself. This comment does not relate to the adequacy of the information provided in the Draft IS/MND, and no further response is required.



Letter A1: California Department of Fish and Wildlife

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 30, 2024

Monica Ly, Planning Manager
City of Foster City
610 Foster City Boulevard
Foster City, CA 94404
MLy@fostercity.org

Subject: Foster City Canada Goose Adaptive Management Plan Project, Mitigated Negative Declaration, SCH No. 2024090125, City of Foster City, San Mateo County

Dear Ms. Ly:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from City of Foster City for the Foster City Canada Goose Adaptive Management Plan Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

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.

Conserving California's Wildlife Since 1870



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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: Derek Schweigart, Parks and Recreation Director

Objective: The objective of the Project is to deter Canada Goose [*Branta canadensis*] from using City parks and the Foster City lagoon and encourage geese to relocate to more natural habitats. Primary Project activities include geese management by habitat modification and multiple harassment techniques.

Location: Seven parks in Foster City, San Mateo County: 1) Gull Park, Assessor's Parcel Number (APN): 094231010 (Latitude: 37.568970, Longitude: -122.264800), 2) Erckenbrack Park, APN: 094071500 (Latitude: 37.562820, Longitude: -122.260840), 3) Marlin Park, APN: 094271320 (Latitude: 37.564090, Longitude: -122.250060), 4) Leo J. Ryan Park, APN: 094470130 (Latitude: 37.5569452, Longitude: -122.2712594), 5) Catamaran Park, APN: 094470290 (Latitude: 37.5526113, Longitude: -122.2652772), 6) Edgewater Park, APN: 094402010 (Latitude: 37.548711, Longitude: -122.27624), and 7) Sea Cloud Park, APN: 097080070 (Latitude: 37.54362, Longitude: -122.255355).

Timeframe: TBD

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Foster 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.

COMMENT 1: Nuisance Canada Goose (*Branta canadensis*; CAGO) and Management Strategies

Issue: Irrigated grass used in landscaping is known to attract grazing CAGO and therefore habitat modification is potentially one of the most effective deterrent techniques for reducing goose numbers. Effective non-lethal management of persistent CAGO populations has potential to work but may require a substantial habitat modification component to be successful. Accordingly, CDFW appreciates habitat



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modification is included in the Project MND however, the location and extent of this prescription is unclear and may be improved with additional considerations.

Supporting Evidence: Hazing or harassment strategies alone may not be effective at displacing established CAGO populations as they habituate and adapt to harassment techniques causing it to be difficult to make them leave (Askren et al., 2022; Canadian Wildlife Service, 2010). If people feed geese in park environments which contain large areas of grass lawns and open terrain, existing CAGO populations will likely persist and increase (Askren et al., 2022; Canadian Wildlife Service, 2010; Parkhurst, 2022).

Suitable habitat and food availability are key factors in affecting CAGO population size and rates of growth (Canadian Wildlife Service, 2010). Canada Geese are herbivores and may seek out manicured lawns especially near water in urban park environments as ideal habitat for nesting. Grass lawns are a desirable food source for CAGO, so removal of grass lawns also reduces the likelihood CAGO will adopt the area for nesting. Where landscape changes are not feasible, it is critical to discourage the public from feeding wildlife and to begin harassment immediately when CAGO appear to prevent them from developing a habit of using the area. Changing the landscaping in the Project areas is the best long-term solution to prevent increasing CAGO populations and human-wildlife conflicts (Canadian Wildlife Service, 2010; Parkhurst, 2022). Project site-wide habitat modification particularly in areas nearest water, including lawn removal and replacement with native shrubs and trees can be an effective deterrent to CAGO nesting and population growth (Askren et al., 2022; Canadian Wildlife Service, 2010). Habitat modification when combined with persistent use of multiple harassment techniques deployed frequently, and rendering eggs infertile can be effective strategies to reduce CAGO populations (Askren et al., 2022; Canadian Wildlife Service, 2010; Curtis & Braband, 2022; Parkhurst, 2022).

Recommendation: CDFW recommends the Project adopt a habitat modification centric approach to CAGO deterrence. The Project MND should identify specific areas where irrigated grass overlap with nuisance CAGO and prioritize those areas for habitat modification as an initial prescription wherever possible. Replace manicured lawns particularly along shorelines and in preferred nesting areas with tall native drought tolerant plants and shrubs. Mow existing lawns that cannot be removed less frequently and consider changing the type of grass used in turfs to a variety that is unappealing to CAGO. Finally, CDFW recommends the CAGO management plan emphasize the enforcement of a no-feed policy that may include public education campaign and signs placed in areas of the parks with CAGO populations are present.

Editorial Comments and/or Suggestions

Canada geese and other native birds typically nest between February 1 and September 1. If they are making a nest and not yet with eggs, the nests can be



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removed to preclude nuisance birds. There are provisions in state regulations (CA Code of Regs, Title 14, Section 503(c), and (2)) that allow for destruction of resident Canada goose nests and eggs if a federal depredation order permit is obtained. The Canada Goose Nest and Egg Depredation Order (50 CFR 21.50) authorizes landowners and local governments who register with the U.S. Fish & Wildlife Service (USFWS) to destroy resident Canada goose nests and eggs on their property from March 1-June 30, when necessary, to resolve or prevent injury to people, property, agricultural crops, or other interests.

Mitigation Measure BIO-1 is reasonably protective of native and special status avian species. We recommend the qualified biologist notify CDFW when nesting birds (other than CAGO) or other special status species occur in the Project area and consult with CDFW on avoidance and mitigation plans.

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 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. (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 MND to assist City of Foster 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 (707) 210-5104 or Jason.Teichman@wildlife.ca.gov.



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Sincerely,

Doc. Signed by:

Erin Chappell

Signature Title:

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024090125)

REFERENCES

- Askren, R. J., M. W. Eichholz, C. M. Sharp, B. E. Washburn, S. Beckerman, C. K. Pullins, A. M. V. Fournier, J. A. Vonbank, M. D. Weegman, H. M. Hagy, and M. P. Ward. 2022. Behavioral responses of Canada geese to winter harassment in the context of human-wildlife conflicts. *Wildlife Society Bulletin* 46:e1384. <https://doi.org/10.1002/wsb.1384>
- Canadian Wildlife Service. 2010. Handbook, Canada and Cackling Geese: Management and Population Control in Southern Canada. Canada. Environment Canada. Retrieved September 2024 from electronic resource: https://www.canada.ca/content/dam/eccc/migration/main/mbc-com/6d2b893b-c671-41af-8439-713305db384c/handbook_canada_cackling_geese_e-5B1-5D.pdf
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- Parkhurst, J. 2022. Managing Human-Wildlife Interactions: Canada Goose (*Branta canadensis*). Virginia Cooperative Extension, Virginia Tech. Retrieved September 2024 from electronic resource: https://www.pubs.ext.vt.edu/content/dam/pubs_ext_vt_edu/420/420-203/CNRE-160.pdf