



State of California – Natural Resources Agency

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October 1, 2024

John Doughty, Assistant City Manager

City of Half Moon Bay

501 Main Street

Half Moon Bay, CA 94019

JDoughty@hmbcity.com

Subject: Stone Pine Cove Affordable Farmworker Housing Project, Draft Initial Study/Mitigated Negative Declaration, SCH No. 2024090093, City of Half Moon Bay, San Mateo County

Dear Mr. Doughty:

The California Department of Fish and Wildlife (CDFW) received a Draft Initial Study/Mitigated Negative Declaration (IS/MND) from City of Half Moon Bay for the Stone Pine Cove Affordable Farmworker Housing Project (Project) pursuant to 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.

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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: John Doughty, Assistant City Manager, City of Half Moon Bay, and the County of San Mateo

Objective: The objective of the Project is to split the property into three parcels and develop one parcel for farmworker housing. Primary Project activities include the development of 46 manufactured homes, one manager's unit, and one management office on a 6.82-acre portion of a 20.33-acre parcel adjacent to Pilarcitos Creek.

Location: 880 Stone Pine Road, Half Moon Bay, CA, 94019, San Mateo County, Assessor's Parcel Number 056-260-180, Crossroads: Patrick Way and Erin Lane, 37.46828, -122.42371.

Timeframe: The Project implementation year is not provided.

ENVIRONMENTAL SETTING

The Project parcel is a total of 20.33 acres and was former plant nursery with some development on approximately 7.5 acres of the eastern side. The Project is located on approximately 6.82 acres of the western side of the parcel adjacent to the City's Corporation Yard at 880 Stone Pine Road, Half Moon Bay, CA. The Project site is within approximately 50 feet of the Pilarcitos Creek riparian habitat (draft IS/MND, p.11). The Project site is located between State Route 92 to the north and Pilarcitos Creek to the south. In the northwestern edge of the parcel there is an existing pond and wetland area.

COMMENTS AND RECOMMENDATIONS

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

COMMENT 1: Fragmented Habitat and Loss of Upland Habitat-San Francisco Garter Snake and California Red-Legged Frog

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Issue: Based on the information provided in the draft IS/MND, CDFW considers the Project as designed will have a significant impact on California red-legged frog (*Rana draytonii*, CRLF) and San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*, SFGS) from loss of upland grassland habitat. The draft IS/MND states (page 53) that there is potential for SFGS and CRLF to be present in the work area. The proposed Project does not consider the full extent of Project impacts to upland habitat for SFGS, State fully protected species and CRLF, State species of special concern (SSC). Project impacts to suitable upland SFGS and CRLF habitat has the potential to result in direct and indirect take to SFGS and CRLF. Potential for direct take includes construction related activities where SFGS occupy upland habitat locations such as within burrows or if a SFGS is accidentally moved or handled. Indirect take may occur as a result of upland habitat loss and degraded site suitability for SFGS and CRLF to complete all stages of their life cycle such as through the installation of fences blocking suitable habitat and loss of habitat through development.

The draft IS/MND does not provide adequate information to demonstrate the existing wildlife corridor fencing and frog/snake tunnels are well maintained and exclude SFGS and CRLF from upland habitat within the Project site or funnel the species within the corridor between the creek and pond as intended. It is unclear if the wildlife corridor fencing, and four frog/snake tunnels were evaluated, and the effectiveness demonstrated. CDFW disagrees placement of the fence can completely exclude CRLF and SFGS from the Project site.

Because of the high probability of presence of the species on-site, the appropriate avoidance and minimization measures must be in place to avoid take. As currently stated, CDFW does not believe the avoidance measures in the draft IS/MND will avoid all impacts to SFGS and CRLF.

Fully protected species, such as SFGS, 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).

Evidence the impact would be significant: Consistent with CEQA Guidelines, Section 15380, the status of SFGS as an endangered species under CESA (Fish & G. Code, §

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2050 et seq.) and as a Fully Protected species (Fish & G. Code § 5050) qualifies it as an endangered, rare, or threatened species under CEQA.

SFGS is an endemic snake with a highly limited range in the San Francisco Peninsula. SFGS utilize a variety of habitats including upland sites for basking, rodent burrows for shelter and low-lying marsh for feeding and reproduction (U.S. Fish and Wildlife Service (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 (USFWS, 2007).

CRLF presence in the vicinity of the Project site is well documented in the California Natural Diversity Database (CNDDDB, 2024). CRLF can use upland habitat one to two miles away from breeding ponds, including habitat such as 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).

Both CRLF and SFGS utilize upland habitat. CRLF can disperse up to one mile through upland habitat during the wet season (USFWS, 2002). CDFW previously commented on a CEQA document for the Halfmoon Bay Corporation Yard Upgrade Project (see SCH 2022010242) in 2022 at the same location. CDFW continues to have concerns about the placement and effectiveness of fencing to exclude SFGS and CRLF on the Project site. The fencing can restrict movement for both SFGS and CRLF attempting to utilize upland habitat outside of the fenced areas or fail to function as intended if installed incorrectly and not routinely maintained. Fencing has been shown to cause a connectivity barrier by preventing movement resulting in habitat loss and fragmentation (Jakes et al, 2018; Harrington and Conover, 2006). Fencing can also be a hazard to wildlife resulting in entanglement and mortality (van der Ree 1999, Stuart et al. 2001, Harrington and Conover 2006).

Habitat loss, fragmentation, and degradation remain the leading cause of amphibian and reptile decline (Gallant et al., 2007; Thompson et al., 2016). The Biological Resources Report for the draft IS/MND states that the Project development would permanently impact upland dispersal habitat for both CRLF and SFGS. Although the Project proposes to implement avoidance and minimization measures, it does not avoid the development of four acres of potential upland habitat which would reduce and restrict the range of both SFGS and their prey species CRLF on-site.

Recommendation: CDFW recommends that the Project is designed to avoid impacts to SFGS and CRLF.

Recommended SFGS Avoidance: The Project shall be designed to avoid all impacts to SFGS and CRLF from Project related activities within suitable habitat including, but

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not limited to, wetlands, streams and waterways as well as associated upland habitat capable of providing dens and basking habitat as determined by a qualified biologist, experienced with SFGS and CRLF, in coordination with CDFW. In order to more specifically determine how to avoid impacts to SFGS, CDFW recommends additional dispersal and movement data be collected in the Project area and wildlife corridor.

Furthermore, CDFW recommends the lead agency monitor and demonstrate the wildlife exclusion fencing and frog/snake tunnels are functioning effectively. Lastly, CDFW recommends the wildlife corridor fencing and tunnels are routinely inspected, maintained, repaired, and redesigned as necessary to protect SFGS and CRLF.

To reduce impacts to less than significant to CRLF: To mitigate for the significant impacts to CRLF from loss of approximately six acres of upland habitat compensatory mitigation shall be provided at a 3:1 ratio. Permanent protection of Habitat mitigation shall include permanent preservation of foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or through purchase of CRLF mitigation credits at a CDFW-approved mitigation bank such as Cayetano Creek Mitigation Bank.

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 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

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CDFW appreciates the opportunity to comment on the draft IS/MND to assist City of Half Moon Bay 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,

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. 2024090093)

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