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



August 6, 2020

Governor's Office of Planning & Research

**Aug 07 2020**

**STATE CLEARINGHOUSE**

Mr. Timothy Johnston  
San Francisco Planning Department  
1650 Mission Street  
San Francisco, CA 94013  
[timothy.johnston@sfgov.org](mailto:timothy.johnston@sfgov.org)

Subject: San Francisco Public Utilities Commission Southern Skyline Boulevard Ridge Trail Extension Project, Draft Environmental Impact Report, SCH No. 1998082030, San Mateo County

Dear Mr. Johnston:

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (EIR) prepared by the San Francisco Planning Department for the San Francisco Public Utilities Commission Southern Skyline Boulevard Ridge Trail Extension Project (Project) located in San Mateo County. CDFW is submitting comments on the draft EIR to inform the San Francisco Planning Department, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the proposed Project.

CDFW is a trustee agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological resources). CDFW is also considered a responsible agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

**PROJECT DESCRIPTION AND LOCATION**

The San Francisco Public Utilities Commission (SFPUC) proposes to develop recreation trails, parking lots, and restrooms within the Peninsula Watershed in San Mateo County. The proposed Project will include construction of trails north and south of State Route (SR) 92.

The trail located north of SR 92 includes the construction of a 0.5-mile universal access loop trail (that would provide Americans with Disabilities Act-compliant access and parking) along the existing Fifield/Cahill Trail, a 50-car parking lot, and one restroom. The trail located south of SR 92 includes the construction of a 6-mile trail from the end

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of the Fifield/Cahill Ridge Trail to the Golden Gate National Recreation Area (GGNRA) Phleger Estate Trail, a 20-car parking lot, and two restrooms.

The proposed Project will also acquire a public access easement (held by the Bay Area Ridge Trail Council) along an existing segment of the Bay Area Ridge Trail through Skylawn Memorial Park and install a prefabricated bridge that spans a seasonal drainage.

## ENVIRONMENTAL SETTING

The special-status species that are known to occur, or have the potential to occur in or near the Project area, include:

- American badger (*Taxidea taxus*), a state species of special concern;
- American peregrine falcon (*Falco peregrinus anatum*), a state fully protected species;
- Bald eagle (*Haliaeetus leucocephalus*), a state fully protected species;
- California giant salamander (*Dicamptodon ensatus*), a state species of special concern;
- California red-legged frog (*Rana draytonii*), a state species of special concern and listed as threatened under the federal Endangered Species Act (ESA);
- Marbled murrelet (*Brachyramphus marmoratus*), listed as endangered under the California Endangered Species Act (CESA) and listed as threatened under ESA;
- Northern harrier (*Circus cyaneus*), a state species of special concern;
- Purple martin (*Progne subis*), a state species of special concern
- Olive-sided flycatcher (*Contopus cooperi*), a state species of special concern;
- San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), a state species of special concern;
- San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), listed as endangered under CESA and ESA and a state fully protected species;
- San Mateo woolly sunflower (*Eriophyllum latilobum*), listed as endangered species under CESA and listed as endangered under ESA;
- Santa Cruz black salamander (*Aneides niger*), a state species of special concern;
- Townsend's big-eared bat (*Corynorhinus townsendii*), a state species of special concern;
- Vaux's swift (*Chaetura vauxi*), a state species of special concern;
- Western pond turtle (*Actinemys marmorata*), a state species of special concern; and
- White-tailed kite (*Elanus leucurus*), a state fully protected species.

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## COMMENTS AND RECOMMENDATION

CDFW offers the following comments and recommendations to assist the San Francisco Planning Department in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources.

### COMMENT 1: Barbed-wire Fencing

**Issue:** The Project proposes to install barbed-wire fencing as a perimeter fence along the proposed trail.

**Evidence the impact would be significant:** Fencing can be a hazard to wildlife causing entanglement and mortality (van der Ree 1999, Stuart et al. 2001, Harrington and Conover 2006).

**Recommendations to minimize significant impacts:** CDFW recommends using wildlife friendly fencing throughout the Project area. A guide to wildlife friendly fences, *Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind*, can be found online at <https://wildlife.ca.gov/Grants/FRGP/Guidance>.

### COMMENT 2: State-listed Plants

**Issue:** San Mateo woolly sunflower (*Eriophyllum latilobum*), a state endangered species, has been documented to occur in the vicinity of the Project area. Without appropriate mitigation measures, Project activities conducted within San Mateo woolly sunflower habitat have the potential to significantly impact San Mateo woolly sunflower.

The draft EIR, Mitigation Measures M-BI-1a and M-BI-1c states that if the Project cannot avoid take of special-status plant species, the proposed Project will translocate or salvage rare or endangered plants as recommended by a qualified biologist, and CDFW will be notified at least 10 days prior to disturbance.

Take of state-listed or state Rare plant species, requires acquisition of an Incidental Take Permit (ITP) from CDFW pursuant to Fish and Game Code Sections 2081(b) and/or Section 1900 et seq to comply with CESA and/or the Native Plant Protection Act. Additional mitigation may be required pursuant to such a permit.

**Recommendation: State-listed Plant Take Authorization:** CDFW recommends that the Project proponent (SFPUC) obtain an ITP from CDFW pursuant to Fish and Game Code Sections 2081(b) and/or Section 1900 et seq. if the Project has the potential for take of state-listed or state rare plant species.

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CDFW recommends early consultation when obtaining an ITP as mitigation ratios, protective measures, etc. must be developed. Information on how to obtain a ITP is found on CDFW's Incidental Take Permits webpage:

<https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits>.

### **COMMENT 3: State Fully Protected Species – San Francisco Garter Snake**

**Issue:** San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), a state fully protected species, is known to occur throughout the Project area. CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code §§ 3511, 4700, 5050, and 5515. Take<sup>1</sup> of any fully protected species is prohibited. CDFW cannot authorize incidental take of fully protected species unless the take is for scientific purposes pursuant to Fish and Game Code Section 2081(a) or a project has an approved Natural Communities Conservation Plan pursuant to Fish and Game Code Section 2800.

Based on the current Project description and Mitigation Measures, the proposed Project cannot completely avoid impacts to San Francisco garter snake and has the potential to significantly impact the species.

**Evidence impact would be significant:** The Project has the potential to disturb, injure, or kill San Francisco garter snake during project construction, including use of heavy equipment. Exclusion fencing and/or funnels are not always fully effective for snakes, and can cause mortality or injury by capturing San Francisco garter snake within exclusion fencing and coverboards.

**Recommended Potentially Feasible Mitigation Measure:** CDFW recommends incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

**Recommended Mitigation Measure 1: San Francisco Garter Snake Full Avoidance.** CDFW recommends that the Project completely avoid impacts to San Francisco garter snake by having a full-time biological monitor actively observe all vegetation removal and ground-disturbing activities. Vegetation removal should be done using hand tools. If work would occur in different portions of the alignment such that the biological monitor would not be able to fully monitor all activities, additional monitors may be needed.

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<sup>1</sup> Take is defined by Fish and Game Code § 86 as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

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#### **COMMENT 4: Trail Usage**

**Issue:** The proposed Project would allow pedestrians, bicyclists, and equestrian usage on the trail and could impact the state fully protected San Francisco garter snake.

**Evidence the impact would be significant:** San Francisco garter snakes may utilize the trail for thermoregulation (basking) or move across trails during hunting and other movements. If bicyclists and equestrians do not observe San Francisco garter snakes on the trail, they have the potential to disturb, injure, and/or kill snakes. For example, a San Francisco garter snake was run over by a bicyclist and killed along a road on SFPUC property in area surrounding Crystal Springs and San Andreas Reservoirs in San Mateo County (U.S. Fish and Wildlife Service, 2006). Several additional cases of San Francisco garter snake mortality have been reported in the vicinity under similar circumstances. Snake mortality associated with bicycle and vehicle traffic is common on trails where such uses are allowed (Miller and Alvarez, 2016).

**Recommendation to minimize significant impacts:** CDFW recommends that the trails be limited to pedestrian use to completely avoid take of San Francisco garter snake.

#### **COMMENT 5: Mitigation Measure M-BI-2c – Avoidance and Minimization Measures for Dusky-footed Woodrat and American Badger**

**Issue:** The Project has a potential to significantly impact San Francisco dusky-footed woodrats.

**Evidence the impact would be significant:** Mitigation Measure M-BI-2c identifies that if San Francisco dusky-footed woodrat nests cannot be avoided, the nest will be dismantled. Depending on the number of San Francisco dusky-footed woodrat nests that are impacted by the Project, relocation of nests may be required to mitigate for impacts to San Francisco dusky-footed woodrats.

**Recommended Potentially Feasible Mitigation Measure:** CDFW recommends incorporating the following mitigation measures into the EIR prepared for this Project, and that these measures be made conditions of approval for the Project.

**Recommended Mitigation Measure 2: San Francisco Dusky-footed Woodrat Nest Relocation:** CDFW recommends that Mitigation Measure M-BI-2c include relocation of San Francisco dusky-footed woodrat nests if the Project requires the removal of more than 10 nests. CDFW encourages consultation with CDFW before San Francisco dusky-footed woodrat nests are removed or are impacted by the proposed Project.

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### **COMMENT 6: Mitigation Measure M-BI-5a – Protection of Special-Status Wildlife during Operations**

**Issue:** Marbled murrelet is a state endangered species and has the potential to occur within the Project Area. Without appropriate avoidance and mitigation measures, Project activities include, but is not limited to, vegetation trimming, noise, tree removal, may significantly impact marbled murrelets.

**Evidence the impact would be significant:** Mitigation Measure M-BI-5a describes how marbled murrelets breeding surveys will be conducted; however, the draft EIR does not provide mitigation measures on how the project will avoid impacts to marbled murrelets if found.

**Recommended Potentially Feasible Mitigation Measure:** To avoid potential impacts to marbled murrelets, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project.

**Recommended Mitigation Measure 3: Marbled Murrelet Avoidance Period:** To protect marbled murrelet young, CDFW recommends that Project activities that have the potential to impact marbled murrelet (i.e., activities in proximity to nesting areas) do not occur from March 15 – September 15.

**Recommended Mitigation Measure 4: Marbled Murrelet Trash Abatement:** To avoid attracting known predators of marbled murrelets, such as raved and jays, CDFW recommends that all food, organic scraps and garbage should be picked up daily and properly disposed of at an appropriate site.

## **REGULATORY REQUIREMENTS**

### **California Endangered Species Act**

Please be advised that a CESA Permit must be obtained 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. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species [CEQA section 21001(c), 21083, and CEQA Guidelines section 15380, 15064, 15065]. Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of

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Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

### **Lake and Streambed Alteration Program**

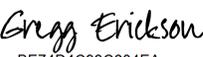
Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code section 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a responsible agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

### **FILING FEES**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code section 711.4; Pub. Resources Code, section 21089). 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.

Thank you for the opportunity to comment on the Project's draft EIR. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Monica Oey, Environmental Scientist, at (707) 428-2088 or [Monica.Oey@wildlife.ca.gov](mailto:Monica.Oey@wildlife.ca.gov); or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at [Randi.Adair@wildlife.ca.gov](mailto:Randi.Adair@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
BE74D4C93C604EA...  
Gregg Erickson  
Regional Manager  
Bay Delta Region

Attachment

cc: State Clearinghouse

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## REFERENCES

- Harrington, J. L., and M. R. Conover. 2006. Characteristics of ungulate behavior and mortality associated with fences. *Wildlife Society Bulletin* 34:1295–1305.
- Miller, Ariel and Jeff A. Alvarez. 2016. Habitat use and management considerations for the threatened Alameda whipsnake (*Masticophis lateralis euryxanthus*) in Central California. *Western Wildlife* 3:29-32.
- Stuart, J. N., M. L. Watson, T. L. Brown, and C. Eustice. 2001. Plastic netting: An entanglement hazard to snakes and other wildlife. *Herpetological Review* 32:162–164.
- Van der Ree, R. 1999. Barbed wire fencing as a hazard for wildlife. *The Victorian Naturalist* 116:210–217.
- U.S. Fish and Wildlife Service, 2006. San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*) 5-year review: Summary and Evaluation. U.S. Fish and Wildlife Service, Sacramento Field Office, Sacramento, California.

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**Attachment 1**

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

**RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM  
 (MMRP)**

**PROJECT: San Francisco Public Utilities Commission Southern  
 Skyline Boulevard Ridge Trail Extension Project**

**SCH No.: 1998082030**

<b>RECOMMENDED MITIGATION MEASURE</b>	<b>STATUS/DATE/INITIALS</b>
<i>Before Disturbing Soil or Vegetation</i>	
Recommended Mitigation Measure 1: San Francisco Garter Snake Full Avoidance	
Recommended Mitigation Measure 2: San Francisco Dusky-footed Woodrat Nest Relocation	
Recommended Mitigation Measure 3: Marbled Murrelet Avoidance Period	
Recommended Mitigation Measure 4: Marbled Murrelet Trash Abatement	
<i>During Construction</i>	
Recommended Mitigation Measure 1: San Francisco Garter Snake Full Avoidance	
Recommended Mitigation Measure 4: Marbled Murrelet Trash Abatement	