COUNTY OF SAN MATEO
PLANNING AND BUILDING DIVISION

DATE: July 26, 2017

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Coastal Development Permit and an Architectural Review Permit for the drilling of up to five test wells to determine the presence of a domestic water source and the clearing of vegetation to allow for a geotechnical boring, and a Certificate of Compliance, Type B to establish the legality of the 9.1 acre subject parcel located at 20775 S. Cabrillo Hwy., San Gregorio. This project is appealable to the California Coastal Commission.

County File Number: PLN 2017-00190 (POST)

PROPOSAL

The applicant (POST) is working with the County to determine the feasibility of the using the project site as a County park. Purchase of the property (which is composed of three parcels in total) is partially contingent upon the availability of a potable water source which could be used for this future public use. The presence of a potable water source is important in determining what level of facilities could be provided to the public, if the site should be turned into a park. The proposed geotechnical boring is necessary to determine if a vehicular access ramp can be constructed down to the beach. If feasible, this ramp would facilitate easier public access to the beach as well as provide access for emergency personnel.

The five proposed drilling locations are situated between the abandoned house on the site (20775 S. Cabrillo Hwy.) and Cabrillo Highway. All five locations are outside of mapped landslide, sensitive habitat and cultural resource areas. Each proposed test well is subject to the County's Well Ordinance (Chapter 4.68 of the San Mateo County Ordinance Code) which dictates how each well is to be sealed and secured if no water is found. The County's ordinance also outlines how each site is to be restored after drilling, including erosion control measures and replanting. The potential well locations are accessible from the existing driveway on the site and no grading will be required to access them. The tailings resulting from the well drilling will be contained by silt fencing

and straw wattles at a distance of 20 feet from the edges of each well site. No trees will be removed, however, minor trimming will be necessary to allow for drilling rig access.

The applicant is also requesting approval to clear vegetation from a 6-foot wide, 372 foot long overgrown pathway in order to provide access for a portable drill rig. The applicant wishes to make geotechnical borings at a location on the western edge of the bluff which comprises the majority of the project site. The applicant wishes to understand the underlying geotechnical and soil characteristics in order to determine their suitability for construction of an access ramp down to the beach. Such ramp would facilitate the potential future use of the site as a County park by providing a safe access route for the public and for emergency services.

The project also involves the legalization of the subject parcel, pursuant to the County Subdivision Regulations and Local Coastal Program Policy 1.29 (*Legalizing Parcels*).

RECOMMENDATION

Approve the requested permits, County File Number PLN 2017-00190, by adopting the required findings and conditions of approval in Attachment A.

SUMMARY

Staff has completed a review of the project and all submitted documents and reports in order to determine the project's conformity to applicable LCP Policies and Zoning Regulations. Potential impacts to biological and historical resources were identified during this review, and conditions of approval were included to reduce these potential impacts to a less than significant level.

The work proposed under this permit (drilling of test wells, minor vegetation clearing to allow access for a portable drill rig, geotechnical boring) will be minor in scope and will not create a significant impact upon the site's biotic resources. If the applicant and/or the County decide to move forward with a park facility at this location, such action will be subject to a separate Coastal Development Permit.

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COUNTY OF SAN MATEO
PLANNING AND BUILDING DIVISION

DATE: July 26, 2017

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations and an Architectural Review Permit pursuant to the California Streets and Highways Code for: 1) the drilling of up to five test wells to determine the presence of a domestic water source; and 2) the clearing of vegetation from an overgrown path to accommodate a geotechnical drill rig; and a Certificate of Compliance, Type B, pursuant to Section 7134.2 of the County Subdivision Regulations to establish the legality of the 9.1 acre subject parcel located at 20775 S. Cabrillo Hwy., San Gregorio. This project is appealable to the California Coastal Commission.

County File Number: PLN 2017-00190 (POST)

PROPOSAL

The applicant (POST) is working with the County to determine the feasibility of the using the project site as a County park. Purchase of the property (which is composed of three parcels in total) is partially contingent upon the availability of a potable water source which could be used for this future public use. The presence of a potable water source is important in determining what level of facilities could be provided to the public, if the site should be turned into a park. The proposed geotechnical boring is necessary to determine if a vehicular access ramp can be constructed down to the beach. If feasible, this ramp would facilitate easier public access to the beach as well as provide access for emergency personnel.

The five proposed drilling locations are situated between the abandoned house on the site (20775 S. Cabrillo Hwy.) and Cabrillo Highway. All five locations are outside of mapped landslide, sensitive habitat and cultural resource areas. Each proposed test well is subject to the County's Well Ordinance (Chapter 4.68 of the San Mateo County Ordinance Code) which dictates how each well is to be sealed and secured if no water is found. The County's ordinance also outlines how each site is to be restored after drilling, including erosion control measures and replanting. The potential well locations are accessible from the existing driveway on the site and no grading will be required to access them. The tailings resulting from the well drilling will be contained by silt fencing and straw wattles at a distance of 20 feet from the edges of each well site. No trees will be removed, however, minor trimming will be necessary to allow for drilling rig access.

The applicant is also requesting approval to clear vegetation from a 6-foot wide, 372-foot long overgrown pathway in order to provide access for a portable drill rig. The applicant wishes to make geotechnical borings at a location on the western edge of the bluff which comprises the majority of the project site. The applicant wishes to understand the underlying geotechnical and soil characteristics in order to determine their suitability for construction of an access ramp down to the beach. Such ramp would facilitate the potential future use of the site as a County Park by providing a safe access route for the public and for emergency services.

The project also involves the legalization of the subject parcel, pursuant to the County Subdivision Regulations and Local Coastal Program Policy 1.29 (*Legalizing Parcels*).

RECOMMENDATION

Approve the requested permits, County File Number PLN 2017-00190, by adopting the required findings and conditions of approval in Attachment A.

BACKGROUND

Report Prepared By: Michael Schaller, Project Planner, Telephone 650/363-1849

Applicant: Peninsula Open Space Trust (POST)

Owner: Todd Gelfand Trust (aka V-Trust)

Location: 20775 S. Cabrillo Hwy., San Gregorio

APN(s): 081-060-020 and -081-060-030

General Plan Designation: Agriculture (Rural)

Zoning: Resource Management-Coastal Zone (RM-CZ)

Flood Zone: Area of proposed well drilling: Zone X (Areas of minimal flood hazard), FEMA Community Panel 06081C-0360E, Effective Date: October 16, 2012.

Existing Land Use: Open Space. There is an existing derelict house on the “doughnut hole” parcel, which is completely surrounded by the project parcel.

Environmental Evaluation: Categorically exempt, pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15304, Class 4, relating to the minor alteration in the condition of land.

Setting: The project parcel is approximately nine (9) acres in size and surrounds a one-acre parcel on which a dilapidated house sits. All five potential well sites are located at the top of a coastal bluff, which is the dominant topographic feature of the

site. All of the potential well sites are on the nine acre project parcel. The project site consists of manmade and natural habitat areas. The north end of the parcel is bordered by Tunitas Creek with associated riparian and wetland habitat. This habitat lies at a lower elevation than the proposed well sites, with the nearest well location over 100 feet from the edge of riparian habitat. The areas proposed for well drilling are dominated by pavement associated with the vacant house and landscaping that was planted by the previous owners. The grove of Monterey pines on the site were planted by a previous owner. The proposed well area is also impacted by two active landslides (roughly to the north and south) and one dormant slide to the west. The proposed drilling locations are all located at least 70 feet from the nearest mapped landslide. There is also an old wooden cabin building that appears to have been constructed in the 1920's or slightly earlier. However, it appears that this building has been significantly altered over time and lacks sufficient integrity to qualify as "significant" under State or National Register of Historic Places criteria. Regardless, the applicant is proposing to maintain a 25-foot setback from this building for the two nearest drilling locations.

DISCUSSION

A. KEY ISSUES

1. Conformance with the County General Plan

The County's Local Coastal Program is a subset of the County General Plan. As such, the two documents have been deemed internally consistent. The analysis below, under the LCP section, provides evidence of the project's consistency with not only the LCP but, by extension, the County's General Plan.

2. Conformance with the Local Coastal Program

Staff has reviewed the project and found it to be in compliance with the policies of the Local Coastal Program. The applicable policies with specific discussion are detailed below:

a. Locating and Planning New Development

Policy 1.25 (*Protection of Archaeological/Paleontological Resources*). This policy requires an archaeological reconnaissance of project sites when they are in areas of potentially high sensitivity. The applicant has submitted a reconnaissance report for the project site because of the high possibility of resources on the site. The field survey, performed by Mark Hylkema (Registered Professional Archaeologist) found no evidence of archeological resources within the proposed well drilling area. In addition, potential historic remains associated with the Ocean Shore Railroad lie outside of the proposed well drilling area and will not be impacted. The overgrown pathway that is proposed to be cleared is also a distance away from these potential historic resources. (Note: The above cited archaeological

reconnaissance report is not included as an attachment to this report to preserve the confidentiality of archaeological site information, as authorized by the California Public Records Act.

Policy 1.29 (*Legalizing Parcels*) and Policy 1.30 (*Coastal Permit Standards of Review for Legalizing Parcels*) require a Coastal Development Permit (CDP) when issuing a Certificate of Compliance (Type B) to legalize parcels and provide standards of review when legalizing parcels. Subsections (a) through (e) all require a CDP and that the project shall also comply with any applicable LCP resource protection policies, depending on whether or not the "parcel" is developed, and/or whether or not the parcel was created before Proposition 20 (effective date January 1, 1973) or the Coastal Act of 1976. A CDP is included as an element of this project. Other than legalizing the subject parcel no development (other than the test wells) or change in land use is proposed at this time. Any future development on the legalized parcel will require further review and approval by the County for compliance with all applicable LCP policies at the time of development.

b. Agriculture Component

Policy 5.4 (*Designation of Lands Suitable for Agriculture*). This policy designates any parcel, which contains other lands suitable for agriculture, as Agriculture on the Local Coastal Program Land Use Plan Map. The project parcel is zoned Resource Management-Coastal Zone, but is designated as "Agriculture" on the General Plan and LCP land use maps. The soils on the site do not meet the definition of "prime" soils contained within the LCP. There is no evidence that agriculture has been practiced on the parcel since the adjacent home was constructed in the late 1950's. The proposed project, the drilling of up to five test wells and one geotechnical boring, in and of themselves, will not convert the soils on the project site. Any potential future development of the site (which could convert the soils) will be subject to a separate permitting process.

c. Sensitive Habitats Component

Policy 7.1 – *Definition of Sensitive Habitats*. This policy defines sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable, and perennial streams. The north end of the project parcel is bounded by Tunitas Creek and its associated riparian habitat. This habitat sits within a narrow ravine and is approximately 80 feet lower in elevation than the area of proposed drilling. The western side of the parcel is composed of sandy beach habitat, which is also listed as a sensitive habitat area in the LCP. Again, the beach area sits at the base of the bluff upon which project area is proposed. Between the easterly property line and the vacant house the habitat is composed of Monterey pine and Cypress trees that were planted in the 1960's for sound and visual

screening. Three of the proposed drilling sites (sites A, B and E) lie within this grove of trees. The other two proposed drilling site (sites C and D) lie within an area dominated by non-native ornamental plants or paved/disturbed areas. The proposed geotechnical boring location lies within an area dominated by Northern Coastal Scrub. No special status plant or animal species were identified in the proposed drilling areas, though there is potential for such species to occur in other areas of the project parcel (primarily the beach and Tunitas Creek areas).

Policy 7.3 – *Protection of Sensitive Habitats*. This policy prohibits any land use or development which would have significant adverse impact on sensitive habitat areas. As discussed above, there are sensitive habitat areas on the project parcel. However, all five drilling sites and the geotechnical boring site have been located outside of any habitat areas and their associated buffer zones. The closest well drilling site (Site D) is over two hundred feet from the riparian habitat associated with Tunitas Creek. This site is also the closest to the adjacent beach habitat, which is approximately 190 feet away. In both instances, the habitat areas lie at a lower elevation (approximately 80 feet elevation difference) than the proposed drilling locations.

The vegetation clearing along the old pathway (for the geotechnical boring) will be just outside the boundary of the 50-foot buffer zone for the riparian zone associated with Tunitas Creek. While the proposed drilling and vegetation clearing along the old pathway will not directly impact sensitive habitat, there is the potential for impacts to the California Red-legged Frog and San Francisco garter snake which could use Tunitas Creek as primary habitat and the area around the vacant house as upland habitat. The applicant's biologist is recommending the implementation of standard protection measures including a pre-drilling survey at each drilling site and along the old pathway, at least 24 hours before work is to occur; and worker education amongst other measures. The biologist's recommended measures have been included as conditions of approval Nos. 2-6 in Attachment A.

(Note: the biological reconnaissance report prepared by the applicant's consultant reviewed the entirety of the V-Trust properties (which also includes a separate parcel to the south). This report references the construction of trails and other improvements which the applicant is not proposing in this project. This report is being included as an attachment to this report to provide the detailed information supporting this analysis. However, all references to trail construction and demolition of the existing abandoned house are not part of this project and should be disregarded at this time.)

d. Visual Resources Component

Policy 8.5 - *Location of Development*. This policy requires that new development be located on a portion of a parcel where the development: (1) is least visible from State and County Scenic Roads; and (2) is least likely to significantly impact views from public viewpoints. The project is within the boundaries of the Cabrillo Highway State Scenic Corridor, however, the well drilling locations will not be visible from the Highway itself due to the difference in topography (the drilling locations sit approximately 20 – 30 feet below the grade of the highway) and are screened from view by a large grove Monterey cypress trees previously planted as landscaping. No significant vegetation removal or grading will be required to accommodate the drilling. The proposed drilling sites are in and around the existing house on the top of the bluff, outside of the Tunitas Creek riparian habitat and the beach habitat areas.

The proposed vegetation removal along the old pathway may be partially visible from southbound Cabrillo Highway as the viewer travels across the Tunitas Creek Bridge. However, the old pathway is approximately 800 feet away from the Highway at this point and will continue to be partially screened by thick vegetation growing just downslope of the pathway. This vegetation is of a height that it will effectively screen the cleared pathway when viewed from the bridge, which is at approximately the same elevation.

No permanent structures over 18 inches in height are proposed at this time. Any future structural development on the parcel will be subject to a separate permitting process.

e. Hazards Component

Policy 9.8 - *Regulation of Development on Coastal Bluff Tops*. This policy allows bluff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area. In preparing their application submittal, the applicant commissioned Romig Engineers to perform a geotechnical investigation of the project site in order to fully understand the constraints on the site. This investigation identified two active slides on the site: one on the north end of the bluff, adjacent to Tunitas Creek, and the second at the south end of the site, sliding down towards the beach. Both slides are depicted on the site plan provided by the applicant (Attachment C). The applicant is proposing to setback each drilling location from the nearest slide in order to avoid, as much as possible, potential damage due to headscarp progression. The nearest

potential drilling location is approximately 72 feet from the nearest headscarp. The proposed test wells will not result in the construction of significant structures, therefore the economic lifespan of each test well is negligible. There is no evidence to suggest that any of the test wells will result in changes to runoff patterns or affect the stability of the slopes on the site. If future development for a public recreation use is proposed, that development (including compliance with this policy) will be analyzed under a separate coastal development permit.

f. Shoreline Access Component

Policy 10.1 - *Permit Conditions for Shoreline Access*. This policy requires some provision for shoreline access as a condition of granting development permits for any public or private development permits between the sea and the nearest road. The purpose of the project is to determine the availability of water which is a necessary component to determine whether this site is appropriate for a public recreation facility (such as a County park). The proposed vegetation clearing along the old pathway is to allow a portable drill rig the ability to access an area that could be potentially used for emergency vehicle access down to the beach. The ability to provide safe beach access is critical in determining potential future recreational use of the subject parcel. Consistent with Policy 10.30 (*Requirement of Minimum Access as a Condition of Granting Development Permits*), the minimum requirements for small, non-agricultural projects include the retention of existing public access, the posting of hazardous and environmentally sensitive areas, and the payment of in-lieu fees (min. 5% of the project cost) to contribute to the provision of public access elsewhere along the County shoreline.

At the present time, there are no trails across this privately owned parcel down to the beach. On the adjacent parcel to the south (also owned by V-Trust), there are several, dangerous and unstable trails that cross this private property from the Cabrillo Highway pullout down the face of the bluff, to the beach. There is no aspect of this project (drilling of test wells) that will impact existing public access across the parcel to the south. County Staff is recommending that signage identifying hazardous or environmentally sensitive areas not be posted at this time. As stated above, at the present time, the subject parcel is private property with no history of prescriptive public access across it. In the future, this parcel could become part of a County Park, at which time posting of appropriate signage would be included as part of a master plan for development of park facilities. With regards to payment of the in-lieu fee, Staff is also recommending that this requirement be waived since the purpose of this project is to answer an important question regarding the viability of the parcel to sustain a certain level of park facility. The purpose of the test wells is not to benefit the private property owner.

3. Compliance with RM-CZ Zoning Regulations

The proposed project, the clearing of vegetation from an overgrown pathway and the drilling of test wells to determine the availability of water, does not require a Resource Management – Coastal Zone because it does not meet the definition of a "significant structure" as contained in Section 6903 of the Zoning Regulations. The project will not involve the construction of any structure, the discharge or disposal of any significant liquid or solid waste, nor the major removal of vegetation. The project is exploratory in nature. If water is found, then future use of that water, including the installation of a pump house, water tank, etc. will be considered under a separate permit application.

4. Conformance with Architectural Review Standards

Section 261 of the California Streets and Highways Code requires local jurisdictions to carefully assess development proposals (that are within designated State Scenic Corridors), particularly with regards to:

i. regulation of land use and intensity (density) of development;
ii. detailed land and site planning;
iii. control of outdoor advertising;
iv. careful attention to and control of earthmoving and landscaping; and
v. the design and appearance of structures and equipment.

As discussed above, the proposed well drilling and vegetation removal along the old pathway will be minimally visible (if at all) from Cabrillo Highway, which is a State Scenic Corridor. The proposed project will have a minimal intensity of development. No permanent buildings, structures or equipment are proposed as part of this permit, and the applicant has taken into account known site constraints in selecting the test well drilling locations. The vegetation removed along the old pathway will quickly regenerate and be minimally visible within 2-3 years. Staff believes that the proposed project complies with the intent of the Streets and Highways Code with regards to protection of Scenic Corridor resources.

5. Conformance with Subdivision Regulations

A Conditional Certificate of Compliance (CoC) is required to legalize parcels in compliance with provisions of the County and State Subdivision laws in effect at the time the parcel was created. This process is required before new development can proceed, in this case the drilling of test wells to determine the presence of water on the site. The County Subdivision Regulations, Section 7134, allow for either a CoC (Type A) or CoC (Type B) to resolve and confirm a parcel's legality.

To qualify for a CoC (Type A) (pursuant to Section 7134.1), it must be confirmed that the subject parcel was conveyed separately (e.g., conveyed by deed) from

any surrounding and adjacent parcels prior to the County's adoption of its first Subdivision Ordinance in July 1945; otherwise, if such conveyance is determined to have occurred after that date, a CoC (Type B) (pursuant to Section 7134.2) shall be required, as is the case with this application.

The subject parcel's legality must be established with a Certificate of Compliance (Type B) because it is an undeveloped parcel which was not conveyed as a single parcel, in its current configuration, prior to July 1945. The submitted chain of title indicates that the subject parcel was created by deed in 1910 at which time it was approximately 16 acres in size. The parcel in its current configuration is approximately nine acres in size. In 1958, the one-acre square in the middle of the subject parcel was created by grant deed. A building permit was subsequently issued to construct a house on this one-acre parcel. It is unclear based upon the available information exactly what parcel configuration was conveyed prior to 1945. Both the subject parcel and the one-acre square parcel have been conveyed together since 1958.

Section 7134.2.b of the Subdivision Regulations breaks parcels subject to CoC, Type B into two categories: those that are currently conforming or were conforming at the time of division and those that would have been non-conforming at the time of division. In the case of the subject parcel, at the time of division in 1958, the subject parcel was zoned A-1/S-11, which would have required a 1-5-acre minimum parcel size. The subject parcel is nine acres in size and would have been conforming at that time.

Section 7134.2.c of the Subdivision Regulations requires the approval and recordation of a CoC subject to a public hearing. Any conditions of approval that would have been applicable to the division of the land at the time of division can be required. The subject parcel had (and continues to have) access to a publicly maintained road (Highway 1) and can support a septic system (the existing house on the square parcel is connected to a functioning septic system). At the time of division, the subject parcel had a water source (a spring which was obliterated by a land slide). What would have been the minimum requirements at the time of division having been met, the subject parcel qualifies for a CoC, Type B.

B. ENVIRONMENTAL REVIEW

Categorically exempt, pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15304, Class 4, relating to the minor alteration in the condition of land which does not involve the removal of healthy, mature, scenic trees. Class 4 exemptions are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. This class of exemption may not be used where the project may impact an environmental resource of hazardous or critical concern which has been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

As discussed above, the project site is constrained by sensitive habitat and landslides. However, the location of these resources/hazards has been mapped by qualified professionals and the potential impact of well drilling at the five locations was analyzed and determined to not have a significant impact these resources/hazards. Also as discussed above, the project site is within the boundaries of the Cabrillo Highway State Scenic Corridor, however the drilling locations will not be visible from the roadway due to intervening vegetation and a significant drop in elevation from the roadway.

C. REVIEWING AGENCIES

California Coastal Commission
Department of Health (Environmental Health Division)

ATTACHMENTS

A) Recommended Findings and Conditions of Approval
B) Location Map
C) Site Plan
D) Biological Resources Report (HT Harvey & Associates, March 27, 2017)

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Attachment A

County of San Mateo
Planning and Building Division

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2017-002190 Hearing Date: July 26, 2017

Prepared By: Michael Schaller, Senior Planner For Adoption By: Planning Commission

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That this project is categorically exempt pursuant to Section 15304 of the California Environmental Quality Act Guidelines, relating to the minor alteration in the condition of land which does not involve the removal of healthy, mature, scenic trees.

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program with regards to the protection of biotic and visual resources.

3. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program as discussed in Section A(2) of this Staff Report. Protection measures will be implemented to prevent any impact to biological resources, including San Francisco garter snake and California red-legged frog.

Regarding the Architectural Review Standards, Find:

4. That the drilling of up to five test wells and the minor clearing of vegetation from an old pathway complies with the standards contained in Section 261 of the California Streets and Highways Code as discussed under Section A(4) of this staff report.

For the Conditional Certificate of Compliance (Type B), Find:

5. That the processing of the Certificates of Compliance (Type B) is in conformance with the County Subdivision Regulations, Section 7134 (*Legalization of Parcels; Certificate of Compliance*).

6. That the processing of the Conditional Certificate of Compliance (Type B) is in full conformance with Government Code, Section 66499, et seq.

RECOMMENDED CONDITIONS OF APPROVAL

Planning Division

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on July 26, 2017. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.

2. California Red-legged Frog/San Francisco Garter Snake Protection Measures

   The applicant shall implement the following measures to avoid and minimize impacts on California Red-legged frogs (CRLF) and San Francisco Garter Snakes (SFGS):

   a. Prior to Project implementation, the applicant shall submit to the USFWS and CDFW for its review the qualifications of proposed wildlife biologist(s) who will perform pre-activity surveys and on-site monitoring.

   b. A USFWS- and CDFW-approved biologist (qualified biologist) will be present during initial ground-disturbing activities (i.e., any necessary clearing and grubbing) to monitor for individual CRLF and SFGS. The biologist will also be present during any other Project activities that, in the biologist's opinion, could potentially result in take. The biologist(s) shall have the authority to stop any work that may result in the take of this species. The on-site biologist will be the contact for any employee or contractor who might inadvertently kill or injure a red-legged frog or garter snake or anyone who finds a dead, injured, or entrapped frog or snake.

   c. No more than twenty-four (24) hours prior to the date of initial ground disturbance, a pre-activity survey for the CRLF and SFGS shall be conducted by a qualified biologist at the Project site. The survey will consist of walking the Project limits and within the Project site to ascertain the possible presence of the species. The qualified biologist shall investigate all potential areas that could be used by the CRLF and SFGS for feeding, breeding, sheltering, movement, and other essential behaviors. This

includes an adequate examination of mammal burrows, such as those of California ground squirrels or gophers. If any adults, sub-adults, or juveniles are found, all work will cease and the qualified biologist shall contact the USFWS and CDFW immediately for guidance.

d. The qualified biologist shall conduct employee education training for employees working on earthmoving and/or other Project activities. Personnel will be required to attend the presentation which will describe CRLF and SFGS, avoidance, minimization, and conservation measures, legal protection of the animals, and other related issues. All attendees shall sign an attendance sheet along with their printed name, company or agency, email address, and telephone number.

e. Ground-disturbing activities shall be avoided between November 1 and March 31 because that is the time period when CRLF and SFGS are most likely to be moving through upland areas.

f. To minimize harassment, injury death, and harm in the form of temporary habitat disturbances, all Project-related vehicle traffic shall be restricted to established roads and access areas, equipment staging, storage, parking, and stockpile areas. These areas will be included in pre-activity surveys and, to the maximum extent possible, established in locations disturbed by previous activities to prevent further adverse impacts. Project-related vehicles will observe a 15 mile per hour speed limit while in the Project work area. Off-road traffic outside of designated Project work areas shall be prohibited.

g. If a CRLF or SFGS are encountered in the Project area, all activities which have the potential to result in the harassment, injury, or death of the individual shall be immediately halted. The qualified biologist will then assess the situation in order to select a course of action that will avoid or minimize adverse impacts to the animal.

h. CRLF or SFGS may be attracted to structures that provide cavities such as pipes; therefore, all pipes, culverts, or similar structures that are stored at the site for one or more overnight periods shall be either securely capped prior to storage or thoroughly inspected by the onsite biologist and/or the Project foreman/manager before the pipe is buried, capped, or otherwise used or moved. If CRLF or SFGS are discovered inside a pipe, the biologist (or a member of the Project crew, if the biologist is not on-site) will watch the individual until it has moved out of the Project work area.

i. To the maximum extent practicable, no Project activities shall occur during rain events or within 24-hours following a rain event. Prior to Project activities resuming, a qualified biologist will inspect the Project area and all equipment/materials for the presence of CRLF or SFGS. The animals will be allowed to move away from the Project site of their own volition.

j. To the maximum extent practicable, night-time Project activities shall be minimized or avoided by the applicant. Because dusk and dawn are often the times when the CRLF or SFGS are most actively moving and foraging, to the maximum extent practicable, earthmoving and other Project activities shall cease no less than 30 minutes before sunset and shall not begin again prior to no less than 30 minutes after sunrise. Artificial lighting at the Project site shall be prohibited during the hours of darkness.

k. Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form will not be used at the Project site because CRLF or SFGS can become entangled and trapped in them. Any such material found on site shall be immediately removed by the qualified biologist, or Project personnel. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer or other synthetic materials shall not be used.

3. Conduct Pre-construction Survey for Dusky-footed Woodrat Houses

No less than 7 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist shall survey the work areas scheduled for disturbance, in particular, the old pathway. Any dusky-footed woodrat houses found shall be marked in the field with flagging tape and their locations will be recorded with GPS. If a dusky-footed woodrat house is identified in a work area, Condition No. 4 shall be implemented by the applicant.

4. Avoid or Minimize Disturbance to Dusky-footed Woodrat Houses

If a dusky-footed woodrat house is identified in a work area, the applicant shall attempt to preserve the house and maintain an intact dispersal corridor between the house and undisturbed habitat. An adequate dispersal corridor would be considered to be a minimum of 50 feet wide and have greater than 70% vegetative cover.

5. Implement a Dusky-footed Woodrat Relocation Measure

If a dusky-footed woodrat house(s) cannot be avoided, CDFW shall be notified and information regarding the house location(s) and relocation plan shall be provided. With approval from CDFW, a qualified biologist shall dismantle and relocate the house material. Prior to the beginning of construction a qualified biologist shall deconstruct the house by hand. Materials from the house shall be dispersed into adjacent suitable habitat that is outside of the work area. During the deconstruction process the biologist shall attempt to assess if there are juveniles in the house. If immobile juveniles are observed, the deconstruction process shall be discontinued until a time when the biologist believes the juveniles will be fully mobile. A 10-foot wide no-disturbance buffer shall be established around the house until the juveniles are mobile. The house may be dismantled once the biologist has determined that adverse impacts on the juveniles will not

occur. All disturbances to woodrat houses will be documented in a construction monitoring report and submitted to CDFW.

6. Measures to Protect Nesting Migratory Birds

For activities occurring between February 15 and August 31, a qualified biologist will survey the Project area for nesting birds. This survey will occur no less than 5 days prior to starting work. If a lapse in Project related work of 2 weeks or longer occurs, another focused survey will be conducted before Project work can be reinitiated. If nesting birds are found, a no-work buffer will be established around the nest and maintained until the young have fledged (generally 300 feet for raptors and 100 feet for other nesting birds). A qualified biologist will identify an appropriate buffer based on a site specific-evaluation. Work will not commence within the buffer until fledglings are fully mobile and no longer reliant upon the nest or parental care for survival.

7. Unexpected Discovery of Cultural Resources

Not all cultural resources are visible on the ground surface. Prior to the start of construction or ground-disturbing activities, the applicant shall ensure all field personnel are educated of the possibility of encountering buried prehistoric or historic cultural resources. Personnel shall be trained that upon discovery of buried cultural resources, work within 50 feet of the find must cease and the applicant will contact a qualified archaeologist immediately to evaluate the find. Once the find has been identified and found eligible for listing on the National Register of Historic Places or the California Register of Historical Resources, plans for treatment, evaluation, and mitigation of impacts to the find shall be developed and implemented according to the qualified archaeologist's recommendations. This measure will ensure that prehistoric and historic cultural resources are appropriately protected. Prehistoric or historic cultural materials that may be encountered include the following: unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains.

8. Inadvertent Discovery of Human Remains

If human remains are accidentally discovered during project construction activities, the applicant shall implement the requirements of California Health and Human Safety Code Section 7050.5. Potentially damaging excavation will cease in the area of the remains, with a minimum radius of 50 feet, and the San Mateo County Coroner shall be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code section 7050.5[b]). If the Coroner determines the remains are those of a Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code section 7050[c]).

Pursuant to the provisions of PRC Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods.

9. Erosion Control Plan

Prior to the beginning of vegetation removal along the old pathway, the applicant shall submit an erosion control for review and approval by the County Planning Department.

Best Management Practices (BMPs) to be Implemented for the Proposed Project

a. Use (but don't overuse) reclaimed water for dust control.

10. Waste Management

a. Cover waste disposal containers securely with tarps at the end of every work day and during wet weather.

b. Check waste disposal containers frequently for leaks and to make sure they are not overfilled. Never hose down a dumpster on the construction site.

c. Clean or replace portable toilets, and inspect them frequently for leaks and spills.

d. Dispose of all wastes and debris properly. Recycle materials and wastes that can be recycled (such as asphalt, concrete, aggregate base materials, wood, gyp board, pipe, etc.)

e. Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste.

11. Maintenance and Parking

a. Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.

b. Perform major maintenance, repair jobs, and vehicle and equipment washing off site.

c. If refueling or vehicle maintenance must be done on-site, work in a bermed area away from storm drains and over a drip pan big enough to collect fluids.

d. Recycle or dispose of fluids as hazardous waste.

e. If vehicle or equipment cleaning must be done on-site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or surface waters.

f. Do not clean vehicle or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

12. Spill Prevention and Control

a. Keep spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.

b. Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.

c. Clean up spills or leaks immediately and dispose of cleanup materials properly.

d. Do not hose down surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags).

e. Sweep up spilled dry materials immediately. Do not try to wash them away with water, or bury them.

f. Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.

g. Report significant spills immediately. You are required by law to report all significant releases of hazardous materials, including oil. To report a spill: 1) Dial 911 or your local emergency response number, 2) Call the Governor's Office of Emergency Services Warning Center, (800) 852-7550 (24 hours).

13. Sediment Control

a. Protect storm drain inlets, gutters, ditches, and drainage courses with appropriate BMPs, such as gravel bags, fiber rolls, berms, etc.

b. Prevent sediment from migrating off-site by installing and maintaining sediment controls, such as fiber rolls, silt fences, or sediment basins.

c. Keep excavated soil on the site where it will not collect into the street.

d. Transfer excavated materials to dump trucks on the site, not in the street.

14. Containment

a. Fluid spills shall not be hosed down. The Contractor shall use dry cleanup methods (absorbent materials, cat litter, and/or rags) whenever possible. If water must be used, the Contractor will be required to collect the water and spilled fluids and dispose of it as hazardous waste. Spilled fluids shall not be allowed to soak into the ground or enter into any watercourse.

b. Spilled dry materials shall be swept up immediately. Dry spills shall not be washed down or buried. Spills on dirt areas should be removed by digging up and properly disposing of contaminated soil.

c. Significant spills shall be reported to San Mateo County Environmental Health Services Division, or other emergency office as warranted, immediately and documented using the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) Construction Site Inspection Report form.

15. Equipment Maintenance & Fueling

a. A separate area shall be designated for equipment maintenance and fueling, away from any slopes, watercourses or drainage facilities.

b. Where equipment is expected to be stored for more than a few days, cleanup materials and tools shall be kept nearby and available for immediate use (refer to Condition No. 14,“Containment”).

c. Equipment shall not be stored in areas that will potentially drain to watercourses or drainage facilities.

d. If equipment must be stored in areas with the potential to generate runoff, drip pans, berms, sandbags or absorbent booms shall be employed to contain any leaks or spills.

e. Equipment shall be inspected daily for leaks or damage and promptly repaired.

16. Timing of Work

Construction activities that remove vegetative soil cover and/or potentially release sediment into stormwater will be conducted during the dry season (June 1 and October 15). Activities that are subject to permit requirements will be conducted during the period authorized by the permits.

17. Invasive Plant Control

In order to minimize the spread of invasive plants, all equipment (including personal gear) will be cleaned of soil, seeds, and plant material prior to arriving on the Project site to prevent introduction of undesirable plant species.

Certificate of Compliance, Type B

18. The Certificate of Compliance (Type B) required to establish the legality of the subject parcel, APN 081-060-020, shall be recorded. The owner shall provide, to the project planner, a legal description of the parcel for recordation.

19. All development activities associated and/or required to support any future development on the subject property (i.e., sanitary system, domestic water, water for fire suppression, energy/utility connections, improved road access) shall occur at such time the development is proposed. Any planning permits for such activities (i.e., coastal development permits) shall be applied for and approved prior to the issuance of any building permits for development.

20. The applicant is advised that prior to recordation of the Certificate of Compliance description, the owner/applicant shall provide the Project Planner with a check to cover the fee now being charged by the Recorder's Office to record the document. The fee is estimated to be between $30.00 and $40.00 and includes a confirmed copy. The Project Planner will confirm the exact amount prior to recordation.

Environmental Health Division

21. The applicant must submit an application for a well permit to the Environmental Health Division. The application should include three copies of the site plan showing the proposed locations of the test wells and all buildings, structures, easements, and if applicable septic systems. As part of the application process a site exam will be required by Environmental Health to ensure the proposed well locations meet all set back requirements.

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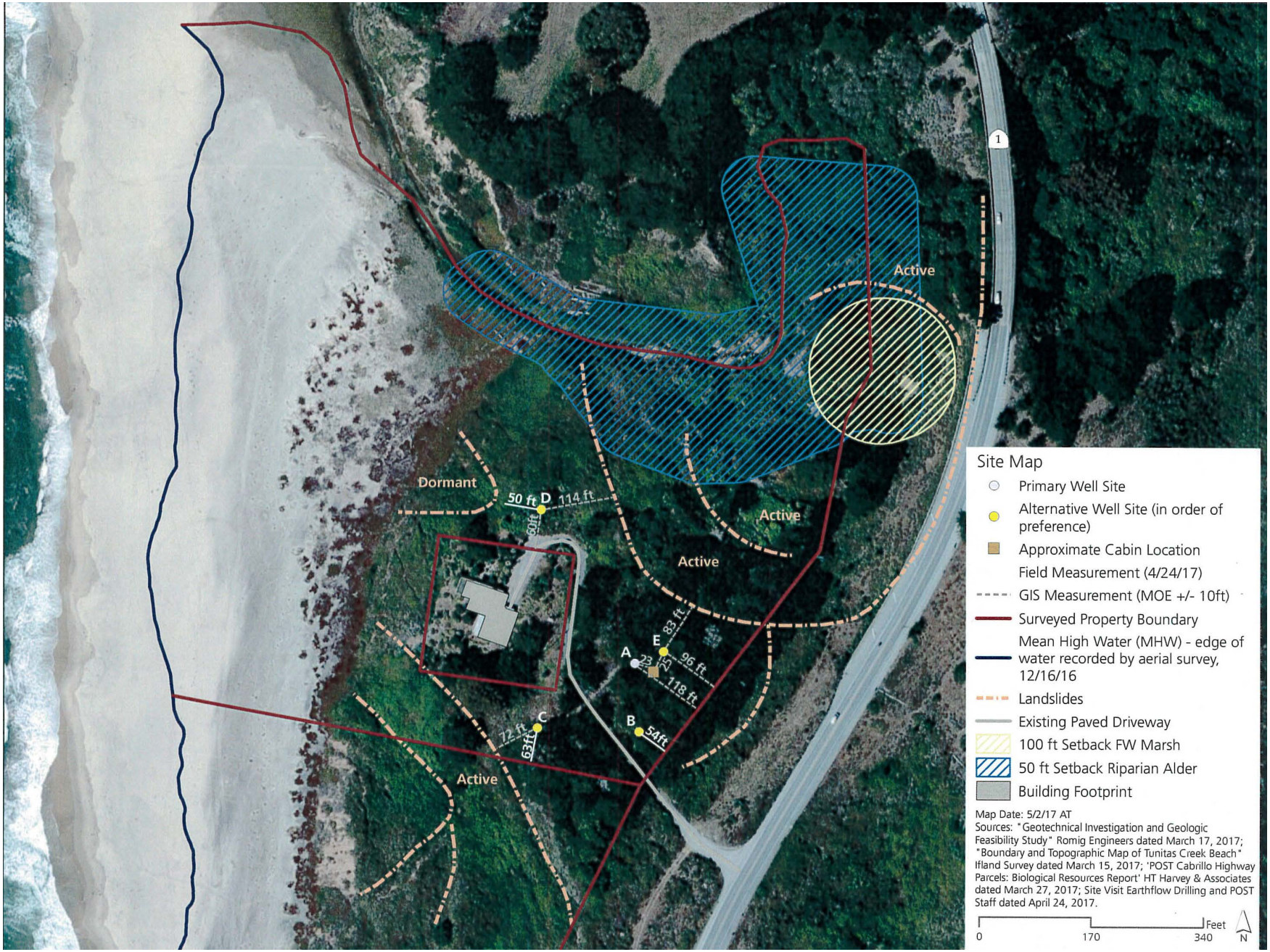
San Mateo County Planning Commission Meeting

Owner/Applicant: **V-Trust / POST** Attachment: **B**

File Numbers: **PLN 2017-00190**



San Mateo County Planning Commission Meeting

Owner/Applicant: **V-Trust / POST**

Attachment: **C-1**

File Numbers: **PLN 2017-00190**

San Mateo County Planning Commission Meeting

Owner/Applicant: **V-Trust / POST** Attachment: **C-2**

File Numbers: **PLN 2017-00190** **Brush Clearing**

County of San Mateo - Planning and Building Department

ATTACHMENT D

H. T. HARVEY & ASSOCIATES
Ecological Consultants

March 27, 2017

Mr. Thomas Harris, Land Transactions Coordinator
Peninsula Open Space Trust
222 High Street
Palo Alto, California 94301

Subject: **POST Cabrillo Highway Parcels (APN 081-060-020, 081-060-030, & 081-060-130): Biotic Resources Report (HTH 4007)**

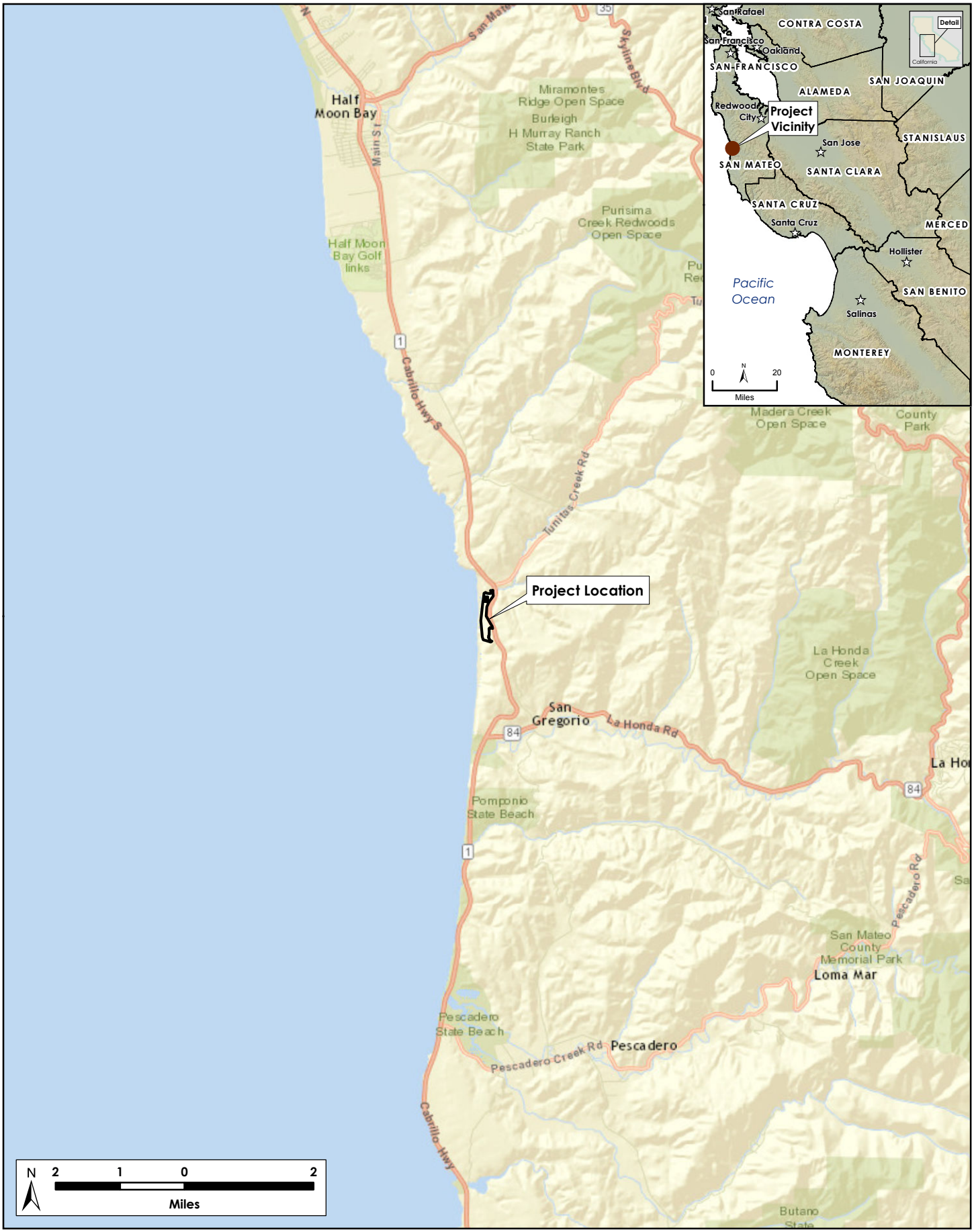
Dear Mr. Harris,

Per your request, this biological resources report provides H. T. Harvey & Associates' assessment of existing biological conditions at the Peninsula Open Space Trust (POST) Cabrillo Highway Parcels site (herein referred to as the Project site) in unincorporated San Mateo County, California and the potential for impacts on sensitive biological resources as a result of proposed development activities at the site.

Project Description and Location

POST proposes to take ownership of three parcels (APNs 081-060-020, 081-060-030, and 081-060-130) comprising approximately 52 acres (ac) along Highway 1/Cabrillo Highway in unincorporated San Mateo County, California, approximately 6 miles south of Half Moon Bay (Figure 1). POST would then manage these parcels (Project site) as part of its open space preserve system. Currently the Project site is largely undeveloped except for an existing paved driveway, a paved parking area approximately 9,000 square feet (sq ft) in size, an unoccupied residence, and six unused cabins. Though the parcel limits do not extend substantially into the sandy beach to the west, various trails through the Project site, largely established by trespassers, do allow for on-foot beach access. Current use of the Project site includes unauthorized access by the public using the existing trails. The beach to the west of the parcels is sometimes used for large camp-outs, nighttime parties, or other gatherings.

POST proposes to construct a small number of new trails, particularly concentrated in the northern areas of the Project site. The precise layout of the proposed trail system is not known at this time, but would be purposefully planned based on the existing conditions described in this report and other constraints such as geotechnical stability to establish optimally aligned and stable access to the beach and through the Project site. Trails are expected to be mostly, if not fully, unpaved and approximately 6-8 feet (ft) in width. Parking for the



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H. T. HARVEY & ASSOCIATES
Ecological Consultants

Figure 1. Vicinity Map
POST Cabrillo Highway Parcels - Biotic Resources Report (4007-01)
March 2017

public to access the proposed preserve would be provided at the existing paved parking area and possibly supplemented along the Cabrillo Highway roadside within Caltrans right-of-way. POST proposes to demolish and remove all or most of the existing buildings, possibly re-purposing one building as an on-site post for preserve security. Other management and improvement activities may include control or removal of invasive or non-native vegetation, installation of signage, and efforts to direct the public off of the unauthorized trails and onto the purposefully designed trail system. POST rules of use would not allow nighttime beach parties or access that would potentially disturb sensitive resources within this area. Therefore, nighttime use of the Project site and adjacent beach are expected to be reduced, relative to existing conditions. Daytime use is not expected to substantially change, though foot traffic would be diverted from the ad hoc trail system to the purposefully designed and maintained trail system proposed by POST, and on-site car traffic along the existing paved driveway would increase over existing conditions.

Methods

H. T. Harvey & Associates plant ecologists Gregory Sproull, M.S., and Matthew Mosher, B.S., characterized the existing biological conditions on the Project site, including the presence and distribution of biotic habitats, potentially regulated habitats, and special-status plant species, including coastal marsh milk-vetch (*Astragalus pycnostachyus* var. *pycnostachyus*), which CNDDB records indicate is located on the parcels. This assessment involved a review of relevant background information combined with reconnaissance-level surveys conducted on March 14 and 15, 2017. Habitat types were distinguished using natural community descriptions discussed in Holland (1986) and habitats described in the San Mateo Local Coastal Program (LCP) (2013). Plant species were identified using Baldwin et al. 2012. Habitat assessments for special-status wildlife that may reside on or near the parcels, such as the California red-legged frog (*Rana draytonii*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), western snowy plover (*Charadrius alexandrinus nivosus*), and San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*), were conducted concurrently on March 14, 2007 by H. T. Harvey & Associates wildlife ecologist, Kim Briones, M.S. Additionally, Ms. Briones inspected an abandoned residence and the cabins for bats and signs of bat use (e.g., guano or urine staining), and deployed a bat acoustic detector for five nights, to evaluate potential habitat suitability for pallid bat (*Antrozous pallidus*) or Townsend's big-eared bat (*Corynorhinus townsendii*) maternity roosts.

Information concerning threatened, endangered, or other special-status species that could occur in the Project region was reviewed, including information from the following sources:

- California Natural Diversity Database (CNDDB) and its associated species accounts (CNDDB 2017)
- Species list information for the vicinity from the website of the U.S. Fish and Wildlife Service (USFWS) (https://ecos.fws.gov/ipac/)
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CNPS 2017)
- eBird online database of bird distribution and abundance (eBird 2017)

- Relevant scientific literature, technical databases, and resource agency reports

A search of CNDDB Rarefind published accounts (CNDDB 2017) was conducted for special-status plant and wildlife species occurring in the *San Gregorio*, *California* U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle within which the Project site is located, as well as the five surrounding quadrangles (*Half Moon Bay, Pigeon Point, La Honda, Woodside,* and *Franklin Point*). In addition, for plants we reviewed the Online Inventory of Rare Plants (CNPS 2017) for information regarding the distribution and habitats of vascular plants designated as California Rare Plant Rank (CRPR) 1A, 1B, 2A, 2B, or 3 that occur in any of the six USGS quadrangles listed above. We also considered the CNPS plant list for San Mateo County, as the CNPS does not maintain quadrangle-level records for CRPR 4 species.

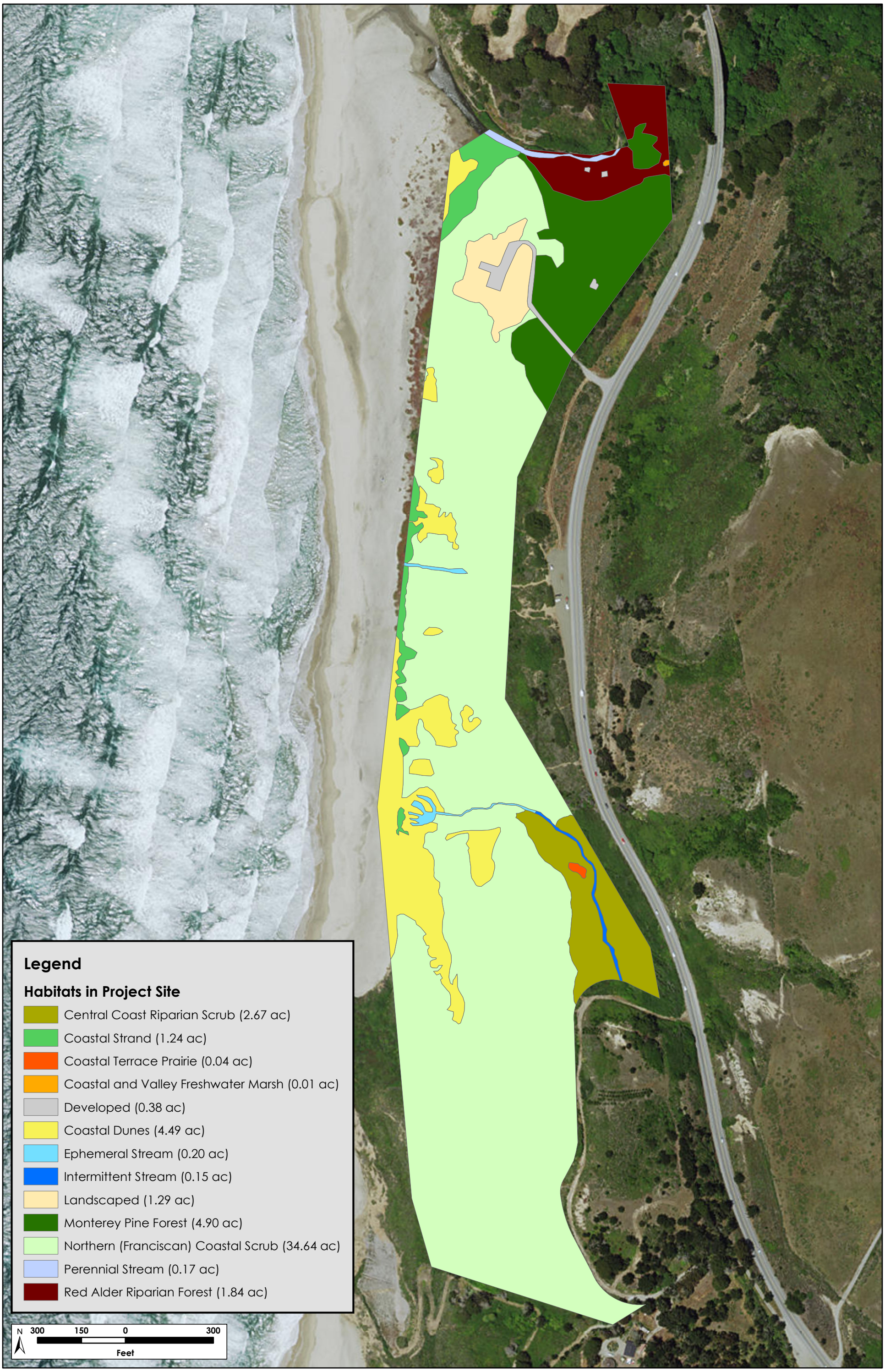
Existing Biological Conditions

General Habitat Conditions and Wildlife Use

Vegetation. The reconnaissance-level field survey identified 13 biotic habitat types on the Project site (Table 1, Figure 2). Habitats located on the Project site include: northern (Franciscan) coastal scrub, Monterey pine forest, dune, central coast riparian scrub, red alder riparian forest, ephemeral stream, landscaped, coastal strand, developed, perennial stream, intermittent stream, coastal terrace prairie, and coastal and valley freshwater marsh.

Table 1. Biotic Habitat/Land Cover Acreages for the Project Site

Biotic Habitats/Land Cover Types	Approximate Area (acres)
Northern (Franciscan) Coastal Scrub	34.64
Monterey Pine Forest	4.90
Coastal Dunes	4.49
Central Coast Riparian Scrub	2.67
Red Alder Riparian Forest	1.84
Landscaped	1.29
Coastal Strand	1.24
Developed	0.38
Ephemeral Stream	0.20
Perennial Stream	0.17
Intermittent Stream	0.15
Coastal Terrace Prairie	0.04
Coastal and Valley Freshwater Marsh	0.01
Total	**52.02**



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H. T. HARVEY & ASSOCIATES
Ecological Consultants

Figure 2. Biotic Habitats
POST Cabrillo Hwy (4007-01)
March 2017

Northern (Franciscan) Coastal Scrub. Northern (Franciscan) coastal scrub comprises 34.64 ac of the 52.02-ac Project site (Photo 1). Some stretches of the northern (Franciscan) coastal scrub habitat are barren and generally devoid of vegetation, whereas others are densely vegetated with low-lying shrubs that range from 1 to 4 ft in height. Shrubs that dominate the northern (Franciscan) coastal scrub include coyote brush (*Baccharis pilularis*), California sagebrush (*Artemisia californica*), poison oak (*Toxicodendron diversilobum*), California coffeeberry (*Frangula californica*), monkey bush (*Mimulus aurantiacus*), and lizard tail (*Eriophyllum staechadifolium*). Though the understory of the northern coastal scrub on the Project site is often undeveloped, herbaceous vegetation such as black mustard (*Brassica nigra*), blessed milk thistle (*Silybum marianum*), vetch (*Vicia* sp.), common yarrow (*Achillea millefolium*), sowthistle (*Sonchus* sp.), fescue (*Festuca* sp.), and redstem filaree (*Erodium cicutarium*) grows amid the shrub layer in small admixtures. Northern coastal scrub is situated along steeply sloped bluffs that stand roughly 400 ft above sea level. This habitat is exposed to wind and contains shallow, unstable soils.

Photo 1: Northern (Franciscan) coastal shrub densely vegetated with shrubs

Monterey Pine Forest. Monterey pine forest habitat (4.90 ac) is confined to the northeastern section of the Project site, east of the existing residence (Photo 2). The Monterey pine forest is dominated by mature Monterey pine (*Pinus radiata*) and Monterey cypress (*Hesperocyparis macrocarpa*) that reach up to 60 ft in height. This closed canopy habitat is situated on moist, sandy soils and contains a shaded understory layer composed of bigleaf periwinkle (*Vinca major*), California bedstraw (*Galium californicum*), poison oak, English ivy (*Hedera helix*), cape ivy (*Delairea odorata*), lupine (*Lupinus* sp.), and California blackberry (*Rubus ursinus*). A large swath of Monterey pine forest, located south of the red alder riparian forest, was affected by a landslide in the mid-1990s which resulted in a steep-walled 20-ft deep slump. Soils and banks surrounding the landslide region remain unstable and are highly eroded.

Photo 2: View of Monterey pine forest facing west from the eastern portion of the Project site

Coastal Dunes. The dune habitat (4.49 ac) includes all northern foredunes and active coastal dunes located on the Project site (Photo 3). Here, dune habitat contains barren mobile sand accumulations, as well as partially stable shoreline foredunes dominated by sparse and scattered patches of perennial grasses, such as American dune grass (*Elymus mollis*) and beachgrass (*Ammophila arenaria*), and forbs, such as coastal sand verbena (*Abronia latifolia*), sea rocket (*Cakile* sp.), beach morning glory (*Calystegia soldanella*), and invasive sea fig (*Carpobrotus chilensis*). The dune habitat is exposed to strong, blowing winds and is situated on along the western portion of the Project site, where it intergrades with coastal strand habitat at the toe of slope.

Photo 3: View of sparsely vegetated dune habitat from the beach in the southwestern section of the Project site

Central Coast Riparian Scrub. Central coast riparian scrub on the Project site (2.67 ac) surrounds an intermittent stream located in a deeply incised channel that runs parallel to Cabrillo Highway (Photo 4). Central coast riparian scrub habitat on the Project site occurs as a scrubby streamside thicket, varying from open to impenetrable, dominated by arroyo willow (*Salix lasiolepis*), poison oak, California blackberry, and stinging nettle (*Urtica dioica*). Soil in the central coast riparian scrub is mesic and is composed of relatively fine-grained sand and gravel bars. The habitat slopes steeply downward from Cabrillo Highway and intergrades with northern (Franciscan) coastal scrub habitat on the oceanside of the Project site.

Photo 4: Impenetrable central coast riparian scrub dominated by arroyo willow along Cabrillo Highway

Red Alder Riparian Forest. Red alder riparian forest comprises 1.84 ac of the Project site and surrounds Tunitas Creek with dense vegetation (Photo 5). Here, the overstory is dominated by mature red alder (*Alnus rubra*) that grow up to 60 ft tall, and shorter-statured arroyo willow. This habitat extends up to several hundred feet away from Tunitas Creek in the northeastern portion of the Project site. As a result of heavy rainfall and

flooding in the winter of 2017, many red alders, particularly those rooted along creek banks, have been uprooted (Photo 5).. North of Tunitas Creek, this habitat is primarily dominated by red alder, whereas south of Tunitas Creek, homogenous patches of arroyo willow are more common. The understory of the red alder riparian forest habitat is heavily shaded and rich with vegetation. Common herbaceous species in the red alder riparian forest include English ivy, cape ivy, California blackberry, stinging nettle, bigleaf periwinkle, common horsetail (*Equisetum arvense*), and California mugwort (*Artemisia douglasiana*). Soils in this habitat are shaped by alluvial forces such as flooding and sediment deposition.

Photo 5: Red alder riparian forest impacted by recent 2017 winter floods

Landscaped. Landscaped habitat (1.29 ac) surrounds the existing house on the Project site (Photo 6). This habitat is primarily comprised of planted ornamental shrubs, herbs, and forbs. Common trees and shrubs in the landscaped habitat include Mexican fan palm (*Washingtonia robusta*), silver dollar gum (*Eucalyptus polyanthemos*), weeping bottlebrush (*Callistemon viminalis*), Peruvian pepper tree (*Schinus molle*), pride of madeira (*Echium candicans*), and privet (*Ligustrum* sp.). Other ornamental species include lily of the Nile (*Agapanthus africanus*), rosemary (*Rosmarinus officinalis*), rose (*Rosa* sp.), a variety of succulents, such as krantz aloe (*Aloe aborescens*), stonecrop (*Sedum* sp.), and agave (*Agave* sp.), as well as the invasive pampas grass (*Cortaderia jubata*). This habitat gradually slopes downward and intergrades with northern (Franciscan) coastal scrub.

Photo 6: Landscaped habitat facing northwest towards Tunitas Creek

Coastal Strand. This habitat comprises a narrow band (1.24 ac) of densely-growing sea fig that extends from the high tide line landward to the base of the coastal dunes (Photo 7). Salt spray, slow nutrient cycling and desiccating winds contribute to this desert-like environment (Holland 1986). Other species found in trace amounts in the coastal strand habitat include coastal sand verbena and beach morning glory. This habitat type extends west of the parcels onto a broad sandy beach.

Photo 7: Coastal strand habitat composed of dense patches of sea fig between dune and northern (Franciscan) coastal scrub habitat

Developed. The developed habitat on the Project site (0.38 ac) represents the winding paved driveway that extends from Cabrillo Highway to the existing house, as well as the parking lot adjacent to the house. This habitat includes the existing house on the Project site, as well as the dilapidated cabins that are located south of Tunitas Creek (Photo 8). The approximately 9,000 sq ft unoccupied residence is located at the end of the paved road that leads into the Project site. One cabin remains in fair condition, and is located near the edge of the landslide area. The other cabins are in poor condition and are situated atop the southern bank of Tunitas Creek. Due to the unstable nature of these banks, these cabins could not be accessed during the March 2017 reconaissance survey. No vegetation is present in the structure habitat. The developed habitat is devoid of vegetation.

Photo 8: Unused cabin near the landslide area

Ephemeral Stream. Two ephemeral streams, which carry flows during or directly after rainfall events, were detected on the Project site and comprise 0.20 ac. One is a short, erosive, but regularly incised feature on the steep foredune slope. The second ephemeral stream bisects the Project site and is a continuation of the intermittent stream, where the streambed does not have a connection to groundwater for the final reach that flows to the ocean. This stream has been also used as an ad hoc trail surface when dry.

Perennial Stream. The perennial stream habitat (0.17 ac) extends from ordinary high water mark (OHWM) to the opposing OHWMt along Tunitas Creek within the Project site (Photo 9). Tunitas Creek is a 6.6-mile fast-flowing perennial stream that runs from King's Mountain to the Pacific Ocean, emptying onto Tunitas Beach. The upper mouth of Tunitas Creek is located on the Project site. Here, the active wetted channel is approximately 20 ft wide and ranges from several inches to several feet deep. The majority of the perennial stream is surrounded by red alder riparian forest habitat. At the time of the March 2017 reconnaissance survey, the perennial stream showed signs of flooding, as downed trees in the channel, substantial sedimentation and woody debris, and erosion were observed. The perennial stream habitat is generally devoid of living vegetation.

Photo 9: Perennial stream habitat facing upstream (east)

Intermittent Stream. Intermittent stream habitat (0.15 ac) on the Project site includes the active, wetted portion of a channel between opposing OHWMs that runs parallel to Cabrillo Highway (Photo 10). This portion of the channel is situated between impenetrable dense swaths of central coast riparian scrub habitat and transitions into an ephemeral stream at its lower reaches. The intermittent stream is several inches deep and several feet wide, and contains arroyo willow and stinging nettle. Intermittent streams are distinguished from ephemeral streams by having a connection to groundwater, and as such, these features flow seasonally, not just during and after rain events. The intermittent stream is not visible from Cabrillo Highway and cannot be accessed by foot. This habitat was mapped using aerial photograph analysis.

Photo 10: Intermittent stream habitat parallels power lines; upstream view

Coastal Terrace Prairie. This habitat (0.04 ac) is a small, isolated patch of grassland located amid the central coast riparian scrub (Photo 11). It contains sour grass (*Oxalis pes-caprae*), Pacific reedgrass (*Calamagrostis nutkaensis*), cutleaf geranium (*Geranium dissectum*), fescue, and Douglas iris (*Iris douglasiana*). Here, grass grows densely and reaches heights of up to 8 inches in March. As it is proximal to a nearby intermittent stream, the soil in this habitat is moist and rich, and is composed of sandy loams.

Photo 11: Small patch of coastal terrace prairie adjacent to the central coast riparian scrub habitat

Coastal and Valley Freshwater Marsh. A small area of coastal and valley freshwater marsh habitat (0.01 ac) is located in a relatively flat, northeast section of the Project site (Photo 13). The coastal and valley freshwater marsh habitat is situated under dense canopy cover and is adjacent to a larger marsh that is located outside of the Project site, which is observable on aerial imagery. The coastal and valley freshwater marsh contains nearly one ft of pooled water, significant leaf litter. Though no marsh vegetation was identified in this habitat due to the impenetrable density of the surrounding vegetation, marsh vegetation may be present.

Photo 13: Coastal and valley freshwater marsh where storm water is pooled

Wildlife. The wildlife most often associated with developed and landscaped areas are those that are tolerant of periodic human disturbances, including introduced species such as the European starling (*Sturnus vulgaris*), rock pigeon (*Columba livia*), eastern gray squirrel (*Sciurus carolinensis*), house mouse (*Mus musculus*), and Norway rat (*Rattus norvegicus*). However due to the isolated nature of the site, numerous common, native species are also able to utilize these habitats, especially the buildings and landscaped areas, including the western fence lizard (*Sceloporus occidentalis*), striped skunk (*Mephitis mephitis*), and a variety of birds. Birds such as the Anna's hummingbird (*Calypte anna*), Califonrnia towhee (*Melozone crissalis*), purple finch (*Haemorhous purpureus*) and chestnut-backed chickadee (*Poecile rufescens*) were observed foraging near the developed portion of the Project site. In addition, the eaves and crevices of the buildings on the site may be attractive to other nesting and/or roosting birds in the area, such as the house finch (*Haemorhous mexicanus*) and black phoebe (*Sayornis nigricans*). Numerous crevices or entry points for bats were observed on the abandoned residence. These areas could attract small numbers of individual bats and could provide habitat for small roosting or maternity colonies. Three Townsend's big-eared bats were observed roosting inside the abandoned residence, but no bats or sign of bats (i.e., guano or urine staining) were observed in the cabins. The bat acoustic detector recorded calls of Townsend's big-eared bats, but no calls of other bats species.

Scrub, riparian and Monterey pine forests, and stream habitats on the Project site provide food and nesting opportunities for a variety of native and non-native species, including the fox squirrel (*Sciurus niger*), chestnut-backed chickadee, California scrub-jay (*Aphelocoma californica*), song sparrow (*Melospiza melodia*), and San Francisco dusky-footed woodrat. Many woodrat nests were observed on the Project site. In addition the mature Monterey pine trees provide potential nesting habitat for raptors such as the red-shouldered hawk (*Buteo lineatus*). However, no old nests of raptors were observed on the site during the reconnaissance survey. Further, an examination of the trees on the site failed to find any large cavities that might provide suitable habitat for a large roosting or maternity colony of bats.

Aquatic habitat associated with Tunitas Creek on the Project site provide foraging and refugia habitat for variety of native amphibian and fish species, including Pacific chorus frog (*Pseudacris regilla*), California red-legged frog (*Rana draytonii*), and Central California Coast steelhead (*Oncorhynchus mykiss*).

Coastal strand or dune habitat, and coastal and valley freshwater marsh provide nesting and foraging opportunities for the western snowy plover (*Charadrius alexandrinus nivosus*), killdeer (*Charadrius vociferus*), song sparrow, and San Francisco common yellowthroat (*Geothlypis trichas sinuosa*).

Special-Status Plant and Animal Species

As described in Methods above, information concerning threatened, endangered, or other special-status species that could occur on the Project site was collected from several sources and reviewed by H. T. Harvey & Associates biologists. The specific habitat requirements and the locations of known occurrences of each special-status species were the principal criteria used for inclusion in the list of species potentially occurring on the site. Figures 3 and 4 are maps of the CNDDB's special-status plant and animal species records in the general vicinity of the Project site, defined for the purposes of this report as the area within a 5-mile (mi) radius. These generalized maps are valuable on a historic basis, but do not necessarily represent current conditions. While these records are not definitive, they show areas where special-status species occur or have occurred previously.

Special-Status Plants. A list of special-status plants with some potential for occurrence in the Project site vicinity was compiled using CNPS lists (CNPS 2017) and CNDDB records (CNDDB 2017) and reviewed for their potential to occur on the Project site. Based on an analysis of the documented habitat requirements and occurrence records associated with these species, 24 species were determined to have the potential to be present on or in the vicinity of the Project site, in coastal dunes, northern coastal scrub, coastal terrace prairie, coastal strand, and adjacent habitats where these intergrade into other habitat types on-site (Table 2). Of these 24 species, one species, coastal marsh milk-vetch, is mapped by the CNDDB as being present on the Project site (Figure 3). Coastal marsh milk-vetch was not observed on the Project site during the March 14 and 15, 2017 reconnaissance surveys due to the timing of the surveys (which occurred outside of the coastal marsh milk-vetch's bloom period). Below is a description of coastal marsh milk-vetch.

Coastal marsh milk-vetch (*Astragalus pycnostachyus* var. *pycnostachyus*). Federal Listing Status: None; State Listing Status: None; CRPR: 1B.2. Coastal marsh milk-vetch is a perennial herb in the legume family (Fabaceae) and is endemic to California. It has a variable blooming period extending from April through October. Coastal marsh milk-vetch occurs on mesic coastal dunes, in coastal scrub, and in streamside and coastal salt marshes and swamps (CNDDB 2017 and CNPS 2017). Six occurrences of coastal marsh milk-vetch were recorded by CNDDB (2017) on the Project site; four of which occur on APN 081-060-130 and two of which occur on APN 081-060-020 (Figure 3). This population was presumed to be extant as recently as 2009. Thus, coastal marsh milk-vetch may still occur on the Project site.

Table 2. Special-status Plant Species within the Project Site Vicinity

Scientific Name	Common Name	Listing Status, California Rare Plant Rank
Agrostis blasdalei	Blasdale bentgrass	CRPR 1B.2
Astragalus nuttallii var. *nuttallii*	Nuttall's milkvetch	CRPR 4.2
Astragalus pycnostachyus var. *pycnostachyus*	Coastal marsh milk-vetch	CRPR 1B.2
Castilleja latifolia	Monterey Indian paintbrush	CRPR 4.3
Centromadia parryi ssp. *parryi*	pappose tarplant	CRPR 1B.2
Chorizanthe cuspidata var. *cuspidata*	San francisco spineflower	CRPR 1B.2
Collinsia multicolor	San Francisco blue eyed mary	CRPR 1B.2
Corethrogyne leucophylla	branching beach aster	CRPR 3.2
Glehnia littoralis ssp. leiocarpa	American silvertop	CRPR 4.2
Grindelia hirsutula var. *maritima*	San Francisco gumplant	CRPR 3.2
Hesperevax sparsiflora var. *brevifolia*	Mt. Diablo helianthella	CRPR 1B.2
Horkelia cuneata var. *sericea*	Short leaved evax	CRPR 1B.1
Horkelia marinensis	Point Reyes Horkelia	CRPR 1B.2
Iris longipetala	Central Coast iris	CRPR 4.2
Lasthenia californica ssp. *macrantha*	Perennial Goldfields	CRPR 1B.2
Leptosiphon croceus	Coast yellow leptosiphon	CRPR 1B.1
Leptosiphon rosaceus	Rose leptosiphon	CRPR 1B.1
Lupinus arboreus var. *eximius*	San Mateo tree lupine	CRPR 3.2
Lupinus tidestromii	Tidestrom's lupine	Federally endangered, State endangered, CRPR 1B.1
Microseris paludosa	marsh microseris	CRPR 1B.2
Plagiobothrys chorisianus var. *chorisianus*	Choris's popcorn flower	CRPR 1B.2
Polemonium carneum	Oregon Polemonium	CRPR 2B.2
Sidalcea malviflora ssp. *purpurea*	purple-stemmed checkerbloom	CRPR 1B.1
Silene verecunda ssp. *verecunda*	San Francisco campion	CRPR 1B.2

Monterey pine (CRPR 1B.1) and Monterey cypress (CRPR 1B.2) are both considered rare by the CNPS, but only where these occur as native stands (CNPS 2017). The Project site does not contain any native stands for these species, and as such, these trees are not considered special-status plants for the purposes of this report.

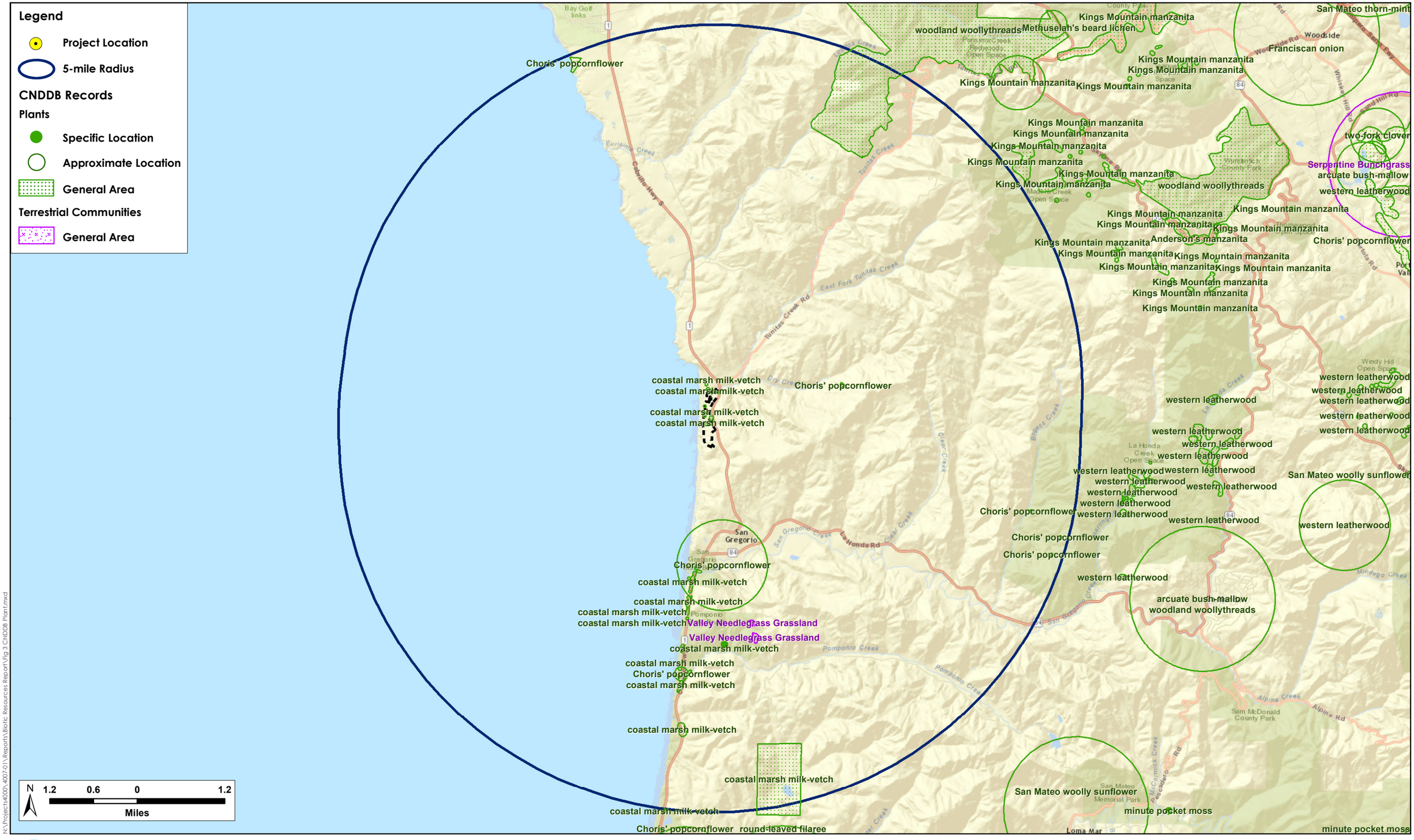

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Figure 3. CNDDB Plant Records
POST Cabrillo Highway Parcels - Biotic Resources Report (4007-01)
March 2017

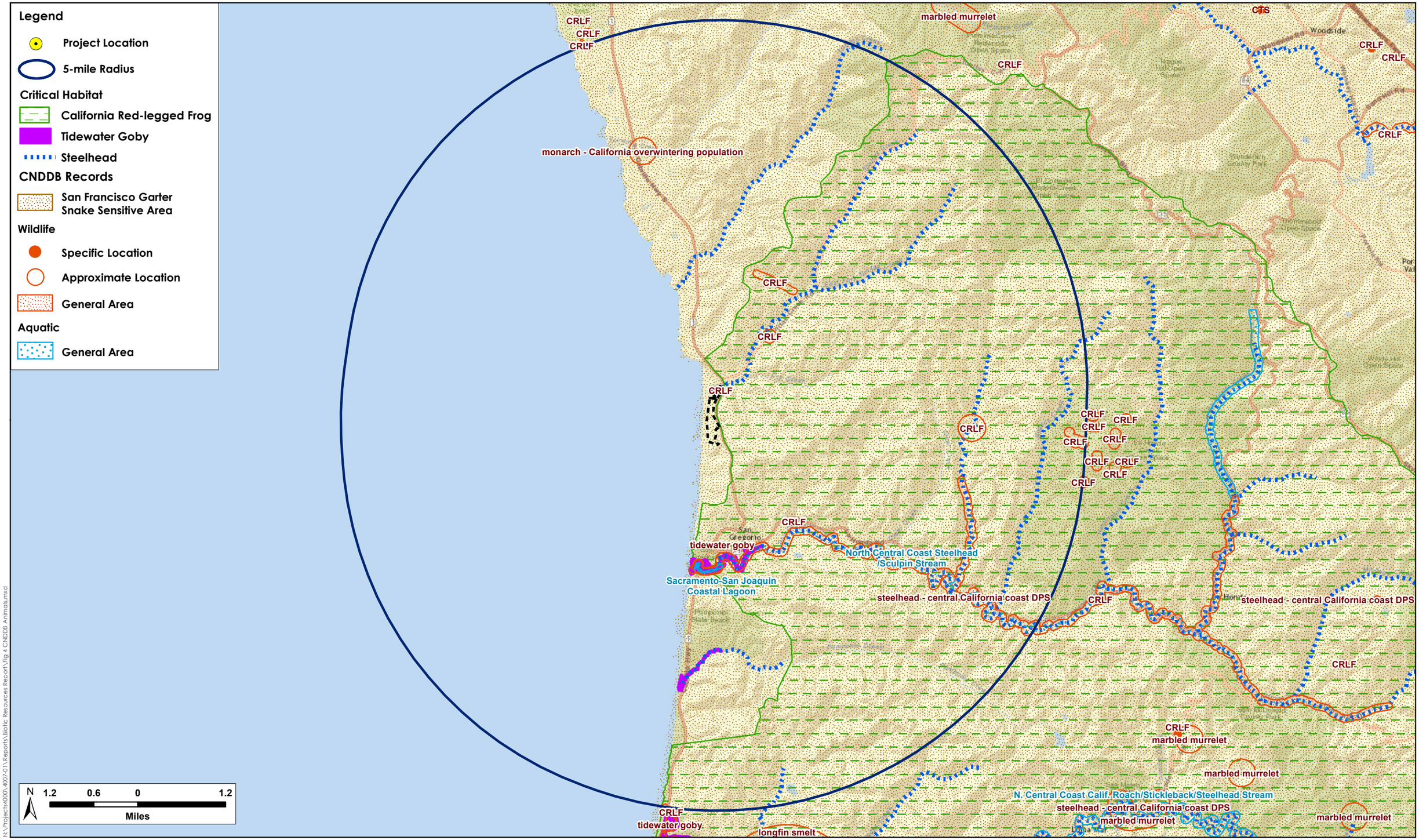

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Figure 4. Critical Habitats and Federally Listed CNDDB Animal Records
POST Cabrillo Highway Parcels - Biotic Resources Report (4007-01)
March 2017

Special-Status Animals. Based on our review of current CNDDB (2017) records (Figure 4) and other data sources, as well as our extensive experience with other projects in the region, we are aware of the occurrence of a number of special-status animal species in the Project region. The following sections discuss these species, indicating which are or are not known or expected to occur on the Project site itself.

- The monarch butterfly (*Danaus plexippus*), a USFWS sensitive species, overwinters (October through February) along the California coast from Mendocino County south to Baja California, with the largest groups typically occurring in Santa Cruz, Monterey, San Luis Obispo, and Santa Barbara Counties, where they form dense clusters on the branches and leaves of trees. Based on current threats to host plants and overwintering habitat this species is currently being considered for protection under the Federal Endangered Species Act. Monarch butterflies feed and breed exclusively on plant species in the subfamily Asclepiadoideae, with 27 species of milkweed (*Asclepias* sp.), as well as a few plants in closely related genera, having been recorded as larval food plants (Malcolm and Brower 1986). In 1998 a small overwintering population was documented in a mixed grove of Monterey pine, Monterey cypress, and eucalyptus (*Eucalyptus* sp.), approximately 3.5 miles north of the Project site. This population is presumed to be extant. The Project site supports a small but fairly dense Monterey pine forest on the northeastern portion of the site. No evidence of monarch concentrations was observed during our surveys, although these surveys took place after winter roosts break up. This stand of trees provides potentially suitable overwintering habitat, and thus, there is some potential for this species to form winter roosts on the Project site.

- The tidewater goby (*Eucyclogobius newberryi*), a federally listed as threatened and a California species of special concern, is found in brackish water habitats along the coast, in still but not stagnant water with high oxygen levels. Breeding typically occurs on sandy substrates but the species can be found on rocky, mud, and silt substrates as well. The tidewater goby has been recorded in the lower mouths of creeks along the southern portion of the San Mateo County coast to San Gregorio Creek. However, an apparently natural gap in the tidewater goby distribution along the California coast occurs north of San Gregorio Creek to the San Francisco Bay (USFWS 2005). The closest Critical Habitat (Unit SM-1) is located less than two miles south of the Project site (USFWS 2013b). While Tunitas Creek supports seemingly suitable sandy substrates, brackish water, and water depths (<1 meter deep), it does not form lagoon or estuarine habitat where tidewater gobies typically occur. Thus, this species is not expected to occur in the Project site.

- The Central California Coast steelhead distinct population segment is a federally threatened species, and the on-site reach of Tunitas Creek is located within the San Mateo Hydrologic Critical Habitat Unit (2202) (USFWS 2005b). Steelhead typically spawn in gravel substrates located in clear, cool, perennial sections of relatively undisturbed streams, with dense canopy cover that provides shade, woody debris, and organic matter. Steelhead have been documented in Tunitas Creek (Titus et al., in prep, Becker et al. 2008, 2010). Although no spawning habitat is present in the on-site reach, steelhead are expected to occur in the Project site during migration between upstream areas (where spawning could potentially occur) and the ocean.

- The Central California Coast coho salmon (*Oncorhynchus kisutch*) evolutionary significant unit, which is federally and state listed as endangered, has been documented rearing young in San Gregorio Creek (Stillwater Sciences et al. 2010), and it is thought to be present in the southwestern portion of San Mateo

County, in Pescadero Creek, San Gregorio Creek, and Gazos Creek (CNDDB 2017). Tunitas Creek is located within the critical habitat designation for this species (NMFS 1999), and NMFS (2005a) found strong historical evidence (pre-1988) of Coho salmon historical occurrence in Tunitas Creek, based on museum records. As a result, NMFS considers this creek to have currently modest habitat potential to support the species (NMFS 2005a). However, this species was described as absent from Tunitas Creek by the California Department of Fish and Game (2004), and it is unlikely that this species occurs on the Project site.

- The California giant salamander (*Dicamptodon ensatus*), a California species of special concern occurs in coastal forests associated near streams or seepages. The Santa Cruz black salamander (*Aneides niger*), a California species of special concern, occurs in mixed deciduous woodland, coniferous forests, and coastal grasslands. Both species can be found under rocks near streams, under damp logs, and other objects. The Project supports suitable aquatic breeding habitat for the California giant salamander in Tunitas Creek and moist forest foraging and refugia habitat for both species. There are multiple documented occurrences of the California giant salamander within five miles of the Project site along Tunitas Creek and its associated tributaries east of the Project site (CNDDB 2017). The Santa Cruz black salamander is known to occur within the Project region; however, the closest reported occurrence is approximately seven miles east of the Project site south of La Honda Road (CNDDB 2017). Based on the presence of suitable habitat on site and their regional presence, both species are expected to occur on the Project site.

- The foothill yellow-legged frog (*Rana boylii*), a California species of special concern, has been documented in Pescadero Creek, over 10 miles from the project site (CNDDB 2017). Although more upstream portions of Tunitas Creek (upstream from the Project site) may support partially shaded shallow stream habitat with riffles and rocky substrate suitable for this species, habitat conditions on the Project site are likely unsuitable for this species, and we do not expect it to occur on the site.

- The California red-legged frog, a federally listed threatened species and California species of special concern, frequents streams, freshwater pools, and ponds with emergent or overhanging vegetation. USFWS-designated Critical Habitat (Unit SNM-2) for this species is located directly adjacent to the Project site on the east side of Highway 1 (USFWS 2010). Red-legged frog adults and juveniles have been documented on the west side of the Tunitas Creek Bridge within the Project site, and further upstream, approximately one mile from the Project site (CNDDB 2017). Within the Project site Tunitas Creek supports scant patches of overhanging vegetation, primarily of red alder, and small areas of ponded water, but no emergent vegetation. As a result, there is a low potential for breeding on the Project site. Breeding likely occurs further upstream or in a small pond less than one-half mile from the Project site on the east side of Highway 1. Although there is a low potential for breeding, red-legged frogs use the on-site portion of Tunitas Creek as nonbreeding aquatic habitat and likely disperse across the entire site.

- The western pond turtle (*Actinemys marmorata*), a California species of special concern, can be found in intermittent and perennial slow-moving waters, including stock ponds, streams, rivers, marshes, and lakes. They require areas with ample basking sites and underwater refugia, and eggs are laid in grasslands or other open uplands. Portions of Tunitas Creek within the Project site provide ponded water and small basking

areas. However, the surrounding upland areas are dominated by coastal scrub and deciduous forest, and are not expected to support nesting. Pond turtles have been observed in La Honda Creek, a little more than five miles east of the Project site (CNDDB 2017). Although there is no suitable breeding habitat, there is some potential for this western pond turtles to occur in Tunitas Creek on the Project site.

- The San Francisco garter snake, a federal and state listed species, occurs primarily in densely vegetated freshwater habitats. The San Francisco garter snake is well documented in the Project region (CNDDB 2017), and although the on-site reach of Tunitas Creek does not support any densely vegetated aquatic habitat, the San Francisco garter snake can occupy a number of aquatic and terrestrial habitats, such as ponds, pools in or next to streams, streams, lakes, and reservoirs. In addition, this species' primary prey, the California red-legged frog, occurs on the Project site. Therefore, this species cannot be ruled out from occurring on the Project site, if only as an occasional visitor. Like the red-legged frog, it is most likely to occur along Tunitas Creek, although it could potentially disperse across the entire site.

- Although documented in San Mateo County (CNDDB 2017), the federally-threatened, state-endangered marbled murrelet (*Brachyramphus marmoratus*) is absent from the Project site due to the absence of suitable dense, mature forests of redwood and Douglas-fir.

- Critical habitat for the western snowy plover, federally listed as threatened, is located approximately 8 miles north of the Project site (USFWS 2013a). Ostensibly suitable nesting and foraging habitat is present on the sandy beach, which borders the western portion of the Project site, and seven individuals were observed roosting and foraging near the dune habitat near the northern portion of the site during our survey. Furthermore, small numbers of breeding (4 adults in 1998, and 2 between 2000 and 2005) and wintering birds (34 between 2000 and 2005) have been documented along Tunitas Creek Beach during long term monitoring (USFWS 2007). Therefore, suitable nesting and foraging habitat is present on the sandy beach and dunes on and immediately adjacent to the Project site.

- The bank swallow (*Riparia riparia*), state listed as threatened, nests colonially and inhabits isolated places where fine-textured or sandy vertical bluffs or riverbanks are available in which to dig burrows 2 to 3 feet deep. Bank swallows occur as rare migrants along the San Mateo coast but they are very rare as breeders in this area. The only known extant breeding colony in San Mateo County is at Point Año Nuevo (CNDDB 2017), over 15 miles south of the Project site. Although the Project site supports bluff habitat, it is densely vegetated, with scant patches of sandy soil, and is considered to be marginal at best for breeding. Furthermore, this species is not known to breed in this area. Thus, this species is not expected to breed on the Project site.

- The San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), a California species of special concern, nests and forages in fresh and saltwater marshes and seasonal wetlands, and it breeds to some extent in coastal scrub as well. It breeds on the ground or up to 8 centimeters off the ground under the cover of dense shrubs and emergent aquatic vegetation. Within the Project site, the red alder forest in Tunitas Creek supports suitable breeding habitat for this species, and it is possible that some birds may breed in coastal scrub. Common yellowthroats have been observed at the mouth of Tunitas Creek and San Gregorio Creek to the south (CNDDB 2017, eBird 2016). Thus, this species is likely to breed on site.

- The Townsend's big-eared bat, a California species of special concern, is known to occur in the Project region (CNDDB 2017). Unlike other bat species which seek refuge in crevices, the Townsend's big-eared bat normally roosts in open, cavernous spaces, hanging in the top of a natural cavity, or in the top corner of ceilings and walls of an undisturbed room (this species is easily disturbed while roosting in buildings). Three individuals were observed roosting in the hallway of the abandoned residence. Although we did not observe abundant sign indicating historical presence of a maternity colony (i.e., large amounts of guano), March is a transition month between the winter hibernation season and the maternity season in this region, and pregnant females will begin to form maternity colonies in the coming weeks. While it is possible that this structure serves as a winter hibernaculum for a few individuals, we cannot rule out the possibility that this structure could also support a maternity colony.

- The pallid bat, a California species of special concern, roosts in buildings, large oaks or redwoods, rocky outcrops and rocky crevices in mines and caves. This species is known to occur in San Mateo County and has been detected inland to the east of the Project site in the La Honda Creek Open Space Preserve (CNDDB 2017). No pallid bats were detected during a focused search of the two structures on the Project site, nor were any recorded by the bat acoustic detector. Although small amounts of scattered bat guano were found in the abandoned residence, it is unknown whether they could have been left by pallid bats, and the lack of large amounts of guano indicates that no large pallid bat maternity colonies occupy, or have occupied, this structure. Therefore, if the species occurs on the site at all, it is expected to occur only as an occasional visitor.

- The San Francisco dusky-footed woodrat, a California species of special concern, nests in a variety of habitats including riparian areas, oak woodlands, and scrub. The Project site supports suitable habitat for this species. Eleven woodrat nests, at least some of which exhibited signs of current use, were documented on the Project site.

- Most pinniped (seals and sea lions) species are protected under the Marine Mammal Protection Act. Pinnipeds form large groups of individuals on beaches, known as haul-out groups, which include non-breeding animals, moulting groups, and breeding animals with young. In San Mateo County, the closest documented haul out site, and one of the largest concentrations of Pacific harbor seals (*Phoca vitulina richardii*) in San Mateo County, is located at Cowell Ranch Beach approximately 5 miles to the north of the Project site (Vanderhoof and Allen 2005, NMFS 2016). Beyond 5 miles, large concentrations of harbor seals also occur at the Fitzgerald Marine Reserve, with smaller groups occurring at Pebble Beach and Bean Hollow to the north, and the largest haul out group of elephant seals (*Mirounga leonina*) and California sea lions (*Zalophus californianus*) occurring at Año Nuevo to the south. However, there are no recent or historical occurrences of any pinniped hauls out groups occurring on beach areas adjacent to the Project site. Thus, we do not expect any large pinniped haul out groups to occur on or immediately adjacent to the Project site.

Sensitive and Regulated Habitats

The California Department of Fish and Wildlife (CDFW) ranks certain rare or threatened plant communities, such as wetlands, meadows, and riparian forest and scrub, as 'threatened' or 'very threatened'. These communities are tracked in the CNDDB. Impacts on CDFW sensitive plant communities, or any such community identified in local or regional plans, policies, and regulations, must be considered and evaluated under the California Environmental Quality Act (CEQA) (California Code of Regulations: Title 14, Div. 6, Chap. 3, Appendix G). Furthermore, aquatic, wetland and riparian habitats are also afforded protection under applicable federal, state, or local regulations, and are generally subject to regulation, protection, or consideration by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, CDFW, and/or the USFWS.

Waters of the U.S./State. Various habitats on the Project site possess the field characteristics used by the federal and state resource/regulatory agencies in defining their jurisdiction (i.e., waters of the U.S., under the Clean Water Act, or waters of the State, under the Porter-Cologne Water Quality Control Act). The active channel of Tunitas Creek and the intermittent stream, measured from opposing OHWMs on each bank and any adjacent wetlands, would be considered waters of the U.S. The channel of Tunitas Creek and the intermittent stream from top of bank to top of bank and any trees that contribute deadfall to the channels, would be regulated by the RWQCB. Tunitas Creek and the unnamed intermittent stream, as well as the full extent of the canopy of red alder riparian forest or central coast riparian scrub that surrounds them, would also be regulated by the the CDFW as riparian habitat under Section 1600 of State Fish and game Code. Similarly all ephemeral streams mapped on the Project site would constitute USACE, RWQCB, and CDFW jurisdiction within the limits of bank incision on these features. The coastal and valley freshwater marsh habitat would be claimed as waters of the U.S. by the USACE and waters of the State by the RWQCB. Finally, any portion of the beach habitat on or adjacent to the Project site that extends west of the high tide line would be waters of the U.S./State under Sections 404 and 401 of the Clean Water Act.

CDFW Sensitive Habitats. To identify other potentially occurring natural communities of special concern, a CNDDB (2017) search within the six USGS 7.5-minute quadrangles that contain or surround the Project site was performed. The CNDDB identified five sensitive habitats as occurring within this six-quadrangle area: Monterey pine forest, northern coastal salt marsh, northern interior cypress forest, serpentine bunchgrass, and valley needlegrass grassland. A patch of Monterey pine forest that occurs in the northern portion of the Project site is not considered a native stand and is therefore not one of the stands designated as sensitive by the CNDDB.

CDFW maintains a list of vegetation alliances and associations within the state of California (CDFG 2010). This list includes global (G) and state (S) rarity ranks for associations and alliances. Alliances and associations currently ranked as S1-S3 are considered highly imperiled. On the Project site, the Monterey pine forest alliance carries a critically imperiled G1/S1 rank, which qualifies as a sensitive alliance.

California Coastal Commission (CCC) and Local Coastal Program. The Coastal Act is intended to "protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources." The CCC claims wetlands more broadly than the USACE, RWQCB, and CDFW, by regulating features with only one of the following characteristics: active wetland hydrology, hydric soils, and/or hydrophytic vegetation. All wetlands, riparian forest and scrub, and streams on site would be jurisdictional coastal wetlands. The Coastal Act requires preparation of a Local Coastal Program (LCP) for areas of cities and counties within the coastal zone, which must be certified by the CCC. The County's certified LCP for this area also specifically lists as sensitive riparian corridors, wetlands, marine habitats, sand dunes (coastal dunes), sea cliffs, and habitats supporting rare, endangered, and unique species, all of which occur on the Project site. All development in the coastal zone requires approval of a coastal development permit, which is administered by the City with its certified LCP. A USGS Topographic map (Figure 5) has been provided to satisfy LCP permit requirements.

Biotic Impacts and Mitigation

Overview

The CEQA and the State CEQA Guidelines provide guidance in evaluating impacts of projects on biological resources and determining which impacts will be significant. The Act defines "significant effect on the environment" as "a substantial adverse change in the physical conditions which exist in the area affected by the proposed project." Under State CEQA Guidelines section 15065, a project's effects on biotic resources are deemed significant where the project would:

A. "substantially reduce the habitat of a fish or wildlife species"
B. "cause a fish or wildlife population to drop below self-sustaining levels"
C. "threaten to eliminate a plant or animal community"
D. "reduce the number or restrict the range of a rare or endangered plant or animal"

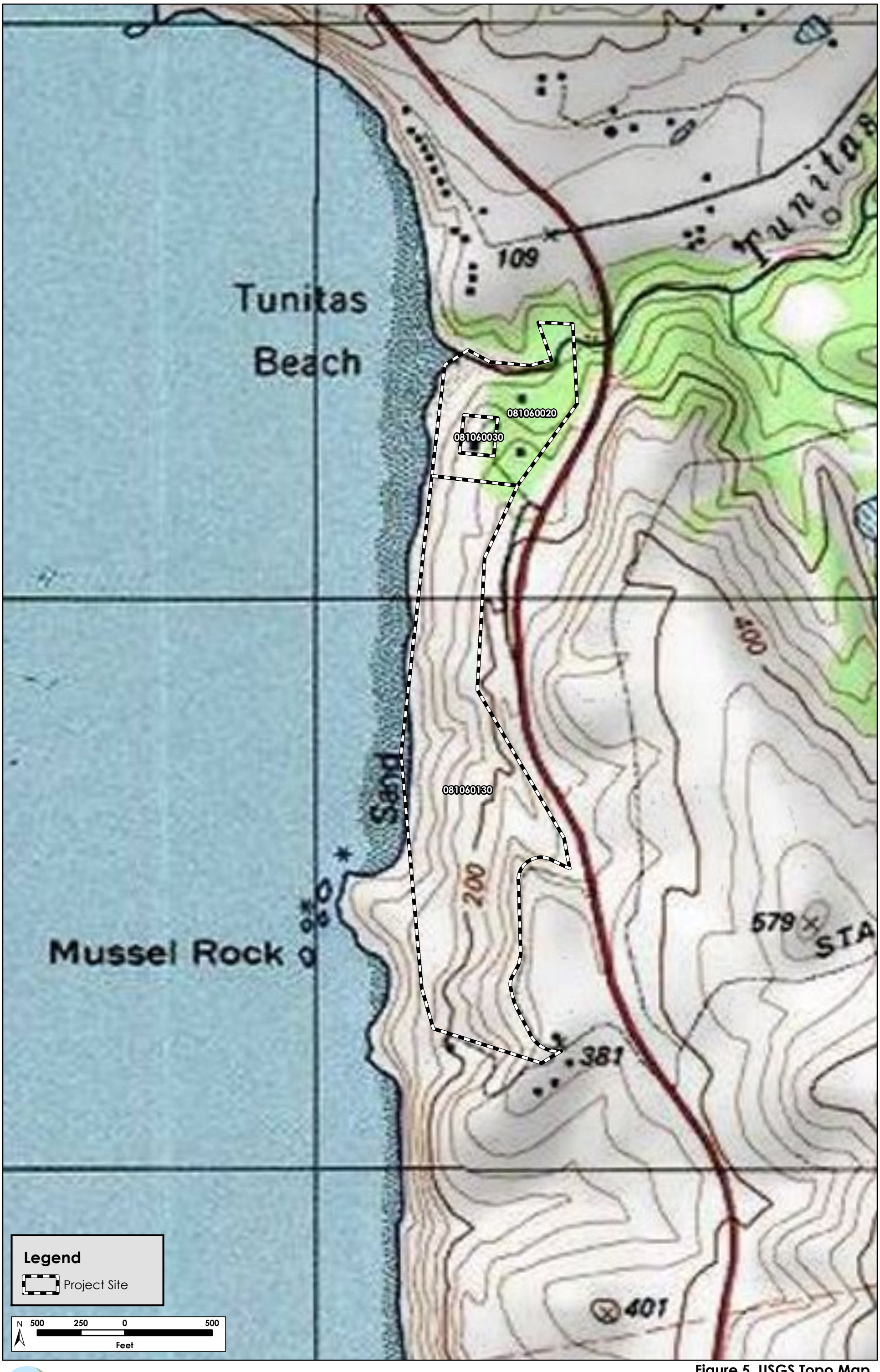

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Figure 5. USGS Topo Map
POST Cabrillo Hwy (4007-01)
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In addition to the section 15065 criteria that trigger mandatory findings of significance, Appendix G of State CEQA Guidelines provides a checklist of other potential impacts to consider when analyzing the significance of project effects. The impacts listed in Appendix G may or may not be significant, depending on the level of the impact. For biological resources, these impacts include whether the project would**:**

E. "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 the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service"
F. "have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service"
G. "have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act"
H. "interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites"
I. "conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance"
J. "conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan"

Impact Assessment Assumptions

As stated in the project description above, we have assumed that nighttime use of the Project site and adjacent beach will be reduced relative to current/baseline conditions due to increased patrols and enforcement under POST ownership. Daytime use of the beach is not expected to substantially change with respect to the number of human users or the types of activities that occur on the beach. However, foot traffic would be diverted from the ad hoc trail system to the purposefully designed and maintained trail system proposed by POST, which will reduce impacts on vegetation by concentrating pedestrian traffic in fewer, better maintained areas. Parking would occur primarily in existing paved areas, although it is possible that POST will expand parking areas slightly. Any construction activities (e.g., parking areas) or maintenance activities (e.g., vegetation management) would need to comply with Local Coastal Program conditions, which among other things would require setbacks between Tunitas Creek and construction and maintenance activities.

Following is a brief summary of potential Project impacts on biological resources.

Less-than-Significant Impacts

Impacts on Upland Sensitive Habitats. Though no sensitive habitats are mapped by the CNDDB as occurring on the Project site, the San Mateo LCP (Section 7.1) defines the following uplands as sensitive habitats: habitats containing rare or endangered species, coastal and offshore areas containing breeding or

nesting sites, and coastal (sand) dunes. Thus, all upland habitats on the Project site (e.g., coastal dunes, coastal terrace prairie, northern coastal scrub, coastal strand, and even landscaped) would qualify as sensitive habitats under the San Mateo LCP due to providing some habitat value for special-status species. San Mateo County aims to protect these habitats by prohibiting land use or development that would have significant or adverse effects. Prior to construction, the applicant must demonstrate the proposed project will have no significant impacts on sensitive habitats.

However, the San Mateo LCP provides specific guidance for the installation of public access in sensitive habitats (Section 10.26):

"a. Provide improvements and management practices in sensitive habitats and their buffer zones adequate to protect the resources. Include, but do not limit, improvements and management practices to the following: (1) in areas not subject to tidal action, interpretive trails posted with educational signs which minimize public intrusions and impacts, (2) brochures and educational displays at trailheads leading to areas subject to tidal action, (3) organized tours, (4) limited number of persons per visitor tour, (5) restricted number of access points which are improved and managed, and (6) limit the seasons of the year when public access is permitted.

b. Refer to the Site Specific Recommendations for Shoreline Destinations (Table 10.6) for a listing of required improvements to protect fragile resources in existing shoreline destinations.

c. Post signs on all access trails leading to unimproved or underprotected sensitive habitats to restrict public intrusion."

We assume these guidelines will be adhered to where relevant and feasible, and that the Project as proposed would meet the substance of these measures. Though organized tours are not specifically proposed, the Project will provide greater organization, limits, and structure to use of these habitats by the public than currently exists. Available parking will limit the number of visitors to the proposed Project, and in general, the site is not expected to get greater day use than existing levels, and less night use. Under the Project, impacts and access will be confined to certain areas that are improved and managed, thus minimizing the Project's footprint on sensitive habitats. There are no proposed restrictions on seasons of the year, but there will also be no anticipated increased use in any season of the year over existing conditions. Therefore, impacts to sensitive upland habitats are less than significant (although, see impacts to special status species that could occur in these habitats, including impacts to Townsend's big-eared bats, impacts to special status plants, impacts to California red-legged frog, and impacts to San Francisco garter snake, below).

Impacts on Riparian, Intermittent and Perennial Stream, and Wetland Habitats. Red alder riparian, Central Coast riparian scrub, the intermittent and perennial streams on site, and the coastal and valley freshwater marsh wetland are all considered sensitive habitats by the LCP and would be claimed by the CCC, and in some cases, USACE, RWQCB, and/or CDFW. The Project could have a direct, negative impact on wetland and riparian habitats if such habitats were subject to new trail impacts, weed control efforts, placement of parking

or other similar facilities, or degradation of water quality from nearby impacts. However, as the Project will follow applicable LCP guidelines, including observance of setbacks of 50 ft from the riparian habitat along Tunitas Creek and 30 ft from the riparian scrub associated with the unnamed intermittent stream, 100 ft from coastal and valley freshwater marsh wetlands, the Project will avoid these sensitive habitats. Additionally as per LCP requirements, no herbicides may be used in any of these habitats for weed abatement and management activities unless it has been specifically approved by the County Agricultural Commissioner. Based on conformance with applicable LCP policies to protect these habitats, impacts to riparian, intermittent and perennial streams, and wetland habitats will be less than significant.

Impacts on Selected Special-Status Animals. Several special-status animals occur, or may occur, on the Project site, and could be impacted by the Project. However, impacts to these species are considered less than significant for various reasons. Most notably, human use of the Project site is not expected to increase as a result of the Project, and thus human disturbance of these species will not increase from the Project. Potential impacts to these species, and the reasons why such impacts are considered less than significant (in addition to the lack of an increase in human activity relative to the baseline), are as follows:

- It is possible that a winter roost of monarch butterflies could occur in Monterey pine forest in the northeast part of the site. However, the Project does not propose to remove this habitat, and even in the event that removal of a small number of trees is necessary, the effects on this forest habitat are not expected to substantially change the extent of this forest nor the thermal conditions or protection from wind offered by this stand of trees. Furthermore, any disturbance of roosting monarchs by humans is not expected to exceed baseline levels.

- Central California Coast steelhead, and possibly Central California Coast coho salmon, occur in Tunitas Creek on the Project site. As discussed under *Impacts on Sensitive Habitats* above, the Project will not impact Tunitas Creek, and Project activities will be removed from the creek far enough to avoid any indirect impacts (e.g., to water quality). Furthermore, any disturbance of anadromous fish by humans is not expected to exceed baseline levels.

- The California giant salamander and western pond turtle are expected to occur on the site primarily along or near Tunitas Creek, which will not be impacted as discussed under *Impacts on Sensitive Habitats* above. These species, and the Santa Cruz black salamander, may occur in upland portions of the Project site as well, and there is some potential for injury or mortality of these species due to vehicular and pedestrian activity on the site. However, such impacts are likely to be similar to existing, baseline levels. Also, the number of individuals that could potentially be impacted would represent a very small proportion of these species' regional populations, and thus such impacts do not meet the CEQA standard of having a *substantial* adverse effect.

- Western snowy plovers nesting, roosting, or foraging on the beach or in the sandier portions of the dunes on the Project site would be far removed from any trail construction or other Project activities,

and the coastal bluffs would block any construction activities from the view of plovers on the beach. Human activity on the beach could disturb snowy plovers, but such disturbance would not exceed baseline levels, and nighttime disturbance will decline as a result of the Project.

- A few pairs of San Francisco common yellowthroats may nest along Tunitas Creek or in coastal scrub on the site. Trail construction or other Project activities has the potential to reduce habitat for this species (e.g., in coastal scrub), directly impact active nests, and indirectly disturb nesting birds, possibly to the point of nest abandonment. However, the number of pairs of yellowthroats that could potentially be disturbed would represent a very small proportion of this species' regional populations, and thus such impacts do not meet the CEQA standard of having a *substantial* adverse effect. Furthermore, by establishing dedicated trails, the Project would reduce disturbance of yellowthroats that may occur from the current informal trail system that humans use to access the beach. However, see *Regulatory Overview for Nesting Birds* below for recommendations regarding impacts to nesting birds.

- If pallid bats occur on the site at all, they are expected to do so as occasional visitors. There was no evidence that this species roosts regularly or in large numbers on the Project site. Demolition or modification of on-site structures could result in injury, mortality, or disturbance of any pallid bats that are using the structures. However, this species is unlikely to be present when such activities occur, and the number of individuals that could potentially be impacted would represent a very small proportion of this species' regional populations. Thus, such impacts do not meet the CEQA standard of having a *substantial* adverse effect.

- Eleven San Francisco dusky-footed woodrat nests were observed within the Project site during the biotic resources survey. If planned trails are planned in the area where woodrat nests are located, the nests could be subject to disturbance or destruction. Thus, Project implementation may result in the injury or mortality of dusky-footed woodrats as a result of clearing and grading, Project vehicle traffic, equipment use, or worker foot traffic, particularly if disturbance occurs when woodrats are taking refuge in their stick nests. Further, indirect impacts could occur due to over-crowding (resulting from individuals in disturbed habitat moving to areas that are already occupied) and increased risk of predation. However, this species is abundant in suitable habitat, and the number of individual woodrats that could potentially be disturbed would represent a very small proportion of this species' regional populations. Thus, such impacts do not meet the CEQA standard of having a *substantial* adverse effect.

Impacts that are Less-than-Significant with Mitigation

Impacts on Significant Trees, and Trees within Monterey Pine Forest. The San Mateo County Ordinance Code includes a Significant Tree Ordinance of San Mateo (Chapter 3, Section 12.020), which addresses the removal and trimming of "significant trees", defined as any woody plant greater than 38 inches circumference at 4.5 ft above grade. Removal of any significant tree requires a Tree Cutting Permit from the San Mateo County

Planning Division payment of a fee as set by resolution of the Board of Supervisors, and approval of San Mateo County. Though the proposed Project may involve the installation of a trail among significant trees, such trees would likely not require removal. If the Project were to remove a significant tree without obtaining a permit from the County, this would conflict with local ordinances and would be considered a significant impact. With the following measures below, expected minor impacts to significant trees and Monterey pine forest will be less than significant.

Mitigation Measure 1a. Avoid Tree Removal. Avoid and minimize tree removal to the extent possible, especially within the Monterey pine forest that may provide habitat for winter roosting monarch butterflies.

Mitigation Measure 1b. Obtain Tree Cutting Permit if a Significant Tree will be Removed. If significant trees are to be removed, the applicant will procure a Tree Cutting Permit from the County and comply with all applicable provisions.

Impacts on Special-Status Plants. As described above, coastal marsh milk-vetch has been recorded on some portions of the Project site, as it has been mapped by the CNDDB in multiple locations. The Project site may also be suitable for an additional 23 special-status plant species. The San Mateo LCP (Section 7.34) requires that any development on or within 50 feet of any rare plant population must be avoided and minimized. When no feasible alternative exists, development can be permitted if the site or a significant portion thereof is returned to a natural state to allow for the reestablishment of the plant.

Impacts to coastal marsh milk-vetch would be considered significant if the known occurrences were directly impacted by trail construction, thus reducing the number of individuals and/or occupied area, therefore jeopardizing the continued persistence of the occurrence. Similarly, if currently unknown special-status plants occurring on site were directly impacted, this could be significant under CEQA. In general, several of the other 23 special-status plant species that could occur on the site are very rare and/or limited to very specific coastal habitat types and microhabitats, and impacts that could endanger these populations could be significant. Some of the special-status plants are ranked CRPR 3 or 4, and these plants are only of a limited distribution, so with careful planning to minimize impacts, some limited direct Project impacts to Rank 3 or 4 plants could occur without reaching the level of a substantial, adverse impact to these species or their persistence. However, with the incorporation of measures to avoid previously mapped coastal marsh milk-vetch occurrences and any unknown rare plant occurrences during the trail construction process, and to minimize impacts to less-rare Rank 3 or 4 plants, such impacts would be less than significant. Implementation of the following measures would reduce impacts on special-status plant species to a less-than-significant level and ensure that the Project complies with the San Mateo LCP's policies on rare plants.

Mitigation Measure 2a: Avoid CNDDB-mapped Coastal Marsh Milk-vetch Occurrences. The Project proponent will design all aspects of the Project to be at least 50 ft away from each mapped occurrence of coastal marsh milk-vetch.

Mitigation Measure 2b: Conduct Pre-Construction Rare Plant Surveys. A series of pre-construction rare plant surveys, targeting the 24 plants that have the potential to inhabit the Project site, will be conducted at several times during the growing season to account for both early and late-blooming species. This will be conducted by a qualified biologist walking the proposed alignment and a 50-ft buffer to allow for assessment of required avoidance setbacks from any rare plant occurrences.

Mitigation Measure 2c. Avoid Other Rank 1 and 2 Rare Plant Occurrences and Minimize Impacts to Rank 3 and 4 Rare Plants. The Project proponent will design all aspects of the Project to be at least 50 ft away from each CRPR 1 or 2 rare plant occurrence detected during pre-construction surveys. If full avoidance of CRPR 3 or 4 plants is found to be infeasible, the population or a significant portion thereof (no less than 90% by individuals or occupied area) will be returned to and managed in a natural state following Project activities.

Impacts on Ephemeral Streams. The Project site contains one ephemeral stream that bisects the site. If a trail system is desired that allows access from the southern portion pf the Project site to the northern portion, this stream will have to have a trail crossing. A trail crossing could impact the stream by contributing to bank instability and affect sedimentation within the channel and water quality downstream of the crossing. Even still, compared to the existing condition of the site (where several trails cross or utilize the existing ephemeral streams on site), with applicable avoidance and minimization measures, and incorporation of the mitigation measures outlined below, overall foot traffic impacts to streams is expected to be reduced, and would be less than significant.

Mitigation Measure 3a: Minimization of Stream Crossings. The Project will be designed to minimize the use of existing ephemeral streams as trails, by using signage to dissuade foot traffic from using these areas. Any planned stream crossing will only occur where it is required to traverse the site, and if possible an existing crossing location will be used.

Mitigation Measure 3b. Design and Construct a Low-Impact Stream Crossing. The Project will design and construct a low impact stream crossing, if necessary for the proposed trail system, that would elevate foot traffic onto a wooden walkway or similar to avoid impacts to the streambed and banks. The crossing would be designed to accommodate high flows and would be monitored regularly by the proponent to remove any collected materials from the crossing area to prevent any unwanted check dam effects. Footings will be sited fully outside of top-of-bank for the stream, and pressure treated wood shall not be allowed. This will prevent impacts to the banks or degradation of water quality within the aquatic habitat, and is a strategy consistent with the LCP wetland policies.

Impacts on the Townsend's Big-eared Bat. The Townsend's big-eared bat was confirmed to be present in the abandoned residence. The sex of these bats could not be determined, and based on the timing of this finding (mid-March), it is unclear if these bats represent a winter colony or a maternity colony. The demolition or modification of the residence could result in injury or mortality of Townsend's big-eared bats, and any other

Project activities involving this building could result in disturbance of these bats, possibly to the point of abandonment of young or abandonment of the roost site. Removal or modification of the building currently being used as a roost site could also result in the loss of this roost. Because nonbreeding roost sites are unlikely to limit this species' abundance and distribution to the extent that breeding roosts do, the loss of a nonbreeding roost would be less than significant. However, given the rarity of this species regionally, injury or mortality of Townsend's big-eared bats as a result of the Project, or the loss of a maternity roost site, would be potentially significant. Implementation of the following mitigation measures would reduce impacts to this species to less than significant levels.

Mitigation Measure 4a: Determine the Status of the Roosting Bats. Prior to demolition, a qualified biologist will conduct an additional survey during the summer maternity season (ideally June) to determine whether the abandoned residence supports a Townsend's big-eared bat maternity colony or whether the site is only used by wintering bats or by males.

Mitigation Measure 4b: Avoid Impacts to the Roost. If demolition or modification of the building used as a roost can be avoided, so that bats are able to continue using the roost site, no further measures are necessary.

Mitigation Measure 4c: Avoid Direct Impacts to Roosting Bats. Prior to building demolition or modification, a qualified biologist will conduct a focused survey for bats within any structures to be demolished. If any bats are found, but they do not represent an active maternity roost, they shall be excluded from the building through installation of one-way doors, closure of potential entry points, or use of acoustic deterrents. Alternatively, opening up the structure (i.e., removal of boards from windows and doors) will increase wind flow through the structure and may also deter bats from roosting. A qualified bat biologist will consult on the methods used to exclude bats.

If a maternity colony is present, then no demolition or modification of the roost site, nor of any areas within 100 feet of the roost site and any points of ingress or egress, will occur during the period April 1 to August 31 (or until young are demonstrated to be flying well). After August 31 (or after the young are flying), then bat exclusion can proceed. No exclusion will occur during rainy or cold conditions.

Mitigation Measure 4d: Provide a Replacement Roost Structure. If a Townsend's big-eared bat maternity colony is confirmed in the abandoned residence, and demolition or modification (to the point that bats no longer use the building) of this structure cannot be avoided, replacement maternity roost habitat will be provided on the site. Note that bat boxes and bat condominiums do not provide suitable replacement habitat for Townsend's big-eared bats. Rather, larger, more cavernous bat structures are required to replace maternity roost habitat for this species. The replacement roost structure will be designed and sited in consultation with a qualified bat biologist. The structure will be monitored for a period of 3 years to determine whether it is occupied. Success of the habitat replacement will be achieved if the roost structure is determined by a qualified bat biologist to provide similar thermal and light conditions to those that exist in the abandoned residence that is currently being used as a roost site.

Impacts on the California Red-legged Frog and San Francisco Garter Snake. California red-legged frogs and San Francisco garter snakes are expected to occur within the Project area primarily along Tunitas Creek. As discussed under *Impacts on Sensitive Habitats* above, the Project will not impact Tunitas Creek, and Project activities will be removed from the creek far enough to avoid any indirect impacts to these species' aquatic habitats (e.g., to water quality). Furthermore, any disturbance of these species by humans is not expected to exceed baseline levels. However, individuals of these species could occasionally occur in upland areas (i.e., away from Tunitas Creek). Construction activities associated with trail development would result in minor impacts on upland habitat, although such impacts would be countered by the benefits of habitat regeneration when the current informal trail system is no longer in use. As a result, no net loss of habitat for these species is expected to occur.

However, there is some potential for injury or mortality of individual California red-legged frogs and San Francisco garter snakes during trail construction or other demolition or construction activities on the site (e.g., demolition or repurposing of existing buildings). Given the low sizes of these species' regional populations, such impacts would be potentially significant. Implementation of the following mitigation measures would reduce impacts to this species to less than significant levels.

Mitigation Measure 4a: California Red-legged Frog/San Francisco Garter Snake Protection Measures.

- A qualified biologist will be on-site during all construction or demolition activities that may result in take of the California red-legged frog or San Francisco garter snake.

- No more than 24 hours prior to initial ground disturbance, a pre-activity survey for the California red-legged frog and San Francisco garter snake will be conducted by the qualified biologist. The survey will consist of walking the Project limits to ascertain the possible presence of the species. The biologist will investigate all potential areas that could be used by the California red-legged frog or San Francisco garter snake. If any individuals are found, the biologist will contact the USFWS and CDFW to determine if moving any of the individuals is appropriate. If these agencies approve moving animals, the biologist and agencies will identify a suitable relocation site. Otherwise, the animals will be allowed to move out of the Project area on their own.

- The qualified biologist will conduct employee education training for employees working on construction or demolition activities. Personnel will be required to attend the presentation which will describe the California red-legged-frog and San Francisco garter snake, avoidance, minimization, and conservation measures, legal protection of these species, and other related issues.

- Ground-disturbing activities will be avoided between November 1 and March 31 because that is the time period when California red-legged frogs are most likely to be moving through upland areas.

- If a California red-legged frog or San Francisco garter snake is encountered in the Project area, all activities which have the potential to result in the harassment, injury, or death of the individual will be immediately halted. The qualified biologist will then assess the situation in order to select a course of action that will avoid or minimize adverse impacts to the animal. To the maximum extent possible, contact with the frog or snake will be avoided, and the individual will be allowed to move out of the potentially hazardous situation to a secure location on its own volition. If the individual will not move out of the impact area on its own, the biologist will contact the USFWS and CDFW to determine if moving the individual is appropriate. If these agencies approve moving animals, the biologist and agencies will identify a suitable relocation site.

- For on-site storage of pipes, conduits and other materials that could provide shelter for California red-legged frogs or San Francisco garter snakes, an open-top trailer will be used to elevate the materials above ground. This is intended to reduce the potential for animals to climb into the conduits and other materials.

- To the maximum extent practicable, no Project construction or demolition activities will occur during rain events or within 24 hours following a rain event. Prior to Project activities resuming, a qualified biologist will inspect the Project area and all equipment/materials for the presence of California red-legged frogs or San Francisco garter snakes. The animals will be allowed to move away from the Project site of their own volition or moved by the biologist, if approved by the USFWS and CDFW.

- Night-time Project activities will be minimized or avoided by the County.

- Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form will not be used at the Project site because California red-legged frogs can become entangled and trapped in them. Any such material found on site will be immediately removed by the USFWS-approved biologist, Project personnel, or County contractors. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer or other synthetic materials will not be used.

Compliance with Additional Laws and Regulations Applicable to Biotic Resources of the Project Site

Regulatory Overview for Nesting Birds

Impacts on Nesting Birds. Construction disturbance during the breeding season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. This type of impact would not be significant under CEQA for the species that could potentially nest in or near construction areas on the Project site due to the local and regional abundances of these species and/or the low magnitude of the

potential impact of the Project on these species. However, such an impact would be considered a violation of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Implementation of the following measures will ensure that Project activities do not violate the MBTA and California Fish and Game Code:

Measure A. Avoidance. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in San Mateo County extends from February 1 through August 31.

Measure B. Preconstruction Surveys. If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during Project implementation. We recommend that these surveys be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during Project implementation.

Measure C. Inhibition of Nesting. If construction activities will not be initiated until after the start of the nesting season, we recommend that all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the Project be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation, and reduce the potential for the presence of an active nest to delay Project construction.

If you have any questions regarding the results of our surveys please feel free to contact me by email at khardwicke@harveyecology.com or by phone at 408.458.3236.

Sincerely,

Kelly Hardwicke, Ph.D.
Senior Plant Ecologist, Division Head

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