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November 26, 2025

Julie Casagrande, Natural Resource Manager
County of San Mateo Department of Public Works
555 County Center 5th Floor
Redwood City, CA 94063
DPW_CEQA_Comments@smcgov.org

Subject: Wurr Road, Pescadero Creek Road, and Cloverdale Road Culvert Repairs Project, Initial Study/Mitigated Negative Declaration, SCH No. 2025110166, San Mateo County

Dear Julie Casagrande:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) from the County of San Mateo Department of Public Works for the Wurr Road, Pescadero Creek Road, and Cloverdale Road Culvert Repairs Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA authorization must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA or Native Plant Protection Act (NPPA), either during construction or over the life of the Project. Under CESA, take is defined as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill." If the Project will impact CESA or NPPA listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an Incidental Take Permit (ITP) or other CESA authorization. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially impact threatened or endangered species (Pub. Resources Code, §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code, § 2080 et. seq.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Any impacts to the mainstems, tributaries and floodplains or associated riparian habitat would likely require an LSA Notification. CDFW, as a responsible agency under CEQA, will consider the MND for the Project. CDFW may not

execute a final LSA Agreement until it has complied with CEQA as the Responsible Agency.

Restoration Management Permit

CDFW may issue a Restoration Management Permit (RMP) to authorize take, possession, import, or export of any species or subspecies of fish, wildlife, or plant in association with a qualifying restoration project as set forth in Fish and Game Code section 1671, subdivision (d)(1); and to authorize any impacts to fish and wildlife resources as a result of activities otherwise subject to Section 1602, all pursuant to terms and conditions determined by CDFW (Fish & G. Code, § 1670 et seq.). Issuance of an RMP is a discretionary action subject to CEQA; therefore, CDFW may not execute a final RMP until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW has authority over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Fully protected species, such as San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock;
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515); or
- Take is needed for management or propagation purposes, including scientific or educational purposes related to management or propagation, through a RMP for a qualifying restoration project. (Fish & G. Code §1672, sub. (c)).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process.

PROJECT DESCRIPTION SUMMARY

Proponent: County of San Mateo Department of Public Works

Objective: The objective of the Project is to repair culverts and construct site improvements to improve water quality and maintain proper roadway drainage conveyance along Wurr Road, Pescadero Creek Road, and Cloverdale Road. Primary Project activities include installation of three new culverts, replacement of two culverts, upsizing five culverts, the addition of trash/debris racks at one location, and additional improvements such as new headwalls, rock inlet protection, and rock outfall energy dissipation. Additionally, the Project would remove sediment and enhance habitat at one location on Little Butano Creek at Cloverdale Road. The anticipated work at Cloverdale Road would include channel restoration, including the removal of accumulated sediments and obstructive vegetation as well as demolition of existing concrete weir structures adjacent to the double box crossing to provide unimpeded fish passage.

Location: Multiple sites along Wurr Road, Pescadero Creek Road, Cloverdale Road and Butano Park Road, San Mateo County (the County), APNs: 084050230, 084050070, 084080030, 084021010, 084030010, 084091030, 083320070, 086290110, 086280270, 086290100.

Timeframe: Project intended to commence in 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

I. Project Description and Related Impact Shortcoming

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 1: Marbled Murrelet

Section 3.4, Page 3-32

Issue: Some sites within the Project have potential to impact breeding marbled murrelet (*Brachyramphus marmoratus*, MAMU) due to auditory and visual disturbance generated during Project activities in proximity to MAMU nesting habitat. While the IS/MND provides measures to protect nesting MAMU, those measures misidentify the MAMU breeding season, do not provision for MAMU suitable nesting habitat surveys within a 0.25-mile radius around the Project areas, or describe the professional qualifications required of a MAMU qualified biologist and surveyor.

The avoidance measures recommended below are necessary to reduce potentially significant impacts on MAMU to less-than-significant levels.

Specific impact, why impact would occur, and evidence impact would be significant: MAMU is a small pacific seabird listed as state endangered pursuant to Fish and Game Code 2050 *et seq*., and federally threatened pursuant to Title 16, United States Code 1531 *et seq*. MAMU uses coastal redwood forests from Santa Cruz to Del Norte counties during the breeding season (March 24 to September 15). MAMU have been documented nesting in mature, old-growth forests as well as younger forest stands with late-seral elements such as large trees with moss-covered limbs greater than six inches wide or limb defects (McShane et al. 2004). Mature conifer stands often have a complex tree crown structure with gaps in the canopy that allow access by adult murrelets to and from nest platforms during parental incubation exchanges and chick feeding (Ralph et al. 1995b). Given the extent of MAMU habitat loss due to the CZU Fire in 2020, protection and preservation of remaining MAMU breeding habitat in the Santa Cruz Mountains, including within the Project area, is paramount.

MAMU are CESA listed as endangered species and therefore are a threatened or endangered species pursuant to CEQA Guidelines section 15380. Therefore, if MAMU adults or young are injured or killed, or their habitat is removed or its quality diminished as a result of Project development, the Project may result in a substantial reduction in the number or restriction in the range of a threatened species or endangered species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendation: CDFW recommends the following mitigation measures to be included in the IS/MND to reduce potentially significant impacts to MAMU to less-than-significant levels:

Mitigation Measure 1 – Marbled Murrelet Habitat Assessment: In areas where MAMU potential nesting habitat and/or USFWS designated critical habitat may be

present, a qualified biologist shall conduct a habitat assessment prior to the start of Project activities. Typical credentials for a qualified biologist shall include a minimum of five years of academic training and professional experience in biological sciences and related resource management activities, and successful completion of the Inland Marbled Murrelet Observer Training (Certified Observer) and a minimum of two years of experience conducting surveys for MAMU. The habitat assessment shall include:

1. A desk review to identify habitat, including remnant and legacy trees, using aerial photos and LiDAR data, if available;

2. An on-site physical ground evaluation of forest conditions within the Project footprint and surrounding 0.25 miles, looking specifically for the presence of platforms and platforms trees, please note many platforms may not be visible from the ground. In second growth aged forests, on-site evaluations should include identifying individual or small patches of mature/old growth forest, remnant trees, or second growth trees with platforms, as complete habitat information can be missed when relying solely on maps, aerial photos, or LiDAR. A physical ground evaluation of forest conditions is essential to verify the absence of platforms, as potential platform features such as broken tops and trees with deformities are not likely to be visible with current remote analysis tools;

3. For any trees identified as containing suitable platforms, the following information should be documented: estimated platform height from ground, presence of foliar cover from the tree itself, presence of screen trees surrounding the habitat tree, nearest known flyway, and nearest known occupied habitat; and

4. If an on-site physical ground evaluation is not possible within the 0.25-mile buffer surrounding the project site, please provide an explanation and justification. Using desktop analysis (see #1), determine whether suitable habitat is likely to occur. In the absence of on-site evaluations and rigorous desktop analysis, habitat shall be assumed to be suitable.

Suitable habitat characteristics shall be defined as mature and old-growth coniferous forest stands, and younger coniferous forest stands having platforms with a relatively flat surface at least 10 centimeters in diameter and a minimum of 10 meters high in the live crown of a coniferous tree. Platforms can be created by a wide bare branch, moss or lichen covering a branch, mistletoe, witches' brooms, and other deformities, or structures such as squirrel nests (Pacific Seabird Group 2024).

Suitable nesting habitat features found during the assessment shall be identified for avoidance and retention as a sensitive area and shall be communicated to CDFW. Regardless of results, habitat assessment data shall be provided to CDFW, and shall include a description of the habitat, site photos, maps, and discussion on whether the habitat is suitable for MAMU breeding. If no suitable MAMU nesting habitat is identified within 0.25 miles of the Project area and access road, then no specific MAMU mitigation measures are required.

Mitigation Measure 2 – Marbled Murrelet Surveys: If any suitable MAMU nesting habitat is identified during the habitat assessment, the habitat shall be assumed occupied by nesting MAMU unless a qualified biologist conducts protocol level audiovisual murrelet surveys following the Pacific Seabird Group A Revised Protocol for Surveying Marbled Murrelets in Forests (Pacific Seabird Group 2024), available online at http://www.pacificseabirdgroup.org, which may entail up to two years of surveys. Protocol level surveys shall be utilized to determine the presence or occupancy of nesting murrelets within 0.25 miles of the Project area and access road(s) and whether Project activities will have an impact on MAMU. Prior to initiating surveys, CDFW shall be consulted on the placement and number of survey stations. Results of all audio-visual murrelet surveys shall be submitted to CDFW for review.

Mitigation Measure 3 – Marbled Murrelet Nesting Habitat Avoidance: If conducting two-year protocol level surveys is not feasible, or if nesting MAMU are detected during surveys (occupied behavior), a qualified biologist shall develop appropriate avoidance disturbance buffers around suitable habitat identified within 0.25 miles of the Project area and access road(s) to be implemented during Project activities that occur during the murrelet breeding season (March 24 to September 15) utilizing the USFWS Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California. This shall minimally include implementation of the following measures for surveys indicating occupancy:

Restrictions on Tree Removal:

1. Tree removal and trimming required by the Project shall occur outside of the MAMU breeding season (March 24 to September 15) to minimize disturbance to MAMU nesting;

2. Trees identified for removal under the Project shall first be assessed for suitability as MAMU nesting or screen trees by a qualified biologist;

3. Trees determined to have suitable elements for nesting by MAMU and screen trees will be retained under the Project, if feasible. If a suitable un-occupied

nest tree(s) or screen trees cannot be retained as part of the Project, the qualified biologist shall coordinate with CDFW regarding removal of a potential MAMU nest/screen tree from occupied habitat and shall identify additional measures to address this loss. This may include follow-up monitoring of nest activity in the area to provide additional data on MAMU use of the Project Area, or other mitigation measures considered appropriate by CDFW.

Project Construction Activities:

4. In consultation with CDFW, the qualified biologist shall develop a Nest Avoidance Program (NAP) by evaluating the potential sound levels of proposed activities occurring at each stage of construction to calculate appropriate no-disturbance buffers to be employed during the breeding season. Appropriate audio and visual disturbance buffers shall follow the USFWS Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California document. A project area map, with seasonal no-disturbance buffers placed around occupied habitat, shall be distributed to work crews. To alert work crews to their presence, MAMU no-disturbance buffers, as determined by the NAP, shall be flagged within and/or around the project area. If the determined audio and visual disturbance buffers around the identified suitable nesting habitat do not incorporate the Project area and access road(s) footprint, then no specific MAMU mitigation measures are required. The NAP shall include maps of the project area(s) identifying the location(s) of occupied MAMU habitat and depictions of audio-visual disturbance buffers that will be implemented.

5. No project activities shall be allowed in the NAP-identified no-disturbance areas during the MAMU breeding season (March 24 to September 15). If Project construction activities must occur during the MAMU breeding season within buffer areas identified in the NAP, the Project shall consult with CDFW and obtain a CESA ITP prior to construction.

6. The qualified biologist shall perform a worker training prior to the start of any construction to educate all workers on the sensitivity of the area, presence of MAMU, and importance of avoiding attracting predators as a result of construction activities. Raven, crows and jays, which have large home ranges, are known predators of MAMU eggs and nestlings (Marzluff and Neatherlin 2006). All garbage and food scraps shall be packed out and disposed of in animal-proof containers. Workers, when feasible, shall consume food inside their vehicles. These measures shall apply year-round and for all project areas.

7. Access routes and the number and size of staging and work areas shall be limited to the minimum necessary to construct the proposed Project. Routes and boundaries of staging areas and access shall be clearly marked prior to initiating construction or installation.

8. If results of audio-visual surveys indicate that MAMU are present but not nesting within 0.25 miles of the Project area and access road(s) (i.e. MAMU are detected flying through the Project area to upstream breeding habitat), Project activities conducted during the breeding season shall be limited to two hours after sunrise to two hours before sunset.

Mitigation Measure 4 – Prohibition of Marbled Murrelet Noise Deterrent: The Project shall not include any noise deterrents for MAMU intended to prevent MAMU use of a potential nesting location or area. Noise deterrents disrupt MAMU natural behavior during important stages of their life cycle, such as identifying nesting locations and feeding of young or fledglings, which could result in take.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Shannon Husband, Environmental Scientist, at (707) 337-1364 or Shannon.Husband@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
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Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Land Use and Climate Innovation (SCH No. 2025110166)

REFERENCES

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