

STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE



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July 7, 2026

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**Subject: New Driveway for Undeveloped Property along La Honda Road, Initial Study/Mitigated Negative Declaration, SCH No. 2026060460, San Mateo County**

Dear Sonal Aggarwal:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Initial Study/Mitigated Negative Declaration (IS/MND) from San Mateo County (the County) for the New Driveway for Undeveloped Property along La Honda Road Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

**CDFW ROLE**

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

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** San Mateo County

**Objective:** The Project requires a Grading Permit and Initial Study/Negative Declaration for an additional 3,185 cubic yard (cu. yd.) of cut (including 1,209 cu. yd. of cut in the California Department of Transportation [Caltrans] right-of-way [ROW]) to complete the new driveway

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

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(200 cu. yd. of excavation was completed prior to permit application), involving cutting of 10 protected trees located within 100 feet of the scenic highway and grading on vacant land. There would be no fill, and all spoils will be off hauled. The Project involves installing a 10-foot wide driveway, which includes installing asphalt driveway apron in the Caltrans ROW, and an 8-inch gravel driveway on the site. The Project would change the configuration and alignment of the driveway to improve sight lines and access to La Honda Road. The Project will also need a Confined Animal Permit for keeping approximately five horses or donkeys on site. Per the applicant no animals are currently living on the site. The site is located in the State Highway 84 La Honda Road Scenic Corridor and is zoned as RM (Resource Management).

**Location:** La Honda, San Mateo County, at cross streets La Honda Road and Old La Honda Road, Latitude 37.344529, Longitude -122.271919.

**Timeframe:** TBD

**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 U.S. Fish and Wildlife Service (USFWS)?**

**COMMENT 1: Tree Removal Impacts**

**Biological Resources, Page 10**

**Issue:** The Biological Resources impact analysis in the IS/MND relies on a Biological Resources Report prepared for the Project in December 2020, along with a supplemental assessment performed in July 2025, both of which analyze the potential for listed and special-status species to occur within the Project vicinity, and provide avoidance and minimization measures for the Project based on their findings. The Biological Resources Report states that “no tree removal is proposed,” and “As such, no impacts to sensitive natural communities are anticipated” (Attachment E, page 11). However, the Project Description in the IS/MND states that the Project will involve “cutting of ten protected trees located within 100 feet of the scenic highway” (IS/MND, page 1), and the Project plans depict the removal of 26 trees, including at least nine oak trees greater than 10-inches diameter at breast height (dbh) (Attachment B, page 1). Mitigation Measure 4 includes nesting bird protections, however, the IS/MND does not contemplate potentially significant impacts to bats from tree removal, and Mitigation Measure 4 can be improved to protect nesting birds that may be impacted by tree removal activities.

**Specific impact, why impact would occur, and evidence impact would be significant:** The federal Migratory Bird Treaty Act and California Fish and Game Code protect migratory and nesting birds, including species with potential to occur in the Project area such as Nuttall's woodpecker (*Picoides nuttallii*) and Oak titmouse (*Baeolophus inornatus*). The nesting seasons for passerines, owls, and raptors range from February 15- August 30, January 15- September 15, and February 15- September 15, respectively.

Townsend's big-eared bat (*Corynorhinus townsendii*) and hoary bat (*Lasiurus cinereus*) are known to occur within one mile of the Project area and are California Species of Special Concern. Bats, including Townsend's big-eared bat and hoary bat, play an

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important role in Bay Area ecosystems, through pest control, pollination and seed dispersal. Recent studies estimate that bat consumption of insect pests results in more than \$3 billion in agricultural production savings per year in the U.S. (USFWS 2025). Bats are known to roost under bridges, in caves and mines, on buildings, in cliff crevices, in tree foliage, bark, and hollows, and in riprap, with habitat use varying temporally and seasonally. Suitability of bat roosting habitat is dependent on temperature, protection from predators and inclement weather, and proximity to foraging sites. Habitat reduction and disruption of hibernation and maternity roosts due to human development and activity have contributed to steep population declines in California and across the globe. Many bat species are long lived, with most females birthing only one to two young per year. Due to low reproductive rates and sensitivity of breeding females to disruption, maternity colonies affected by human activities that temporarily reduce fecundity or mortality may require multiple years to recover following disturbance events (Caltrans 2019).

**Recommendation 1:** CDFW recommends the IS/MND be updated to include the following mitigation measures to reduce potentially significant impacts to nesting birds to less-than-significant levels:

**Recommended Nesting Bird Mitigation Measure:** If Project construction, including tree removal, is scheduled to take place between January 15 – September 15, a pre-construction survey of the Project vicinity for nesting birds shall be conducted by a qualified biologist experienced with the nesting behavior of bird species of the region. The survey shall determine if active nests are present within the planned area of disturbance or within 250 feet for passerines, 500 feet for accipiters and 1,000 feet for buteos. The survey shall be performed no more than seven days prior to the commencement of construction activities, and a second focused survey shall be conducted within 48 hours prior to construction activities that would occur during the nesting/breeding season. If Project activities are delayed following a survey, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of Project activities. If a lapse of Project-related activities of seven days or longer occurs, another focused survey will be conducted before Project activities can be reinitiated.

If an active bird nest is found within the survey radii, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. A protective buffer distance shall be established by a qualified biologist based on the site conditions such as whether the nest is in a line of sight of the construction and the sensitivity of the birds nesting. Typical protective buffers are as follows: 1) 250 feet for passerines, 2) 500 feet for accipiters, and 3) 1,000 feet for buteos. No Project personnel or equipment shall be allowed to enter the protective buffer until the qualified biologist determines that the young have fully fledged and will no longer be adversely affected by the Project.

The qualified biologist shall observe any identified active nests prior to the start of any construction-related activities to establish a behavioral baseline of the adults and any nestlings, and the nest site(s) shall be monitored by the biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by the qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. All buffers shall be shown on all sets of construction drawings.

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**Recommendation 2:** Further, CDFW recommends the IS/MND include the following mitigation measure to reduce potentially significant impacts to roosting bats to less-than-significant levels:

**Recommended Bat Mitigation Measure:** Pre-construction surveys for special-status and non-listed bat species shall be performed by a qualified biologist if any trees are to be removed, or underutilized or vacant buildings are to be demolished, or if any suitable habitat including buildings, trees, rock outcrops, bridges, or culverts are present within 100 feet of proposed construction. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species). If any active maternity or hibernation roosts are identified within 100 feet of areas proposed for development, an agency-approved qualified biologist shall establish site-specific protective buffers around roosts, sized with consideration for the species that are present and the time of year bats are roosting, as well as levels of construction noise and light emission from Project activities.

If bats are identified during pre-construction surveys and are roosting in vegetation slated for removal or within structures that will be demolished, CDFW shall be consulted. Any removal of trees shall occur after a qualified biologist confirms day roosting bats are not present. Tree removal shall be phased; where selected limbs and branches not containing cavities are removed using hand equipment on the first day, with the remainder of the tree removed using chainsaws or other equipment the second day. Trees and structures supporting day roosting bats shall not be removed until the lead agency consults with CDFW and receives written confirmation that Project activities may proceed.

**Recommendation 3:** CDFW recommends the Biological Resources Report be updated to align with currently proposed Project activities and include analysis of potential impacts to Biological Resources due to tree removal.

**COMMENT 2: San Francisco Garter Snake Avoidance**

**Biological Resources, page 10**

**Issue:** The Biological Resources Report(s) prepared for the Project does not include San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), which has records of occurrence within 0.5 miles of the Project area, and which has the potential to be present on-site. The Biological Resources Report and the IS/MND do not provide any mitigation measures to avoid impacts to San Francisco garter snake.

Project activities include extensive site grading (3,185 cubic yards) near La Honda Road, a roadside drainage ditch, and undeveloped areas of the property which include grassland habitat adjacent to the existing gravel driveway. If San Francisco garter snake are migrating through grassland habitat or in underground burrows within the Project area while grading is occurring, and suitable avoidance measures are not followed, the Project could result in take of San Francisco garter snake.

**Specific impact, why impact would occur, and evidence impact would be significant:** San Francisco garter snake is a California Fully Protected species and is listed as endangered under the California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA). San Francisco garter snake require a variety of habitats, including aquatic breeding habitat and upland dispersal habitat.

San Francisco garter snake are endemic snakes with a highly limited range in the San Francisco Peninsula. They utilize a variety of habitats including upland sites for basking, rodent burrows for shelter and low-lying marsh for feeding and reproduction (USFWS

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1985). In coastal areas, San Francisco garter snake may hibernate during the winter in small mammal burrows (USFWS, 2007). San Francisco garter snake are threatened by loss of habitat from agricultural, commercial, and urban development, illegal collection by reptile breeders, and decline of their prey species, California red-legged frog (*Rana draytonii*).

Sufficiently rigorous survey efforts at appropriate times of the year are essential to conclusively determine whether San Francisco garter snake utilize potential habitat within and adjacent to the Project site. San Francisco garter snake are known to migrate up to a mile between suitable habitat areas, and periodic surveys are necessary to accurately assess species' presence on the landscape.

San Francisco garter snake are listed as endangered under CESA and federal ESA and therefore; are threatened or endangered species pursuant to CEQA Guidelines section 15380. Therefore, if San Francisco garter snake are injured or killed, or their habitat is removed as a result of the Project, 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 4:** CDFW recommends the IS/MND include the following mitigation measure to ensure that potential impacts to San Francisco garter snake are fully avoided:

**Recommended San Francisco Garter Snake Mitigation Measures:**

**San Francisco Garter Snake Focused Surveys:** Prior to commencement of Project activities, focused surveys for San Francisco garter snake shall be conducted by a CDFW-approved qualified biologist experienced with San Francisco garter snake identification and life history. Surveys shall follow protocols approved by CDFW and shall include assessment of upland burrowing habitat. If the results of surveys indicate San Francisco garter snake are present within or adjacent to the Project area, the Project proponent, in coordination with CDFW, shall create and implement a San Francisco garter snake avoidance plan to avoid all impacts to state and federally listed and fully protected species and their habitat. If any San Francisco garter snake take occurs or if either of these species are detected, CDFW shall be contacted immediately, and location information and photo documentation of the individual(s) shall be provided.

**Pre-Construction Surveys:** A minimum of 48 hours prior to the start of vegetation removal and ground disturbing activities, the qualified biologist shall conduct a pre-construction survey within and adjacent to the proposed work area. The qualified biologist shall survey the Project area at the appropriate time of day for presence of special-status species.

**Exclusion Fencing:** The Project proponent shall install a temporary barrier, where feasible, to prevent San Francisco garter snake or other wildlife from dispersing into the Project area, including along construction access routes, prior to Project commencement. The barrier shall be installed immediately after pre-construction surveys have been completed and shall consist of fencing at least 42 inches tall with 36 inches above the soil surface, designed with a lip to prevent small wildlife from climbing over the barrier, and buried to a depth of six inches below the soil surface. The soil shall be compacted against both sides of the fence to prevent San Francisco garter snake from gaining access. Stakes shall be placed on the inside of the fence to prevent toppling. The barrier shall be constructed without gaps or holes, except for access areas as required for vehicle and pedestrian traffic. The barrier shall be designed to allow trapped individuals to leave the Project area by installing one-way funnels, ramps, or other methods approved by CDFW. An alternative barrier design or directional treatment techniques in lieu of fencing may be used after receiving written

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authorization from CDFW. The qualified biologist shall inspect the barrier daily and the barrier shall remain in place until all construction activities have been completed and when recommended by the qualified biologist. The barrier shall be maintained and repaired immediately, if damaged, to ensure that it is functional and without defects.

**Daily Inspection:** After Project commencement, the qualified biologist shall inspect work areas, equipment and material left onsite, and any access routes into the work area and nearby vicinity for the presence of special-status species. If any species are detected in harm's way, construction activities shall not begin until the species has left the site of its own volition. The qualified biologist shall be present on site during all Project ground-disturbing and vegetation removal activities and shall have the authority to stop work if special-status species are encountered.

**Work Period:** To the greatest extent feasible, Project activities shall be conducted from April through October during the dry season when San Francisco garter snake are less likely to be found in the Project area. Work shall occur during periods of dry weather only, to avoid impacts to species migrating to and from upland areas during wet weather.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (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](mailto:Shannon.Husband@wildlife.ca.gov); or Wes Stokes, Senior Environmental Scientist (Supervisory), at [Wesley.Stokes@wildlife.ca.gov](mailto:Wesley.Stokes@wildlife.ca.gov).

Sincerely,

DocuSigned by:



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Erin Chappell

Regional Manager

Bay Delta Region

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ec: Office of Land Use and Climate Innovation, State Clearinghouse (SCH No. 2026060460)  
Craig Weightman, CDFW Bay Delta Region – [Craig.Weightman@wildlife.ca.gov](mailto:Craig.Weightman@wildlife.ca.gov)

**REFERENCES**

California Department of Transportation. 2019. Caltrans Bat Mitigation: A Guide to Developing Feasible and Effective Solutions.

U.S. Fish and Wildlife Service. 1985. Recovery Plan for the San Francisco Garter Snake (Thamnophis Sirtalis Tetrataenia). U.S. Fish and Wildlife Service, Portland, Oregon. 77 pp.

U.S. Fish and Wildlife Service. 2007. Species Account San Francisco Garter Snake (Thamnophis Sirtalis Tetrataenia). U.S. Fish and Wildlife Service, Sacramento, California.