Exhibit A

Responses to Comments
Mitigated Negative Declaration

Wurr Road, Pescadero Creek Road, Cloverdale Road Culvert Repairs Project
February 24, 2026

The San Mateo County Department of Public Works (County) prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed Wurr Road, Pescadero Creek Road, Cloverdale Road Culvert Repairs Project (Project) and published it for public review and comment between November 6, 2025, and December 6, 2025. This document contains the County's responses to comments received from agencies, organizations, and persons during the public review period of the IS/MND.

As listed in Table 1: *Public Comments,* the County received one comment letter during the public review period. None of the comments indicate that the Project would result in a new or significant environmental impact not previously disclosed in the IS/MND.

Table 1: Public Comments

Letter	Comment Entity	Date of Letter
A	California Department of Fish and Wildlife	November 26, 2025

CEQA Response To Comments Memorandum

Wurr Road, Pescadero Creek Road, and Cloverdale Road

Culvert Repairs Project

San Mateo County, CA

February 2026

Prepared for:

County of San Mateo Department of Public Works
555 County Center, 5th Floor
Redwood City, CA 94063

Prepared by:

Montrose Environmental
1 Kaiser Plaza, Suite 340
Oakland, CA 94612
Contact: Zachary Cornejo
ZacharyCornejo@montrose-env.com

Response To Comments Memorandum

Date: February 2026

To: San Mateo County Department of Public Works

From: Montrose Environmental

Subject: Response to Comments on the Draft Initial Study/Mitigated Negative Declaration for the Wurr Road, Pescadero Creek Road, and Cloverdale Road Culvert Repairs Project

1. INTRODUCTION

Montrose Environmental has prepared this memorandum to respond to comments received by San Mateo County Department of Public Works (County) on the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Wurr Road, Pescadero Creek Road, and Cloverdale Road Culvert Repairs Project (Proposed Project), dated November 2025. An IS/MND is an informational document prepared by a Lead Agency, in this case, the County, that provides environmental analysis for public review and for the agency decision-makers to consider before taking discretionary actions related to any project that could have a significant effect on the environment.

The Draft IS/MND provided analysis of the impacts that would result from the implementation of the Proposed Project. Mitigation measures were identified, as applicable, to minimize the impacts to less-than-significant level.

The County Board of Supervisors must certify that the Draft IS/MND adequately discloses the environmental effects of the proposed project prior to approval. Additionally, the County Board of Supervisors must confirm that the IS/MND is the appropriate environmental document for the proposed project and that the IS/MND has been completed in conformance with the California Environmental Quality Act (CEQA).

This memorandum for the Wurr Road, Pescadero Creek Road, and Cloverdale Road Culvert Repairs Project Draft IS/MND presents:

- Names of persons and/or organizations commenting on the Draft IS/MND,
- Responses to the received comments, and
- Text revisions to the Draft IS/MND, dated November 2025.

Together with the Draft IS/MND, this memorandum constitutes the Final IS/MND for the Wurr Road, Pescadero Creek Road, and Cloverdale Road Culvert Repairs Project.

2. CEQA PROCESS AND SUMMARY OF COMMENTS RECEIVED

In accordance with Section 15073 of the CEQA Guidelines, the County uploaded the Draft IS/MND to the Office of Planning Research (OPR) State Clearinghouse using the "CEQASubmit". The 30-day review period started on November 6th, 2025 and concluded on December 5th, 2025. The County circulated a Notice of Availability/Notice of Intent (NOA/NOI) to interested agencies and individuals. The NOA/NOI was also posted at the Proposed Project website: https://www.smcgov.org/publicworks/wurr-roadpescadero-creek-roadcloverdale-road-culverts-repair-project. During the public review period, the County received one comment letters on the Draft IS/MND. The following table contains a list of comments received on the Draft IS/MND during the 30-day public review period.

Table 1: Public Comments

Letter	Comment Entity	Date of Letter
A	California Department of Fish and Wildlife	November 26, 2025

This document provides the responses to comments received on the IS/MND that address the contents of the environmental analysis. Numbered responses correspond to the comments in each letter. Copies of each comment letter are attached.

In summary, the comments received on the draft IS/MND did not raise any new issues about the proposed project's environmental impacts, or provide information indicating the proposed project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/MND. CEQA does not require formal responses to comments on an IS/MND, only that the lead agency consider the comments received [CEQA Guidelines §15074(b)]. Nevertheless, responses to the comments are included in this document to provide a complete environmental record.

This document contains a list of the agencies and persons that submitted comments on the IS/MND and the County's responses to comments received on the IS/MND. The specific comments have been excerpted from the letter and are presented as "Comment" with each response directly following as "Response." Copies of the comments submitted to the County of San Mateo have been inserted into this document.

Comment Letter A

From: Sierra, Jessica@Wildlife
To: DPW_CEQA_Comments
Cc: state.clearinghouse@lci.ca.gov; Husband, Shannon@Wildlife; wesley.stokes; Weightman, Craig@Wildlife
Subject: Wurr Road, Pescadero Creek Road, and Cloverdale Road Culvert Repairs Project-SCH2025110166
Date: Wednesday, November 26, 2025 10:37:49 AM
Attachments: image001.png
image002.png
Wurr Road, Pescadero Creek Road, and Cloverdale Road Culvert Repairs Project-SCH2025110166-Casagrande-HUSBAND11262025.pdf

Good morning,

Please see the attached letters for your records. If you have any questions, contact Shannon Husband, cc'd above.

Thank you,

Jessica Sierra
Staff Services Analyst/ Administrative Support Analyst
California Department of Fish and Wildlife – Bay Delta Region

2109 Arch Airport Rd., Stockton, CA 95206
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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

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
B77E9A8211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

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

REFERENCES

Marzluff, J.M. and E. Neatherlin. 2006. Corvid response to human settlements and campgrounds: causes, consequences, and challenges for conservation. Biological Conservation 130: 301-314.

McShane, C., T. Hamer, H. Carter, G. Swartzman, V. Friesen, D. Ainley, R. Tressler, K. Nelson, A. Burger, L. Spear, T. Mohagen, R. Martin, L. Henkel, K. Prindle, C. Strong, and J. Keany. 2004. Evaluation report for the 5-year status review of the marbled murrelet in Washington, Oregon, and California. Unpublished report. EDAW, Inc. Seattle, Washington. Prepared for the U.S. Fish and Wildlife Service, Region 1. Portland, Oregon.

Pacific Seabird Group. 2024. A revised protocol for surveying Marbled Murrelets in forests. Pacific Seabird Group Technical Publication Number 6. Available from https://pacificseabirdgroup.org/psg-publications/technical-publications/

Ralph, C. J., G. L. Hunt, Jr., M. G. Raphael, and J. F. Piatt, Eds. 1995b. Ecology and conservation of the Marbled Murrelet. General Technical Report PSW-GTR-152, U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station, Albany, California.

United States Fish and Wildlife Service (USFWS), 1997. Recovery Plan for the threatened marbled murrelet in Washington, Oregon, and California. United States Fish and Wildlife Service Region 1, 24 September 1997.

USFWS, 2020. Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California. United States Fish and Wildlife Service 10 October 2020.

Response to Letter A – California Department of Fish and Wildlife, November 26, 2025.

Comment 1-1: 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.

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.

> **Response 1-1:** The commenter acknowledges receipt of the NOA/NOI for the Proposed Project. No response is required.

Comment 1-2: 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 (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.

> **Response 1-2**: The commenter identifies their role as both a Trustee Agency and a Responsible Agency under CEQA. No response is required.

Comment 1-3: 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.

Response 1-3: The commenter clarified the requirements of the California Endangered Species Act and Native Plant Protection Act and their role in administrating these policies. No response is required.

Comment 1-4: 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.

Response 1-4: The commenter clarified the requirements of Lake and Streambed Alteration Agreements and their role in administrating this policy. No response is required.

Comment 1-5: 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.

Response 1-5: The commenter clarified the requirements of a Restoration Management Permit and their role in administrating this permit program. No response is required.

Comment 1-6: 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.

Response 1-6: The commenter clarified their obligation to protect raptors and nesting birds under the Migratory Bird Treaty Act. No response is required.

Comment 1-7: 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.

Response 1-7: The commenter clarified their obligation to protect San Francisco garter snake from unauthorized take. No response is required.

Comment 1-8: 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.

Response 1-8: The commenter provided a brief summary of the project details. No response is required.

Comment 1-9: 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.

Response 1-9: CDFW correctly notes that certain Project sites are located in proximity to habitat that may be suitable for breeding marbled murrelet (*Brachyramphus marmoratus*; MAMU) and that Project-related construction activities could result in temporary auditory and visual disturbance if conducted during the MAMU breeding season and in absence of proper BMPs. The County acknowledges the importance of pre-project habitat surveys by qualified biologists and project design measures such as project-specific MAMU BMPs when evaluating and to prevent potential impacts to this special-status species.

BMP BIO-10 (Measures to Protect Nesting Marbled Murrelet) for this project has been revised to identify the marbled murrelet breeding season as March 15 through September 15, as recommended. However, multi-year monitoring data for the Santa Cruz Mountain region suggests the marbled murrelet breeding season and use of inland forest habitat locally ends mid-August, before the CDFW listed end of breeding season (September 15) for the species' range. These data were the basis for the County listing the end of the breeding season as August 15. According to data provided by State and County Parks for San Mateo and Santa Cruz Counties, Audio Visual (AV) surveys combined with radar detections and Acoustic Recording Unit (ARU), monitoring in the region resulted in notably fewer detections in August, with little to no detections after August 15 and none after September. These localized marbled murrelet behavioral data support a more representative time of use window for the Santa Cruz Mountains as April 1 – August 5, except for marbled murrelet important areas within Portola State Park and Pescadero Creek County Park, where August 15th is appropriate, or Gazos Mountain Camp where September 1st is appropriate. These data were shared with CDFW staff prior to the environmental review and start of the permitting process for this project. As stated above, the County has revised BMP BIO-10 for this project but looks forward to continued collaboration with CDFW and local MAMU

experts to continue to further our understanding and refinement of the MAMU work window for the region based on best available science and continued expansion of local data sets.

CDFW also recommended that MAMU suitable nesting habitat surveys of the Project sites be conducted by a MAMU qualified biologist and surveyor. Although not explicitly stated in the BMP BIO-10 and the draft IS/MND, the County did conduct field reconnaissance-level surveys and detailed GIS-based LiDAR habitat analysis followed by focused field surveys for nesting trees at sites with potential MAMU habitat. The surveys were conducted by a Montrose biologists, a County DPW biologist, and a County Parks biologist who is qualified as a certified MAMU observer. The professional qualifications required of the biologist conducting MAMU-related surveys and monitoring have been incorporated into this IS/MND.

With these clarifications and revisions, the Project will be in accordance with the recommended measures to ensure the construction-related auditory and visual disturbance would not adversely affect nesting MAMU, if present. As revised, potential impacts to MAMU remain as **less than significant.**

Comment 1-10: 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).

Response 1-10: The commenter provided a brief review of MAMU listing status, habitat requirements, and risks faced in the Project region. The County acknowledges the sensitive nature of the species and importance of protecting and minimizing impacts to suitable nesting habitat. The County supports regional monitoring efforts to better understand local population behavior and habitat use periods.

Comment 1-11: 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.

Response 1-11: The commenter provided guidance on the recommended methods to conduct a habitat assessment prior to the start of project activities. Recommended Mitigation Measure BIO-1 requires preparation of a MAMU Habitat Assessment within 0.25 miles of the project area which includes a LiDAR analysis, an on-site physical ground evaluation of forest conditions, and an evaluation of nesting tree suitability and potential to determine whether suitable nesting habitat or occupied nests are present. The guidance provided is largely consistent with the County's standard practice for evaluating potential MAMU habitat. As mentioned above, the standard procedure for the County is to conduct reconnaissance-level field surveys in support of the biological assessment and a detailed GIS LiDAR-based desktop analysis of potential MAMU habitat within a 0.25-mile radius of the project sites including review the following resources: LiDAR-derived fine scale vegetation map layer (e.g., redwood, Douglas-fir communities) and canopy layer, critical habitat layer, County and State Parks monitoring locations and observations, CNDDB observations/detections, and MAMU Land Management Plan Zone 6 - Important Area map boundaries and data.

As described in Section 3.4 (Biological Resources) of the IS/MND and **Appendix E** (Biological Conditions), focused field surveys for MAMU habitat and nesting trees were conducted within the Project vicinity at sites identified as potential MAMU habitat in the 0.25-mile GIS-based LiDAR analysis described above. Focused field surveys for MAMU nesting habitat included an on-site physical ground evaluation of the Project footprint including an additional approximate 300-foot buffer and were conducted in August 2025 by a MAMU Certified Observer/Qualified Biologist.

Given the existing ambient noise environment and the anticipated construction generated noise levels associated with the Proposed Project, the approximate 300-foot buffer was determined to be appropriate for evaluating potential impacts to nesting MAMU, if present, and to determine which sites would require additional avoidance measures or seasonal restrictions. This determination is consistent with the buffering guidance provided in the USFWS document *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, as well as recommended Mitigation Measure BIO-3. In accordance with Table 1 of the USFWS guidance document, the Project area is estimated to be within a moderate (71–80 dBA) ambient noise environment, and Project construction activities could generate noise levels in the high category (81- 90 dBA) or potentially Very High (91-100 dBA) depending on specific construction activities and/or equipment required. Under these conditions, the USFWS guidance recommends an auditory disturbance buffer of 165 feet from potentially suitable MAMU nesting trees during the nesting season, and a visual disturbance buffer of 330 feet.

This assessment identified several potentially suitable MAMU nesting trees within 330 feet of the Project footprint at Project Sites 94, 263, 265, 270, and 270.1. To avoid potential impacts to nesting MAMU, construction at these sites would occur outside of the listed MAMU nesting season (March 15 through September 15), except for site 263. No potentially suitable MAMU nesting trees were identified within 330 feet of the remaining Project sites (102, 119, 128.1, 265.1, 266, 268, 190). As a result, construction at those sites (outside of the disturbance buffers) is expected to be allowable during the nesting season in accordance with the USFWS disturbance guidance and recommended **Mitigation Measures**

BIO-1 through BIO-4. Please note that sites 128.1, 265.1, 270, and 270.1 are not within CDFW jurisdiction, but were included in the MAMU habitat assessment as best practice.

Section 3.4 (Biological Resources) of the IS/MND has been revised to detail the County's standard procedure and consistency with **Mitigation Measures BIO-1 and BIO-4**. Implementation of these measures would not result in new significant impacts or impacts of greater severity than those identified in the circulated IS/MND. With incorporation of the recommended measures, potential impacts to marbled murrelet would remain **less than significant**.

Comment 1-12: 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 P*acific 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.

Response 1-12: Recommended **Mitigation Measure BIO-2** identifies the need to conduct protocol-level marbled murrelet surveys within 0.25 miles of the Project area if suitable nesting habitat or occupied nests are identified during the Marbled Murrelet Habitat Assessment. This recommended measure is largely consistent with procedures listed in the Project BMPs and already incorporated as part of the Project. Project BMP BIO-10 (Measures to Protect Nesting Marbled Murrelet) details the standard procedure for implementing nest protection measures, derived from previously approved projects in CDFW jurisdiction and potential Marbled Murrelet habitat. The BMP states that if habitat trees are present within 0.25 miles of the project site but are greater than 300 feet from the work area, the permittee may proceed under the subsequently listed conditions which include measures such as limiting work to outside the breeding season and implementing seasonal disturbance buffers in accordance with the USFWS *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California* guidance. The BMP states that protocol level surveys can be used as method to determine MAMU presence in the potential habitat.

Due to project timing and site-specific survey constraints, including limitations on access to adjacent private properties and the Project's construction schedule based on the culverts existing conditions and risk of failure, implementation of the two-year protocol-level survey effort within 0.25 miles of the project identified in Mitigation Measure BIO-2 was infeasible for this Project. Protocol level surveys within a 0.25-mile radius are not routine practice for maintenance projects of this scale (short duration, small footprint) and would only be warranted if additional work window and noise buffer BMPs were not implemented.

Consistent with CDFW guidance for projects where protocol-level surveys cannot be

completed, and as discussed in Response 1-11, **Mitigation Measure BIO-3** (consistent with BMP BIO-10) would instead be incorporated. **Mitigation Measure BIO-3** includes alternative avoidance and minimization measures that are appropriate for projects for which completion of protocol-level surveys is not feasible and is designed to ensure that potential impacts to marbled murrelet are avoided or reduced to the extent feasible.

Section 3.4 (Biological Resources) of the IS/MND has been revised to document consistency with **Mitigation Measures BIO-2 and BIO-3**. Incorporation of these measures would not result in new significant impacts or impacts of greater severity than those identified in the circulated IS/MND. With implementation of the project BMPs, potential impacts to marbled murrelet would be **less than significant**.

Comment 1-13: 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.

Response 1-13: Please see Response to Comment 1-11 and 1-12, above. The Project is consistent with recommended **Mitigation Measure BIO-3**. Project sites located within 330 feet of potentially suitable MAMU nesting trees (specifically Project Sites 94, 265, 265.1, 270, and 270.1) would be constructed outside of the MAMU nesting season (March 15 through September 15) to avoid potential impacts to nesting MAMU.

Construction at Project sites where no potentially suitable MAMU nesting trees are located within 330 feet of the Project footprint (102, 119, 128.1, 265.1, 266, 268, 190) may occur before September 15, consistent with the USFWS *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California* guidance document and recommended **Mitigation Measure BIO-3**, and as discussed in response 1-11. The County will document potentially suitable nesting habitat and the appropriate audio-visual disturbance buffers in a Nest Avoidance Plan (NAP) as necessary, consistent with recommended Mitigation Measure Bio-3.

A worker training for all construction personnel prior to the start of construction is already incorporated into the project as BMP BIO-2 (Environmental Awareness Training). The training will include a review of all sensitive species and habitat that may occur at the project sites, resource avoidance and minimization measures, environmental permits, and regulatory compliance.

BMP GEN-2 (Minimize the Area of Disturbance) for the project limits the area of disturbance

to the smallest footprint necessary and requires the designated work area to be clearly identified in the field using highly visible material when working near waterways or other sensitive habitat.

Section 3.4 (Biological Resources) of the IS/MND has been revised for consistency with recommended **Mitigation Measure BIO-3**. Incorporation of this measure would not result in new significant impacts or impacts of greater severity than those identified in the circulated IS/MND. With incorporation of the recommended measures, potential impacts to MAMU would remain **less than significant**.

Comment 1-14: 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.

Response 1-14: No noise deterrents would be utilized to prevent MAMU use of a potential nesting location or area. Section 3.4 of the ISMND has been revised to document consistency with recommended mitigation measure, and this would not result in additional impacts or impacts of greater severity than described in the circulated IS/MND.

Comment 1-15: 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.

Response 1-15: The commenter provided a summary of environmental data submittal and document filing fee requirements. Additionally, the commentor indicates an appreciation for the opportunity to comment and assist on the Project. No response is required.

3. TEXT CHANGES TO THE IS/MND

The following section shows text changes and clarifications based on the order that they appear in the Draft IS/MND. Newly added text is shown in underline, while deleted text is displayed in strikeout.

Subsection 3.4.3 (a) on page 3-32 is amended as follows:

Birds

Special-status birds with the potential to occur in the Project area includes marbled murrelet and long-eared owl, as well as nesting birds protected under the MBTA and CDFW F&G Code §§ 3503 and 3513, which prohibits the take of migratory birds as well as disturbance of the active nests of most native birds.

Marbled murrelet are found in old growth coniferous and redwood forest habitats. They feed near shore, and nest in old-growth redwood dominated forests, often in Douglas-fir trees. Marbled Murrelet Critical Habitat unit CA-14a overlaps within San Mateo County in Memorial Park and is present at Pescadero Creek Road (Sites 94), and is adjacent to Project areas along Wurr Road (Sites 263, 265, 265.1, 266, 268, 270, and 270.1) and Pescadero Creek Road (Site 102). Additionally, the Marbled Murrelet Critical Habitat unit CA-14a occurs within Butano State Park within the vicinity of the Cloverdale Road Project area. In Memorial County Park, known marbled murrelet occupied sites have been documented at the Huckleberry Flat and occupied behavior has been confirmed at Homestead Flat, Sequoia Flat. Based on proximity to 2010 CNDDB occurrence at Memorial County Park (CNDDB#38), a habitat assessment analysis to determine the presence of potential MAMU habitat was conducted including a GIS LiDAR-based analysis of potential suitable habitat within 0.25 miles, a review of multi-year monitoring data for the Santa Cruz Mountain region, and field reconnaissance surveys. Potential MAMU habitat was identified ~~marbled murrelet has the potential to occur within 300 feet of Project sites~~ at Sites 94, 102, 263, 265, 265.1, 268, 270, 270.1 (CNDDB 2025; Appendix G). Additionally, an on-site physical ground evaluation of potentially suitable nesting trees completed in August 2025 by a MAMU Certified Observer/Qualified Biologist[1] and other project biologists found that potential MAMU nesting trees are present within 300 feet of sites 94, 263, 265, 270, and 270.1. Potentially suitable marbled murrelet nesting trees consist of large diameter tree with large (≥4 inch) horizontal branches (platform location with moss and access and good canopy cover, complex understory, good access points for landing). No suitable nesting trees were observed within 300 ft ~~at~~ of Sites 102, 119, 128.1, 265.1, 266, 268, and 190.

Based on suitable habitat, proximity to designated critical habitat, known occupied sites, confirmed occupied behavior, CNDDB occurrences and presence of potential nesting trees ~~(~~within 330ft ~~of Project site) within the vicinity~~ of the Project area, nine (9) sites (Sites 94, 102, 263, 265, 265.1, 266, 268, 270, and 270.1) are considered to be sensitive for marbled murrelet, due to the presence of suitable nesting trees within ¼-mile. If present, these birds may be impacted indirectly through construction noise if nesting near the Project area at the time of

[1] Typical credentials for a MAMU Certified Observer/Qualified Biologist 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.

construction. ~~Project BMP BIO-10 (Measures to Protect Nesting Marbled Murrelet) prohibits construction activities during marbled murrelet breeding/nesting season (March 24 to August 15) without prior consent from the regulatory agencies, if suitable marbled murrelet nesting trees are present within 300 feet of the project area or if a marbled murrelet nest is detected. If habitat trees are present within ¼- mile of the project site but are greater than 300 feet from the work area, Permittee may proceed with the following conditions:~~

- ~~Work within the ¼ mile buffer shall be confined to the period of August 15 to October 312 .~~
- ~~If activities cannot be performed during this window and would thus occur during the marbled murrelet breeding season (March 25 to August 15), seasonal disturbance minimization buffers as listed the USFWS document, Estimation of the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (2006) shall be followed. Permittee shall measure ambient noise and estimate construction activity noise to calculate seasonal buffer widths using that reference.~~
- ~~Alternatively, if protocol-level surveys are conducted and do not indicate that habitat is occupied by marbled murrelet, seasonal and distance work restrictions may be lifted with written approval from CDFW. Protocol level survey procedures and information can be found at: https://pacificseabirdgroup.org/wp-content/uploads/2025/04/A-RevisedProtocol-for-Surveying-MAMU-in-Forests-2024-1.pdf~~

Project BMP BIO-10 (Measures to Protect Nesting Marbled Murrelet) outlines standard procedures to avoid and minimize impacts to Marbled Murrelet that may be present in the project vicinity. This includes actions such as limiting construction activities to outside the breeding season, implementing seasonal disturbance buffers in accordance with published USFWS guidance, and/or conducting protocol level surveys to evaluate species presence and behavior.

In order to avoid potential impacts to MAMU, and to be consistent with Project BMP BIO-10, the Project would restrict construction at ~~nine (9)~~ five (5) sites with potentially suitable MAMU nesting trees within 330 feet of the Project area (Sites 94, ~~102, 263,~~ 265, 265.1, ~~266, 268,~~ 270, 270.1) to outside of nesting season (~~August~~ September 15 to October 31). Construction activities at Project sites where no potentially suitable MAMU nesting trees are located within 330 feet of the Project footprint may occur before September 15 consistent with the USFWS *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California* guidance document. Such action is anticipated to require the development of a Nest Avoidance Plan (NAP) that delineates potentially suitable habitat within 0.25 miles of the project but greater than 300 feet from the project, and audio and visual disturbance buffers and working hours to be implemented during construction activities occurring prior to September 15.

~~This construction period was identified based on data for local MAMU populations within the Butano State Park. This reduced Project construction window would be applicable for sites with potentially suitable nesting trees within ¼ mile of the Project. Construction at Site 268 would primarily occur outside the marbled murrelet nesting season; however, if construction sequencing requires work to extend beyond this window, BMP BIO-10 would be implemented~~

~~to allow continuation of activities. The implementation of BIO-10 was deemed feasible at Site 268 as potential nesting trees were not identified with 300 feet of this site during the August 2025 surveys, and the nearest observed potential nesting tree to the site is located more than 1,000 feet from construction activities. Therefore, if required, construction at Site 268 should be allowable prior to end the of MAMU nesting season through the implementation of Estimation of the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (2025) guidance, as identified in BMP BIO-10. By restricting construction at marbled murrelet sensitive sites to outside of the nesting season, significant impacts to this species would be avoided and the Project would result in less than significant impacts.~~

Noise deterrents for MAMU intended to prevent MAMU use of a potential nesting location or area will not be used as part of the project. 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.

Potentially suitable nesting trees were identified within 300 feet of the project at site 263 on Bloomquist Creek. Due to the long construction duration required for this site, the project cannot be completed in the listed work window (September 15-October 31). As such, avoidance and minimization measures for site 263 will be developed in consultation with CDFW. Actions to avoid impacts to nesting Marbled Murrelet at this site may include mapping of noise and visual buffers, implementation of reduced working hours to avoid peak activity times, potential extension of the October 31 work window end date pending agency approval and weather, completion of pre-construction audio-visual (AV) surveys supplemented with acoustic (ARU) monitoring, and potential variance to start work following the nesting season, prior to September 15, pending results of AV and ARU monitoring (negative detections) and CDFW approval.

By restricting construction at marbled murrelet sensitive sites to outside of the nesting season, and implementing the measures identified in **BMP BIO-10** significant impacts to this species would be avoided and the Project would result in **less than significant impacts**.

Furthermore, habitats within the vicinity of Project sites could support nests of a variety of migratory bird species, including raptors. Construction-related vegetation clearing, tree removal, noise, or other activities could disrupt active nest sites and/or result in the abandonment of an active nest. Project BMPs BMP BIO-1 (Environmental Awareness Training) and BIO-9 (Measures to Protect Nesting Migratory Birds) would ensure Project impacts on nesting birds remain less than significant. Specifically, BMP BIO-9 recommends vegetation removal activities are conducted prior to nesting bird season (February 1 through August 31), to the extent feasible. If vegetation removal is not able to occur outside of the nesting season, then a qualified biologist will survey the work area and a minimum of 300 feet surrounding the work area for raptor nests and 100 feet for nests of non-raptors. This survey will occur no more than three days prior to starting work. If a lapse in Project-related work of 7 days or longer occurs, another focused survey will be conducted before work can be reinitiated. If nesting birds are found, a no-work buffer will be marked with fencing, flagging, or other easily identifiable marking around the nest and maintained until the young have fledged. No trees or shrubs shall be disturbed that contain active bird nests until all eggs have hatched, and young have fully fledged (are no longer being fed by the adults and have completely left the nest site). BMP BIO-

1 further reduces potential impacts to nesting birds by informing all project personnel on actions to take in the event a bird nest is detected.

Following implementation of Project BMPs BIO-1, BIO-9, and BIO-10, impacts to special-status bird species would be l**ess than significant.**

4. CONCLUSION

The comments received during the public circulation period for the Draft IS/MND did not raise any new environmental issues or provide information signifying that the Proposed Project would result in additional impacts or impacts of greater severity than described in the circulated IS/MND. In conclusion, the IS/MND provides a legally adequate level of environmental review for the proposed project, pursuant to California Public Resources Code §21080(c) and 21081.1(a), and CEQA Guidelines §15070.

BMP Table Revisions

BMP Number	BMP Title	BMP Description
BIO-10	Measures to Protect Nesting Marbled Murrelet	▪ During marbled murrelet breeding/nesting season (March 24 to September 15 ~~August 15~~), if suitable marbled murrelet nesting trees are present within 300 feet of the project area or if a marbled murrelet nest is detected, Permittee shall consult with CDFW before proceeding. If habitat trees are present within ¼- mile of the project site but are greater than 300 feet from the work area, Permittee may proceed with the following conditions: – Work within the ¼-mile buffer shall be confined to the period of September 15 ~~August 15~~ to October 31[2]. – If activities cannot be performed during this window and would thus occur during the marbled murrelet breeding season (March 25 to September 15 ~~August 15~~), seasonal disturbance minimization buffers as listed the USFWS document, Estimation of the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (2020 ~~2006~~) shall be followed. Permittee shall measure ambient noise and estimate construction activity noise to calculate seasonal buffer widths using that reference. – Alternatively, if protocol-level surveys are conducted and do not indicate that the habitat is occupied by marbled murrelet, seasonal and distance work restrictions may be lifted with written approval from CDFW. Protocol level survey procedures and information can be found at: ~~http://www.pacificseabirdgroup.org/publications/PSG_TechPub2_MAMU_ISP.pdf~~ https://pacificseabirdgroup.org/wp-content/uploads/2024/02/A-Revised-Protocol-for-Surveying-MAMU-in-Forests-2024.pdf

[2] Allowable construction window has been updated to be Project specific and varies from that approved in the County of San Mateo Routine Maintenance Program.