

MEMORANDUM

DATE November 21, 2016
TO Deanna Chow, Principal Planner
FROM Terri McCracken, Senior Associate
SUBJECT ConnectMenlo EIR Errata #3

This errata provides edits that further clarify the procedures for implementing Mitigation Measure BIO-1, minor text revisions to pages 4.3-3, 4.3-11, Table 4.3-1, Figure 4.3-1, and page 4.3-19 of the Draft EIR. In addition, this errata also includes text changes to Responses to Comments O13-11 and O13-12 of the Response to Comments Document.

Mitigation Measure BIO-1

On October 24, 2016, Errata #2 was circulated to provide edits to clarify the requirements of the site-specific Baseline Biological Resources Assessment (BRA) required under Mitigation Measure BIO-1 as shown in Chapter 2, Executive Summary, and Chapter 3, Revisions to the Draft EIR, of the Response to Comments Document. Since this time the City has received additional requests from members of the Citizens Committee to Complete the Refuge (CCCR) to make further clarifying edits to Mitigation Measure BIO-1.

As discussed in Errata #2, the initial edits to Mitigation Measure BIO-1 were with respect to the confusion over the specified distance (10 feet) applied from a site proposed for development when it is “adjacent” to undeveloped natural habitat, which would trigger the required preparation of a BRA. The intent of the recommendation was to ensure that a detailed specific BRA would be required whenever sensitive biological resources could be directly or indirectly affected by proposed development. The distance for when a sensitive biological resource could be substantially affected varies based on a number of factors, including the nature of the proposed development and particular biological resource. These factors would be considered by the qualified biologist during preparation of the BRA, and appropriate recommendations made based on their professional judgment. As called for in Mitigation Measure BIO-1, an independent peer review of the BRA could be required to confirm its adequacy. Removing the specified distance for triggering a BRA and utilizing the term “adjacent” as is current practice in the City’s Municipal Code would better implement the recommended mitigation and ensure that assessments would be prepared any time sensitive biological resources could be affected.

While the protocol for the protection of special-status species and sensitive habitat are proscribed by Federal and State law and would be required to be followed for any project with the potential to adversely impact such conditions, the additional edits to Mitigation Measure BIO-1 include new text to further clarify the procedures to be followed for the preparation of the required BRA.

This errata reflects multiple revisions to Mitigation Measure BIO-1. Edits that are shown with only underline represent language that was added to the Response to Comments Document, **bold and underlined** text represent language that was added to the EIR in Errata #2, and the changes in this errata

are shown in ***bold, italicized, and underlined*** text; ~~strikethrough~~ represent text that has been deleted from the EIR. None of the revisions constitutes significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be recirculated.

Mitigation Measure BIO-1 appears in multiple places in the EIR and the Mitigation Monitoring or Reporting Program (MMRP) on the following pages:

- Pages 2-11 and 2-12 in Chapter 2, Executive Summary, of the Draft EIR
- Page 4.3-23 in Chapter 4.3, Biological Resources, of the Draft EIR
- Pages 2-12 thorough 2-14 of Chapter 2, Excutive Summary, of the Response to Comments Document
- Pages 3-8 and 3-9 of Chapter 3, Revisions to the Draft EIR, of the Response to Comments Document
- Pages 3-36 and page 3-37 of Chapter 3, Revisions to the Draft EIR, of the Response to Comments Document
- Pages 5 through 10 of the MMRP

Mitigation Measure BIO-1 as it appears in this Errata #3 supersedes all previous versions of this mitigation measure.

Mitigation Measure BIO-1: ~~Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required as part of the CEQA review of the project, if necessary, to confirm its adequacy. As part of the discretionary review process for development projects, *new construction and building additions regardless of size*, on sites in the M-2 Area, *in addition to appropriate CEQA review*, the City shall require all project applicants to prepare and submit project-specific baseline biological resources assessments (BRA) if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status ~~bat~~ species, other sensitive biological resources, and/or active nests of common birds protected under the Migratory Bird Treaty Act (MBTA). Sensitive biological resources triggering the need for the baseline BRA ~~may~~ shall include: wetlands, occurrences or suitable habitat for special-status species, sensitive natural communities, and important movement corridors for wildlife such as creek corridors and shorelines.~~

The baseline BRA shall be prepared by a qualified biologist.

The baseline BRA shall provide a determination on whether any sensitive biological resources are present on ~~the site~~, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. *If jurisdictional wetlands and/or waters are suspected to be present on the*

site, a jurisdictional delineation confirmed by the U.S. Army Corps of Engineers (USACE) will be provided as part of the baseline BRA.

The baseline BRA shall also include consideration of possible sensitive biological resources on any adjacent undeveloped lands that could be affected by the project, particularly and lands of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).

The baseline BRA shall incorporate guidance from relevant regional conservation plans, including, but not limited to, the then current Don Edwards San Francisco Bay Northwest-Regional National Wildlife Refuge Comprehensive Conservation Plan, South Bay Salt Pond Restoration Project, Tidal Marsh Recovery Plan and the United States Fish and Wildlife Service (USFWS) Recovery Plan for the Pacific Coast Population of the Western Snowy Plover, for determining the potential presence or absence of sensitive biological resources; however, the presence or absence of sensitive biological resources will be determined by on-site surveys. If the adjacent property is the Refuge, Refuge staff shall be contacted regarding the presence or absence of sensitive biological resources.

If sensitive biological resources are determined to be present on the site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur. Appropriate measures, such as preconstruction surveys, establishing no-disturbance zones and restrictive time periods during construction, protective development setbacks and restrictions, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist in consultation with the regulatory and resource agencies to provide adequate avoidance, or provide compensatory mitigation if avoidance is infeasible. With respect to fully protected species, if the BRA for any development project in the M-2 Area determines that any of the following Fully Protected Species are present, then neither take of such species will be permitted nor will mitigation measures including species collection or relocation. The Fully Protected Species include American Peregrine Falcon (*Falco peregrinus anatum*), California Black Rail (*Laterallus jamaicensis coturniculus*), California Clapper Rail - Ridgway's Rail (*Rallus longirostris obsoletus*), California Least Tern (*Sterna albifrons browni*), White-tailed Kite (*Elanus leucurus*), Salt-marsh harvest mouse (*Reithrodontomys raviventris*), and San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).

The qualified biologist shall make reasonable efforts to consult with the Refuge management and where appropriate, the Endangered Species Office of the USFWS, the National Marine Fisheries Service (NMFS), and California Department of Fish and Wildlife (CDFW) for determining the potential presence or absence of sensitive biological resources and appropriate avoidance or compensatory mitigation measures, if required.

Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations (i.e., the USACE, San Francisco Bay Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), USFWS, NMFS, Refuge and CDFW), shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits.

For sites properties that are adjacent to within 10 feet undeveloped lands, particularly permanent open space lands with federally and/or State-listed special status species, or sensitive habitats, or lands of the Refuge, this the BRA shall include consideration evaluation of the potential effects of:

- additional light,
- glare, and
- shading (i.e., shadow analysis).

- noise,
- urban runoff,
- water flow disruption,
- water quality degradation/sedimentation,
- attraction of nuisance species/predators (e.g., attraction to refuse) and their abatement (e.g., adverse impacts of rodenticides),
- and pesticides-

generated by the project, as well as the possibility for increased activity from humans and/or domesticated pets and their effects on the nearby natural habitats. **The BRA shall include proposed avoidance, minimization, and mitigation of these adverse impacts.**

The City of Menlo Park Planning Division may require an independent peer review of the adequacy of the baseline BRA as part of the review of the project to confirm its adequacy. Mitigation measures identified in the project-specific BRA shall be incorporated as a component of a proposed project and subsequent building permit, subject to the review and approval of the Community Development Department **and the appropriate regulatory and resource agencies.**

The following zoning regulations enacted by ordinances (including but not limited to 16.XX O-Office District, 16.XX.080 Corporate housing, 16.XX.140 Green and sustainable building; 16.XX LS-Life Science District, 16.XX.130 Green and sustainable building) to minimize impacts to biological resources are incorporated by reference into this mitigation measure and shall be a component of the project building permits:

1. Setbacks (A) Minimum of two hundred (200) feet from the waterfront; waterfront is defined as the top of the levee.
2. Waterfront and Environmental Considerations. The following provisions are applicable when the property is adjacent to the waterfront or other sensitive habitat.
 - a. Non-emergency lighting shall be limited to the minimum necessary to meet safety requirements and shall provide shielding and reflectors to minimize light spill and glare and shall not directly illuminate sensitive habitat areas. Incorporate timing devices and sensors to ensure night lighting is used only when necessary.
 - b. Landscaping and its maintenance shall not negatively impact the water quality, native habitats, or natural resources.
 - c. Pets shall not be allowed within the corporate housing due to their impacts on water quality, native habitats, and natural resources.
3. Bird-friendly design.
 - a. No more than ten percent (10%) of façade surface area shall have non-bird- friendly glazing.
 - b. Bird- friendly glazing includes, but is not limited to opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.
 - c. Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.
 - d. Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.
 - e. Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.

- f. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.

If it is determined through the BRA or CEQA review that further assessment/monitoring/reporting is required by appropriate regulatory or resource agencies, it shall be the responsibility of the City to ensure all project requirements are implemented.

Additional Text Edits to Chapter 4.3, Biological Resources

The text on page 4.3-3 of the Draft EIR under the subheading State Regulations is hereby amended as follows:

California Fish and Game Code

Under the California Fish and Game Code, the CDFW provides protection from “take” for a variety of species. The CDFW also protects streams, water bodies, and riparian corridors through the Streambed Alteration Agreement process under Section 1601 to 1606 of the California Fish and Game Code. The California Fish and Game Code stipulates that it is “unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake” without notifying the Department, incorporating necessary mitigation, and obtaining a Streambed Alteration Agreement. CDFW’s jurisdiction extends to the top of banks and often includes the outer edge of riparian vegetation canopy cover.

California Fish and Game Code Sections 1600 through 1616 regulate development to avoid and mitigate impacts or modification to rivers, streams, or lakes. Modification is defined as diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream or lake.

California Fish and Game Code Section 3503.5 prohibits “take,” possession, or destruction of any raptor (bird of prey species in the orders Falconiformes and Strigiformes), including their nests or eggs. Violations of this law include destruction of active raptor nests as a result of tree removal and disturbance to nesting pairs by nearby human activity that causes nest abandonment and reproductive failure.

California Fish and Game Code Sections 3511, 4700, 5050 and 5515 pertain to take and possession of Fully Protected birds, mammals, amphibians and reptiles, and fish species, respectively. Fully Protected species are those recognized by CDFW that may not be taken or possessed at any time. No licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock. The classification of Fully Protected was an initial effort by CDFW in the 1960's to identify and provide additional protection to those animals that were rare or considered to face possible extinction.

The last paragraph on page 4.3-11 under the subheading “Special-Status Species” is hereby amended as follows:

A number of special-status species have been reported from the Menlo Park vicinity. Most of these occurrences are from the remaining natural areas along the shoreline of the Bay, or the open hillsides to the south of the study area. Figures 4.3-2 and 4.3-3 show the known occurrences of special-status plant

and animal species, respectively, known from the vicinity of Menlo Park as mapped by the CNDDDB. Table 4.3-1 provides a summary of the special-status species which have occurrences reported by the CNDDDB extending within the study area, providing information on their status and preferred habitat types. These consist of seven special-status plant species and 14 special-status animal species. There remains the potential for other special-status species to be present in the Menlo Park vicinity as well. Some of these special-status species are not closely monitored by the CNDDDB for a variety of reasons, including, absence of reported nesting locations, or other essential habitats and are therefore not listed on Table 4.3-1. However, many of these species are included on Figure 4.3-2 and 4.3-3 from reported occurrences in other locations in the surrounding areas, and do have the potential to occur in the Study Area where suitable habitats is present. These include a number of species that are “fully protected” by the CDFW (see Section 4.3.1.1, Regulatory Framework, subheading State Regulations), such as the American Peregrine Falcon (*Falco peregrinus anatum*), White-tailed Kite (*Elanus leucurus*), California Least Tern (*Sterna albifrons browni*), Salt-marsh harvest mouse (*Reithrodontomys raviventris*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), California Black Rail (*Laterallus jamaicensis coturniculus*), and California Clapper Rail (*Rallus longirostris obsoletus*) also known as the Ridgway’s rail.

Table 4.3-1, Special-Status Species in Menlo Park Vicinity, on pages 4.3-11 through 4.3-17 is hereby amended as shown on the following page.

The text on page 4.3-19 of the Draft EIR under the subheading “State Regulations” is hereby amended as follows:

The proposed project would largely occur in urbanized areas where special-status species are generally not expected to occur. The potential for occurrence of special-status species in developed areas is generally very remote in comparison to undeveloped lands with natural habitat that contain essential habitat characteristics for the range of species known in the Menlo Park vicinity. As discussed above under Section 4.3.1.2, Existing Conditions, certain geographic areas of the proposed project are closely associated with lands where special-status species may occur or be persistently present and lands in those geographic areas may include or be adjacent to sensitive natural communities, habitats, wetlands, creeks and sloughs. As shown on Figure 4.3-3 above, the western snowy plover, Santa Cruz kangaroo rat, salt-marsh harvest mouse, the San Francisco garter snake, California Clapper Rail (also known as Ridgway’s rail), and California least tern, among others, have been observed or have the potential for occurrence in the remaining undeveloped lands in Bayfront Area.

Figure 4.3-3 Special-Status Animal Species on page 4.3-13 is hereby amended to show that the California Clapper Rail is also known as the Ridgway’s rail.

TABLE 4.3-1 SPECIAL-STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
Plants								
<i>Chloropyron maritimum ssp. palustre</i>	Point Reyes bird's-beak	Possibly Extirpated	None	None	--	1B.2	Coastal salt marsh.	Usually in coastal salt marsh with <i>Salicornia, distichlis, jaumea,</i> and <i>spartina.</i>
<i>Cirsium praeteriens</i>	Lost thistle	Presumed Extant	None	None	--	1A	Little information exists on this plant; it was collected from the Palo Alto area at the turn of the 20th century.	Although not seen since 1901, this <i>cirsium</i> is thought to be quite distinct from other species.
<i>Collinsia multicolor</i>	San Francisco collinsia	Presumed Extant	None	None	--	1B.2	Closed-cone coniferous forest, coastal scrub.	On decomposed shale (mudstone) mixed with humus.
<i>Dirca occidentalis</i>	western leatherwood	Presumed Extant	None	None	--	1B.2	Upland forest, chaparral, woodland, riparian forest, riparian woodland.	On brushy slopes, mesic sites; mostly in mixed evergreen and foothill woodland communities.
<i>Eryngium aristulatum var. hooveri</i>	Hoover's button-celery	Possibly Extirpated	None	None	--	1B.1	Vernal pools.	Alkaline depressions, vernal pools, roadside ditches, and other wet places near the coast.
<i>Hemizonia parryi ssp. congdonii</i>	Congdon's tarplant	Possibly Extirpated	None	None	--	1B.2	Grasslands and disturbed locations.	Alkaline substrates, particularly near seasonal wetland, brackish marsh, and muted tidal marsh.
<i>Stuckenia filiformis</i>	Slender-leaved pondweed	Presumed Extant	None	None	--	2.2	Marshes and swamps.	Shallow, clear water of lakes and drainage channels.
Animals								
<i>Ambystoma californiense</i>	California tiger salamander	Extirpated	Threatened	Threatened	Special Concern		Central Valley DPS federally listed as threatened. Santa Barbara and Sonoma Counties DPS federally listed as endangered.	Need underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding.

TABLE 4.3-1 SPECIAL-STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
<i>Antrozous pallidus</i>	Pallid bat	Presumed Extant	None	None	Special Concern		Deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting.	Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.
<i>Athene cunicularia</i>	Western burrowing owl	Presumed Extant	None	None	Special Concern		Grasslands, shrub lands.	Burrows into ground. Uses a variety of natural and artificial burrowing sites. Prefers short grasses.
<i>Charadrius alexandrinus nivosus</i>	Western snowy plover	Presumed Extant	Threatened	None	Special Concern		Sandy beaches, salt pond levees and shores of large alkali lakes.	Needs sandy, gravelly, or friable soils for nesting.
<i>Circus cyaneus</i>	Northern harrier	Presumed Extant	None	None	Special Concern		Grasslands, salt marshes, open habitats with rodent populations.	Ground nesting, typically near shrubs in marshes.
<i>Dipodomys venustus venustus</i>	Santa Cruz kangaroo rat	Presumed Extant	None	None	--		Silverleaf manzanita mixed chaparral in the Zayante sand hills ecosystem of the Santa Cruz Mountains.	Needs soft, well-drained sand.
<u><i>Elanus leucurus</i></u>	<u>White-tailed kite</u>	<u>Presumed Extant</u>	<u>None</u>	<u>None</u>	<u>FP</u>		<u>Open grasslands, meadows, or marshes.</u>	<u>Requires dense-topped trees or shrubs for nesting and perching.</u>
<i>Emys marmorata</i>	Western pond turtle	Presumed Extant	None	None	Special Concern		A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation.	Need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.
<u><i>Falco peregrinus</i></u>	<u>American peregrine falcon</u>	<u>Presumed Extant</u>	<u>Delisted</u>	<u>Delisted</u>	<u>FP</u>		<u>A variety of open habitats including coastlines, mountains, marshes, bay shorelines, and urban areas.</u>	<u>Nest on cliffs, bridges, and tall buildings.</u>
<i>Lasiurus cinereus</i>	Hoary bat	Presumed Extant	None	None	--		Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding.	Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.

TABLE 4.3-1 SPECIAL-STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
<i>Lanius ludovicianus</i>	Loggerhead shrike	Presumed Extant	None	None	Special Concern		Grasslands, shrub-grasslands, savannah.	Nests in landscaping trees and shrubs. Uses barbed wire to impale prey, and for perching.
<i>Laterallus jamaicensis coturniculus</i>	California black rail	Presumed Extant	None	Threatened	FP		Salt marshes and in some freshwater marshes.	Dense cover bordering larger bays, also found in brackish and freshwater marshes.
<i>Rallus longirostris obsoletus</i>	California clapper rail / Ridgway's rail	Presumed Extant	Endangered	Endangered	FP		Tidal salt marsh and brackish water marsh.	Sloughs and marsh fringes with substantial cordgrass, pickleweed or bulrush cover.
<i>Reithrodontomys raviventris</i>	Salt-marsh harvest mouse	Presumed Extant	Endangered	Endangered	FP		Only in the saline emergent wetlands of San Francisco Bay and its tributaries.	Pickleweed is primary habitat. Do not burrow, build loosely organized nests. Require higher areas for flood escape.
<i>Sorex vagrans halicoetes</i>	Salt-marsh wandering shrew	Presumed Extant	None	None	Special Concern		Salt marshes of the south arm of San Francisco Bay.	Medium high marsh 6 to 8 feet above sea level where abundant driftwood is scattered among Salicornia.
<i>Spinus lawrencii</i>	Lawrence's gold finch	Presumed Extant	None	None	Special Concern		Uplands, non-native grasslands, ruderal.	Forages from seed-bearing plants, such as thistles.
<i>Sternula antillarum browni</i>	California least tern	Presumed Extant	Endangered	Endangered	FP		Beaches along coast and inland marshlands.	Feeds in shallow estuaries, marshes or lagoons where fish are abundant. Needs bare ground for nesting and roosting.
<i>Taxidea taxus</i>	American Badger	Presumed Extant	None	None	Special Concern		Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable (easy to dig) soils.	Needs sufficient food, friable soils & open, uncultivated ground. Preys on burrowing rodents. Digs burrows.
<i>Thamnophis sirtalis tetrataenia</i>	San Francisco garter snake	Presumed Extant	Endangered	Endangered	FP		Vicinity of freshwater marshes, ponds, and slow moving streams in San Mateo County and extreme Northern Santa Cruz County.	Prefers dense cover and water depths of at least one foot. Upland areas near water are also very important.
	Tree Nesting Raptors	Presumed Extant	None	None	Special Concern		Grasslands, woodlands	Trees

TABLE 4.3-1 SPECIAL-STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
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Notes:

Agencies

USFWS = U.S. Fish and Wildlife Service

CDFW = California Department of Fish and Wildlife

CNPS = California Native Plant Society

FP = California Fully Protected

CNPS California Rare Plant Rank

1A: Plants presumed extinct in California.

1B: Plants rare, threatened, or endangered in California and elsewhere.

2: Plants rare and endangered in California but more common elsewhere.

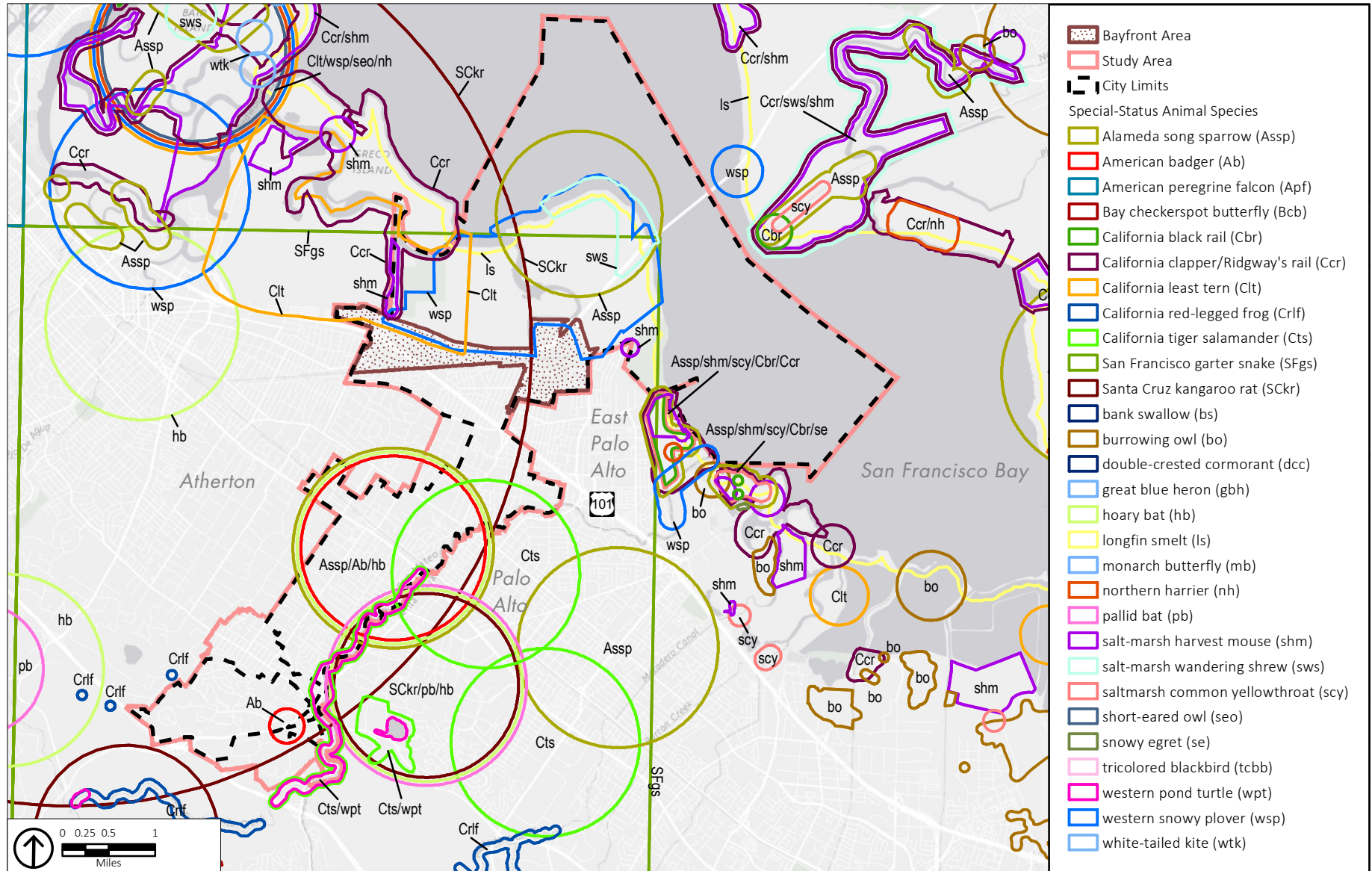
3: Plants about which additional data are needed – a review list.

4: Plants of limited distribution – a watch list

Source: California Natural Diversity Database, 2015.



BIOLOGICAL RESOURCES



Source: City of Menlo Park, 2015; PlaceWorks, 2015; California National Diversity Database, 2015.

Figure 4.3-3
Special-Status Animal Species

Responses to Comments O13-11 and O13-12

The responses to comments provided for Comment O13-11 and O13-12 of the Response to Comments Document are hereby amended as follows:

Response to Comment O13-11

The importance of the Don Edwards Bay National Wildlife Refuge (Refuge) and associated coastal salt marsh habitat is acknowledged on page 4.3-9 of the Draft EIR, including reference to the South Bay Salt Pond Restoration Project. A discussion of the conformance of the proposed project with local policies and ordinances related to biological resources is provided under Impact BIO-5 on page 4.3-27 of the Draft EIR. A discussion of the impact of the proposed project on adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan is addressed under Impact Discussion BIO-6 on pages 4.3-27 and 4.3-28 of the Draft EIR, including potential impacts to sensitive habitat in the Stanford HCP area that could occur as a result of the proposed project if adequate controls are not implemented. In 2012 the U.S. Fish and Wildlife Service (USFWS) completed a Final Comprehensive Conservation Plan (CCP) for the Refuge, including those portions of the project study area recognized as existing Refuge lands and areas for potential additions to the Refuge. ~~All of the~~ The lands within the Study Area within the existing Refuge or areas for potential additions to the Refuge are designated as Baylands in the General Plan Land Use Element and zoned as Flood Plain (FP) Open Space and Conservation (OSC) under the proposed project. Areas for potential additions to the Refuge are designated as Baylands in the General Plan Land Use Element and zoned as Flood Plain (FP) or designated as Bayfront Area in the General Plan Land Use Element and zoned as Life Science (LS) under the proposed project. Given the open space designations under the proposed project, no ~~Conflicts~~ Conflicts with the current and future CCP goals and policies are not anticipated. While the CCP is not an adopted habitat conservation plan under the CEQA significance criteria, it does provide important management guidance for Refuge lands by describing desired future conditions and long-range guidance to accomplish the purposes for which the Refuge was established. The CCP and accompanying Environmental Assessment (EA) address the USFWS legal mandates, policies, goals, and National Environmental Policy Act (NEPA) compliance.

Response to Comment O13-12

As noted by the commenter, related projects to the CCP include the South Bay Salt Pond Restoration Project and the Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. (U.S. Fish and Wildlife Service, 2013, Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California. Sacramento, California.)

The South Bay Salt Pond Restoration Project (SBSPRP) (EDAW, Philip Williams and Associates, H.T. Harvey and Associates, Brown and Caldwell, and Geomatrix, 2007, South Bay Salt Pond Restoration Project, Final Environmental Impact Statement/Report, Volume 1. Submitted to U.S. Fish and Wildlife Service and California Department of Fish and Game. December) is the largest tidal wetland restoration project on the West Coast, with the goal of restoring 15,100 acres of former commercial salt ponds at the south end of San Francisco Bay to a mix of tidal marsh, mudflat, managed pond, open water, and other wetland habitats. When fully implemented, the SBSPRP will serve to restore and enhance the tidal marsh ecosystems of the plan area, provide adequate pond habitat to migratory birds, increased wildlife-oriented public access and recreation, and improved flood management in the South Bay. All of the Ravenswood pond complex within the project area has been designated as Baylands in the General Plan Land Use Element and zoned as Flood Plain (FP) Open Space and Conservation (OSC) under the proposed project.

The Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California (Recovery Plan) focuses on five endangered species: two endangered animals, California clapper rail (or Ridgway's rail) and salt marsh harvest mouse, and three endangered plants - Suisun thistle, soft bird's-beak, and California sea-blite. While addressing the habitat requirements of these species is at the core of the Recovery Plan, the larger goal is to achieve the comprehensive restoration and management of tidal marsh ecosystems. The Recovery Plan is an expansion and revision of The California Clapper Rail and Salt Marsh Harvest Mouse Recovery Plan prepared by the USFWS in 1984. In addition, the Recovery Plan addresses 11 species or subspecies of concern. These include: salt marsh wandering shrew, Suisun shrew, San Pablo vole, California black rail, three song sparrow subspecies of the San Francisco Bay Estuary (Alameda song sparrow, Suisun song sparrow and San Pablo song sparrow), saltmarsh common yellowthroat, old man tiger beetle, Delta tule pea, and Pacific cordgrass. The Central/South San Francisco Bay Recovery Unit of the Recovery Plan ~~extends over the baylands in the project area~~, encompassing areas designated as Baylands in the General Plan Land Use Element and zoned Flood Plain (FP) OSC Open Space and Conservation or designated as Bayfront Area in the General Plan Land Use Element and zoned Life Science (LS) under the proposed project.

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