

INFORMATION HANDOUT

For Contract No. 04-3G7504
At 04-SM-92-PM 2.5

Identified by
Project ID 0412000169

PERMITS

Coastal Development Permit
U.S. Fish and Wildlife Service

04-3G7504
04-SM-92-PM 2.5
Project ID 0412000169



County of San Mateo

Planning & Building Department

455 County Center, 2nd Floor
Redwood City, California 94063
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August 20, 2013

CalTrans
Attn: Matthew Palmer
855 M Street, Ste. 200
Fresno, CA 93721

Dear Mr. Palmer:

Subject: **FINAL LETTER OF DECISION**
File Number: PLN2013-00247
Location: Public Right-Of-Way, adjacent to 11970 San Mateo Road, Half Moon Bay
APN: Public Right-Of-Way, adjacent to 056-340-010

On August 14, 2013, the San Mateo County Planning Commission considered a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, to repair and expand an existing drainage system at Post Mile 2.5, within the right-of-way of Highway 92, in the unincorporated Half Moon Bay area of San Mateo County.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the project by adopting the required findings and conditions of approval as identified in Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m.** on August 28, 2013.

An approval of this project is appealable to the California Coastal Commission. Any aggrieved person may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the notice of Final Local Decision. Please contact the Coastal Commission's North Central Coast District Office at (415)904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

If you have questions regarding this matter, please contact Mike Schaller, Senior Planner, at (650)363-1849 or Email: mschaller@smcgov.org.

Sincerely,

Heather Hardy
Planning Commission Secretary

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit File Number: PLN2013-00247

Hearing Date: August 14, 2013

Prepared By: Mike Schaller, Senior Planner

Adopted By: Planning Commission

FINDINGS

Regarding the Environmental Review, Found:

1. That the Commission, acting as a responsible agency, has reviewed and considered the Categorical Exemption, prepared by CalTrans as Lead Agency.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Section 6328.7 of the Zoning Regulations and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program (LCP). As discussed in Section A.2, the project, as proposed and conditioned, complies with the policies of the LCP. Specifically, with regard to the protection of biotic resources within the project area.
3. That the project conforms to the findings required by policies of the San Mateo County Local Coastal Program specifically in regard to the Sensitive Habitats Component. The project will be constructed in a manner that minimizes ground disturbance and will not impact sensitive habitat. Conditions have been placed on the project that will ensure that potential impacts to listed species will be minimized.

CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on August 14, 2013. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.
2. This permit shall be valid for two (2) years from the date of approval. Any extension of the permits shall require submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
3. This permit does not allow for the removal of any trees. Removal of any trees with a diameter greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.

4. The applicant shall implement their construction best management practices as necessary for this project. Said practices shall conform to the San Mateo County Wide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines" and include, but not be limited to:
 - a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
 - b. Minimize the area of bare soil exposed at one time (phased grading).
 - c. Clear only areas essential for construction.
 - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods, such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
 - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
 - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
 - g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
 - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
 - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
 - j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
 - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
 - l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5-acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
 - m. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved erosion control plan.

- n. The contractor shall train and provide instruction to all employees and subcontractors regarding the construction best management practices (as listed above).
5. To reduce the spread of invasive non-native plant species and minimize the potential decrease of palatable vegetation for wildlife species, CalTrans shall comply with Executive Order 13112. This order is provided to prevent the introduction of invasive species and provide for their control in order to minimize the economic, ecological, and human health impacts. In the event that high- or medium-priority noxious weeds are disturbed or removed during construction or construction related activities, the contractor will contain the plant material associated with these noxious weeds and dispose of it in a manner that will not promote the spread of the species. The contractor will be responsible for obtaining all permits, licenses and environmental clearances for properly disposing of materials. Areas subject to noxious weed removal or disturbance will be replanted with fast-growing native grasses or a native erosion control seed mixture. If seeding is not possible, the area should be covered to the extent practicable with heavy black plastic solarization material until the end of the project.
 6. A Water Pollution Control Plan (WPCP) and erosion control BMPs will be developed and implemented to minimize any wind or water related erosion. The WPCP will provide guidance for design staff to include provisions in construction contracts to include measures to protect sensitive areas and to prevent and minimize stormwater and non-stormwater discharges. Protective measures will include, at a minimum:
 - a. No discharge of pollutants from vehicle and equipment cleaning is allowed into any storm drains or watercourses.
 - b. Vehicle and equipment fueling and maintenance operations must be at least 50 feet away from watercourses, except at established commercial gas stations or established vehicle maintenance facility.
 - c. Water containing materials such as mud, silt, or concrete from construction activities will be treated by filtration, retention in a settling pond, or other similar measures. Concrete wastes are collected in washouts, and water from curing operations is collected and disposed of and not allowed into watercourses.
 - d. Fresh cement or concrete will be prevented from entering the Pacific Ocean. Construction pollutants will be collected and transported to an authorized upland disposal area, as appropriate, and in accordance with all relevant Federal, State, and local laws and regulations.
 - e. Spill containment kits will be maintained on-site at all times during construction operations and/or staging or fueling of equipment.
 - f. Dust control measures will be implemented, including use of water trucks and tackifiers to control dust in excavation and fill areas, covering temporary access road entrances and exits with rock (rocking), and covering temporary stockpiles when weather conditions require.
 - g. Coir rolls or straw wattles will be installed along or at the base of slopes during construction to capture sediment.
 - h. Protection of graded areas from erosion using a combination of silt fences, fiber rolls along toes of slopes or along edges of designated staging areas, and erosion control netting (such as jute or coir) as appropriate on sloped areas.

- i. Permanent erosion control measures such as bio-filtration strips and swales to receive stormwater discharges from the highway, or other impervious surfaces will be incorporated to the maximum extent practicable.
7. No work shall occur during or within 24 hours following a rain event exceeding 0.2-inch as measured by the NOAA National Weather Service for the Half Moon Bay, CA base station. U.S. Fish and Wildlife Service (Service)/CDFG approval to continue work during or within 24 hours of a rain event will be considered on a case-by-case basis.
8. To prevent California red-legged frogs and San Francisco garter snakes from becoming entangled, trapped or injured, erosion control materials that use plastic or synthetic mono-filament netting will not be used within the project area. This includes products that use photodegradable or biodegradable synthetic netting, which can take several months to decompose. Acceptable materials include natural fibers such as jute or twine, or tackified hydro seeding compounds.
9. Preconstruction surveys shall be conducted by a Service-approved biologist immediately prior to the initiation of any ground disturbing activities and vegetation clearing. All suitable California red-legged frog and San Francisco garter snake habitat including refugia habitat such as dense vegetation, small woody debris, refuse, burrows, etc., shall be thoroughly inspected. The Service-approved biologist(s) shall conduct clearance surveys at the beginning of each day and regularly throughout the workday when construction activities are occurring. A Service-approved biologist(s) shall be on-site during all on-site construction activities. If a California red-legged frog or San Francisco garter snake is observed, all work shall cease immediately and the Service shall be contacted to determine how to proceed.
10. Construction actions will be scheduled to minimize effects on listed species and habitats. Except for limited vegetation clearing necessary to minimize effects to nesting birds, work will be conducted between April 15 and October 15 to the maximum possible. If CalTrans needs to work outside of this typical dry season window, they will contact the Service at least 14 days prior to those activities.
11. Prior to the start of construction, ESAs - defined as areas containing sensitive habitats adjacent to or within construction work areas for which physical disturbance is not allowed, will be clearly delineated using high visibility orange fencing. Construction work areas include the active construction site and all areas providing support for the project including areas used for vehicle parking, equipment and material storage and staging, access roads, etc. The ESA fencing will remain in place throughout the duration of the project, while construction activities are ongoing, and will be regularly inspected and fully maintained at all times. The final project plans will depict all locations where ESA fencing will be installed and will provide installation specifications. The bid solicitation package special provisions will clearly describe acceptable fencing material and prohibited construction-related activities including vehicle operation, material and equipment storage, access roads and other surface-disturbing activities within ESAs. In addition, hydrological features (i.e., topographic depressions, drainage ditches, culverts, etc.) outside of the project footprint will not be manipulated (i.e., re-routed, dredged, filled, graded, etc.). This will avoid potential effects to wetlands and waters outside of the project footprint that are hydrologically connected to aquatic features within the project footprint.
12. Prior to the start of construction, Wildlife Exclusion Fencing (WEF) shall be installed along the edge of pavement along the eastbound lane and is to extend along the length of the project footprint. The location and extent of wildlife exclusion fencing shall be presented to the Service for approval prior to project initiation. The location, fencing materials and installation specifications, and monitoring and repair criteria shall be approved by the Service prior to project initiation. CalTrans shall include the WEF specifications on the final project plans.

CalTrans shall include the WEF specifications including installation and maintenance criteria in the bid solicitation package special provisions. The WEF shall remain in place throughout the duration of the project and shall be regularly inspected and fully maintained. Repairs to the WEF shall be made within 24 hours of discovery. Upon project completion the WEF shall be completely removed, the area cleaned of debris and trash, and returned to natural conditions.

13. Prior to the start of construction, a qualified biologist will conduct an educational training program for all construction personnel including contractors and subcontractors. The training will include, at a minimum, a description of the California red-legged frog, San Francisco garter snake, and migratory birds; associated habitats of these species within the action area; an explanation of the status of these species and protection under state and federal laws; the avoidance and minimization measures to be implemented to reduce take of these species; communication and work stoppage procedures in case a listed species is observed within the action area; and an explanation of the ESAs and WEF and the importance of maintaining these structures. A fact sheet conveying this information will be prepared and distributed to all construction personnel. Upon completion of the program, personnel will sign a form stating that they attended the program and understand all the avoidance and minimization measures and implications of the Act.
14. No discharge of pollutants from vehicle and equipment cleaning is allowed into any storm drains or water courses. Concrete wastes shall be collected in washouts and water from curing operations shall be collected and disposed. Neither will be allowed into watercourses.
15. Spill containment kits shall be maintained on-site at all times during construction operations and/or staging or fueling of equipment.
16. Dust control measures will include use of water trucks and dust palliatives to control dust in excavation-and-fill areas, covering temporary access road entrances and exits with rock (rocking), and covering of temporary stockpiles when weather conditions require.
17. Coir rolls or straw wattles that do not contain plastic or synthetic mono-filament netting will be installed along or at the base of slopes during construction to capture sediment.
18. The applicant shall protect all graded areas from erosion using a combination of silt fences, fiber rolls, etc., along toes of slopes or along edges of designated staging areas, and erosion control netting (such as jute or coir) as appropriate on sloped areas. No erosion control materials that use plastic or synthetic mono-filament netting shall be used.
19. A speed limit of 15 miles per hour (mph) in the project footprint in unpaved areas will be enforced to reduce dust and excessive soil disturbance.
20. Construction access, staging, storage, and parking areas, will be located within the right-of-way outside of any designated ESA or outside of the CalTrans right-of-way in areas environmentally cleared by the contractor. Access routes and the number and size of staging and work areas will be limited to the minimum necessary to construct the proposed project. Routes and boundaries of roadwork will be clearly marked prior to initiating construction or grading.
21. To the maximum extent practicable, any borrow material will be certified to be non-toxic and weed free.
22. All food and food-related trash items will be enclosed in sealed trash containers and properly disposed of off-site.
23. No pets from project personnel will be allowed anywhere on the project site during construction.

24. All slopes or unpaved areas affected by the proposed project will be restored to natural conditions. Slopes and bare ground will be reseeded with native grasses and shrubs characteristic of the floristic region and native local habitats to stabilize soils and prevent erosion. Where disturbance includes the removal of trees or plants, native species will be replanted and maintained until they become established.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



In Reply Refer To:
08ESMF00-2014-I-0287-1

MAR 26 2014

Ms. Melanie Brent, Office Chief
Caltrans District 4 Environmental Analysis
California Department of Transportation
P.O. Box 23660
Oakland, California 94623-0660

Subject: Informal Consultation on the Proposed State Route 92 Pilarcitos Creek Washout Repair Project, San Mateo County, California (Caltrans EA 04-3G750)

Dear Ms. Brent:

This letter responds to your October 29, 2013, letter requesting informal consultation and written concurrence for the proposed State Route 92 (SR-92) Pilarcitos Creek Washout Repair Project located in San Mateo County, California. The U.S. Fish and Wildlife Service (Service) received your letter on October 31, 2013. The purpose of the proposed action is to correct pavement surface water runoff overflows into the existing dike at post mile 2.5, which has caused slip-out and pavement damages on the eastbound lane. The proposed action comprises constructing a concrete-lined v-ditch on the westbound side of SR-92 to intercept slope runoff and convey the flows across the roadway into an existing stormwater drainage inlet. This consultation concerns the effects of the proposed action on the threatened California red-legged frog (*Rana draytonii*) and endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*). No designated or proposed critical habitat is present within the action area. This letter is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act).

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) legislation (23 U.S.C. 327) allows the Secretary of the U.S. Department of Transportation acting through the Federal Highway Administration (FHWA) to establish a Surface Transportation Project Delivery Pilot Program, whereby a State may assume the FHWA responsibilities under the National Environmental Policy Act (NEPA) for environmental review, agency consultation and other action pertaining to the review or approval of a specific project. Caltrans assumed these responsibilities for the FHWA on July 1, 2007 through a Memorandum of Understanding (MOU) within the State of California (http://www.dot.ca.gov/ser/downloads/MOUs/nepa_delegation/sec6005mou.pdf).

The action area is defined in 50 CFR §402.02, as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” For the purposes of the proposed action the Service considers the action area to comprise 2.278 acres encompassing the project footprint (0.49-acre), including all construction access, staging areas, vehicle parking, and construction work zones as specified by Caltrans and submitted to the Service in October 29, 2013, letter requesting informal consultation, subsequent information provided to the Service, and associated site visit, email and phone correspondence. Habitat within the action area comprises paved roadways, gravel shoulders, coniferous forest and Pilarcitos Creek.

The proposed action will occur predominately within existing paved roadway and westbound sparsely vegetated, gravel shoulder. Disturbance to vegetated habitat will occur immediately adjacent to SR-92 shoulder on the high side of the road shoulder adjacent to the westbound and on the opposite side of Pilarcitos Creek. Habitat within the project footprint to be disturbed comprises bare ground and sparse weedy grasses and annual forbs. The project would not result in temporary or permanent effects to San Francisco garter snake or California red-legged frog habitat. Pilarcitos Creek runs parallel to SR-92 and at its closest proximity is approximately 20 feet from the edge of the shoulder on the eastbound lane. The riparian corridor extends to the edge of the road shoulder comprising a mix of fir and redwood trees and blackberry shrubs. No work will occur along the eastbound side of the action area to avoid effects to California red-legged frog and San Francisco garter snake habitat.

The Service has reviewed the submitted project as described in the October 29, 2013, letter to the Service, supporting documentation, and evaluation of project effects, and concurs with the determination that the project as described is not likely to adversely affect the California red-legged frog and San Francisco garter snake as the effects will be insignificant and/or discountable. The Service concurs that the proposed action is not likely to adversely affect the California red-legged frog and San Francisco garter snake based on the following: (1) construction activities, including staging, laydown and vehicle parking, will occur within paved or unvegetated roadside verge habitat and disturbance to vegetated habitat will occur within a narrow area of habitat along SR-92 where ruderal and bare soils do not provide habitat for either species and outside any designated environmentally sensitive areas; (2) project has been modified to avoid affecting habitat along the Pilarcitos Creek (eastbound) side of the project footprint; (3) Caltrans will implement construction and erosion control Best Management Practices; (4) areas adjacent to sensitive habitat will be clearly demarked with temporary high-visibility and wildlife exclusion fencing; (5) all on-site personnel will attend environmental awareness training prior to beginning project activities; and (6) Service-approved biological monitors will conduct preconstruction surveys prior to ground disturbing activities and remain on-site to monitor construction activities throughout the project duration.

This concludes informal consultation on the proposed SR-92 Pilarcitos Creek Washout Repair Project located in San Mateo County, California. Therefore, unless new information reveals effects of the proposed action that may affect listed species in a manner or to an extent not considered, or a new species is listed, no further action pursuant to the Act is necessary. If you

Ms. Melanie Brent

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have questions please contact Jerry Roe, Endangered Species Biologist or Ryan Olah Coast Bay/Forest Foothills Division Chief, at the letterhead address (916) 414-6600, or via email at Jerry_Roe@fws.gov or Ryan_Olah@fws.gov.

Sincerely,



Eric Tattersall
Deputy Assistant Field Supervisor

cc:

Melissa Escaron, California Department of Fish and Game, Napa, California