

# Memorandum

**Project:** Butano Creek Channel Reconnection and Resiliency Project  
**Initial Study/Mitigated Negative Declaration, SCH No. 2018052007**

**Subject:** Consideration of Comments Received during the Public Review Period

**Date:** June 22, 2018

**To:** Kellyx Nelson (San Mateo Resource Conservation District) and Jim Robins (Alnus Ecological)

**From:** Ken Schwarz and Allison Chan (Horizon Water and Environment)

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## INTRODUCTION

This memorandum has been prepared to summarize the comments received by the San Mateo Resource Conservation District (SMRCD) on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Butano Creek Channel Reconnection and Resilience Project (Proposed Project). An IS/MND is an informational document prepared by a Lead Agency, in this case, the SMRCD, that provides environmental analysis for public review. The IS/MND analyzed the impacts resulting from the Proposed Project and where applicable, identified mitigation measures to minimize the impacts to less-than-significant levels.

This memorandum first summarizes the public review process undertaken for the IS/MND and identifies the next steps in the California Environmental Quality Act (CEQA) process, and then summarizes the comments received and provides responses to those comments.

## CEQA PROCESS

In accordance with Section 15073 of the CEQA Guidelines, the SMRCD submitted the IS/MND to the State Clearinghouse for a 30-day public review period starting May 3, 2018. In addition, the SMRCD circulated a Notice of Intent to Adopt the IS/MND to interested agencies and individuals, including the San Mateo County Clerk. A public meeting was also held on May 17, 2018 at the La Honda Pescadero Unified School District. A transcript of oral comments received and the meeting sign-in sheet are included in **Attachment A**. According to the State Clearinghouse CEQANet database, the public review period ended on June 1, 2018.

During this review period, 56 comment letters were received. These letters are included with this memorandum in Attachment A. Of these comment letters, 51 letters expressed support for the Project and one letter recommended that an EIR be prepared. Four comment letters provided more substantive comments on the IS/MND including those from California Department of Fish and Wildlife (CDFW), California Department of Transportation (Caltrans), County of San Mateo (County), and

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Committee for Green Foothills (CGF). One comment letter from a local citizen (Hilary Morgan) expressed her opinion that an EIR be prepared for the Proposed Project.

In accordance with CEQA Guidelines Section 15074(b), the SMRCD must consider the IS/MND together with comments received during the public review process prior to adopting the IS/MND. The CEQA Guidelines do not require the preparation of a response to comments for negative declarations; however, this memorandum has been prepared to document that the comments received were considered in light of the findings of the IS/MND and do not affect the IS/MND's conclusions that the Proposed Project would not have any significant effects on the environment.

At the time the IS/MND is considered for approval by the SMRCD, the SMRCD will also consider adopting a Mitigation Monitoring and Reporting Program (MMRP) for those mitigation measures identified in the IS/MND. The MMRP was included in the IS/MND as Appendix E.

Within five days following the potential approval of the IS/MND, the SMRCD would file a Notice of Determination (NOD) with the California State Clearinghouse. A resolution approving the IS/MND and adopting the MMRP, and an NOD, will be prepared for the SMRCD's use in this process, pending approval and adoption of the IS/MND and the MMRP. This resolution will identify that the SMRCD's Board of Directors has received and reviewed the IS/MND pursuant to the provisions of the CEQA and makes the following findings:

1. Prior to taking action on the IS/MND and MMRP for the Proposed Project, the SMRCD read and considered said IS/MND.
2. The IS/MND and MMRP are based on independent judgment exercised by the SMRCD.
3. The IS/MND and MMRP was prepared and considered in accordance with the requirements of the CEQA.
4. Considering the record as whole, there is no substantial evidence that the Proposed Project will have a significant effect on the environment.
5. The SMRCD is the custodian of the records of the proceedings on which this decision is based. Records are located at the SMRCD offices located at 625 Miramontes Street #103, Half Moon Bay, CA 94019.

The resolution will identify that based on the above findings, the SMRCD Board of Directors approves the IS/MND, adopts the MMRP, and directs staff to file the NOD.

#### **COMMENTS RECEIVED ON THE IS/MND**

As described above, the majority of the letters expressed support for the Proposed Project and do not require any further elaboration or response in light of the SMRCD's consideration of the Proposed Project.

Four letters provided more specific or substantive comments regarding the adequacy of the IS/MND, and one letter expressed support for preparing an EIR. **Table 1** below summarizes these four letters, the date in which they were received, as well as a code assigned to each comment letter. The section below describes the comments received from each commenter and how the SMRCD will consider and address these comments.

**Table 1.** Comment Letters Containing Substantive Comments on the IS/MND

Commenter	Comment Letter Code	Date
California Department of Fish and Wildlife (CDFW)	A	May 23, 2018
California Department of Transportation (Caltrans)	B	June 1, 2018
County of San Mateo (County)	C	June 1, 2018
Committee for Green Foothills (CGF)	D	June 1, 2018
Hilary Morgan	E	May 29, 2018

**REVIEW AND CONSIDERATION OF COMMENTS**

Comments from CDFW, Caltrans, the County, CGF, and Hilary Morgan are indicated by the comment letter code followed by a number like so: A-1, A-2, A-3, etc. These comment letter codes are shown in the marked-up version of the comments provided in Appendix A. The comments and responses to each comment are summarized below. Text additions made to the IS/MND are shown in underline and text deleted from the IS/MND is shown in ~~strike through~~.

**Comment A-1:** The comment clarifies that under extreme high flow conditions, limited fish passage in the upper reaches of Butano Creek may be possible, though it is unlikely in most years of normal or lower flow conditions. Such higher flows are associated with flooding of Pescadero Creek Road. The comment further notes that Pacific States Marine Fisheries Commission documented four steelhead redds in Butano Creek during the wet winter of 2016/2017 and that severe flooding of Pescadero Creek Road likely provided enough water for anadromous fish to travel upstream through the marsh and over the road.

**Response to Comment A-1:** This comment is noted. To acknowledge that four steelhead redds were observed during the winter of 2016/2017, the following footnote has been added at the end of the third paragraph on page 2-1 of the IS/MND:

In nearly all flow conditions, the entire Butano Creek watershed has become inaccessible to adult and juvenile salmonids as no discernible channel exists in multiple locations downstream of Pescadero Creek Road.<sup>2</sup>

<sup>2</sup> The Pacific States Marine Fisheries Commission documented four steelhead redds in Butano Creek during the winter of 2016/2017 and that severe flooding of Pescadero Creek Road likely provided enough water for anadromous fish to travel upstream through Butano Marsh and over the road (Sedoryk 2017 as cited in CDFW 2018).

The following reference has been added to page 5-1 of the IS/MND:

California Department of Fish and Wildlife. 2018. Comments on Butano Creek Channel Reconnection and Resilience Project, Initial Study/Mitigated Negative Declaration, SCH #2018052007. May 23, 2018.

**Comment A-2:** The comment notes that fish mortality poisoning by hydrogen sulfide, also caused by anoxia, is a contributing factor in fish kills.

**Response to Comment A-2:** This comment is appreciated. In response to this comment, the following sentence in the last paragraph of page 2-1 has been revised:

Hydrogen sulfide, caused by anoxia, and anoxia in channels of Butano Marsh have been documented, suggesting that the areas proposed for sediment reuse in the Project area (i.e., the low spots, which are described further in Section 2.3.5) are currently the major sources of hydrogen sulfide production and/or anoxic water, which then circulates through the marsh and into the lagoon following fall and early winter breaching events, causing fish to suffocate and/or be poisoned by hydrogen sulfide.

**Comment A-3:** The commenter notes that in addition to the existing marsh control structure's purpose in reducing the rapid flow of hypoxic water from the marsh into Pescadero Lagoon, another goal of the Project is to limit the output of hypoxic/anoxic sediment from Butano Channel and Butano Marsh.

**Response to Comment A-3:** This comment is noted. As noted in Section 2.2, the IS/MND states that the Project may improve survival of salmonids by strategically placing dredged material to reduce the area of the marsh that is creating anoxic conditions and to reduce the ability of anoxic water to rapidly flood the lagoon. No additional edits to Chapter 2 are necessary in regards to this comment.

**Comment A-4:** The comment notes that a California Endangered Species Act (CESA) take permit will be required for take of State listed species such as tidewater goby (*Euchylogobius newberryi*) and coho salmon (*Oncorhynchus kisutch*). Since the Project would restore habitat for these species, a Project would likely be subject to a memorandum of understanding under Fish and Game Code, Section 2081(a). The comment also notes that a permit would be needed for take of San Francisco garter snake, which includes relocation of individuals out of harm's way, described in BMP-21 (Chapter 2 of the IS/MND).

**Response to Comment A-4:** This comment is acknowledged; however subsequent to submission of their written comments, personal communication with CDFW clarified that tidewater goby is not listed under CESA. As described in Section 3.4, *Biological Resources*, page 3-32 of the IS/MND, SMRCD would obtain all necessary regulatory permits and authorizations to relocate individual tidewater gobies. A similar conclusion is provided for coho salmon on page 3-34 of the IS/MND. The IS/MND's impact analysis in Section 3.4 acknowledges that during Project construction, relocation of individual SFGS that are found in harm's way would be conducted in accordance with appropriate permits (see discussion on page 3-30). In response to this comment, Table 6 (page 2-42) has been revised to clarify that the Project would comply with Fish and Game Code, Section 2081 through the Project's permitting process as follows:

**Table 6.** Permit and Regulatory Requirements Applicable to the Proposed Project

Regulatory Agency	Law/Regulation	Purpose	Permit/Authorization Type
U.S. Army Corps of Engineers – San Francisco District	Clean Water Act (CWA) Section 404	Regulates placement of dredged and fill materials into waters of the United States.	Nationwide Permit
	Rivers and Harbors Act Section 10	Regulates work in navigable waters of the U.S.	Section 10 Compliance
San Francisco Bay Regional Water Quality Control Board	CWA Section 401	Water quality certification for placement of materials into waters of the United States.	401 Water Quality Certification
	CWA Section 303	Recognition and remediation of impaired water bodies through establishment of Total Maximum Daily Loads (TMDLs) to track and reduce pollutants and restore beneficial uses.	Butano Creek sediment impairment addressed as part of 401/WDR permit (note: Pescadero-Butano Watershed Sediment TMDL is in draft form)
	Porter-Cologne Water Quality Control Act	Regulates discharges of materials to land and protection of beneficial uses of waters of the State.	Waste Discharge Requirements (WDRs), which will be combined with the 401 Water Quality Certification
California Department of Fish and Wildlife (CDFW) – Bay Delta Region	Fish and Game Code (F&G Code) Section 1600	Applies to activities that will substantially modify a river, stream or lake. The Agreement includes reasonable conditions necessary to protect those resources.	Notification of Streambed Alteration (1602 permit) <del>CESA (no CESA-listed species likely to be taken)</del>
	<u>F&amp;G Code Section 2081</u>	<u>Regulates take of State-listed special-status species.</u>	<u>Memorandum of Understanding and/or CESA take permit, if necessary (Note: approvals to be confirmed through the Project's permitting process)</u>

**Comment A-5:** The comment points out that closure of Pescadero Lagoon mouth has occurred earlier than July in certain years, and closed as early as March (2014) and May (2017). The comment notes that if earlier closures were to occur, manual breaching would be necessary to protect water quality conditions during Project construction. Note, March 2014 was a very dry year with limited runoff from the watershed and this condition contributes to the lagoon closing off earlier.

**Response to Comment A-5:** This comment is acknowledged. To clarify that breaching could occur as early as March, the following sentence on page 2-27 of the IS/MND has been revised:

If necessary, breaching activities would likely occur in September or October as mouth closures generally occur in August or September when watershed streamflow diminishes. However, although rare, lagoon mouth closures can occur as early as ~~March~~July and as late as October so breaching could occur in ~~July~~April or ~~August~~November depending upon runoff and streamflow conditions in the watershed and the wave and current conditions in the nearshore environment.

Similarly, the following sentence has been modified on page 3-33 of the IS/MND:

Manual breaching activities at the Pescadero Lagoon mouth would be triggered by water surface elevations exceeding 6.5 feet. If necessary, breaching activities would likely occur in September or October as mouth closures generally occur in August or September. However, although rare, mouth closures can occur as early as ~~March~~July and as late as October so breaching could occur in ~~April~~July or ~~November~~August.

**Comment B-1:** The comment states that bridges that could potentially be affected by the Project include State Route (SR) 1 bridge over Pescadero Creek and four other County bridges. The comment requests that a bridge hydraulic engineer specializing in bridge scour, sediment transport, and tidal influence conduct an analysis describing the anticipated post-construction status of the SR 1 bridge. Such findings shall be submitted to Caltrans for review.

**Response to Comment B-1:** SMRCD and its design consultant (cbec) believe that a formal bridge hydraulics and scour analysis is unnecessary. Cbec's understanding is that the Proposed Project will have very little or negligible influence on flood conditions observed at the bridge because the Project will not change upstream inputs, the increase in tidal prism is unlikely to have a significant effect on the bridge hydraulics observed for the 100-year flow, and the Project will not change inflows or sediment inputs other than minor changes to floodplain storage. While the increase in tidal prism will likely change the frequent but low-intensity scour associated with flood and ebb tides at the SR 1 bridge, cbec does not think this is an issue. SMRCD staff will reach out to Caltrans to discuss their concerns and cbec's findings.

**Comment B-2:** The comment requests that the SR 1 bridge not be used for staging of equipment, though transport or staging of equipment may be permitted by Caltrans if alternative methods are not available. The comment notes that a load rating analysis and bridge deck protection procedures will need to be submitted to Caltrans for review and approval before proceeding.

**Response to Comment B-2:** SMRCD understands that the SR 1 bridge is a last resort option for staging and transport of equipment. As described in Table 3 of Chapter 2 of the IS/MND, the SMRCD's contractor would strive to use Access Point #2 (near the existing pedestrian bridge at Butano Channel) to place the dredge, barges, and excavator(s) into Butano Creek. However, in the event that use of this access point is determined infeasible, SMRCD's contractor may need to seek Caltrans' approval for using the SR 1 bridge to lower heavy equipment into Pescadero Lagoon. In the event that the SR 1 bridge needs to be used, SMRCD will submit a load rating analysis and bridge deck protection measures to Caltrans for review and approval prior to construction.

**Comment B-3:** The comment notes that the SMRCD, as lead agency, is responsible for all project mitigation, including any needed improvements to the State Transportation Network. The project's fair

share contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring should be described for all mitigation measures.

**Response to Comment B-3:** This comment is understood. As described in Section 3.16, *Transportation/Traffic*, the IS/MND concluded that Project activities could temporary adversely affect local roadways and traffic flow along Pescadero Creek Road and possibly SR 1 due to the presence of construction equipment, materials staging, and the temporary increase of truck trips. A traffic management plan (Mitigation Measure TR-1) would need to be prepared and implemented to reduce short-term effects on traffic safety. As stated in Mitigation Measure TR-1, SMRCD or its contractor will develop a traffic management plan and submit it Caltrans and the San Mateo County Department of Public Works for review and approval.

**Comment B-4:** The comment notes that any work or traffic control that encroaches onto the state right-of-way (ROW) requires an encroachment permit from Caltrans.

**Response to Comment B-4:** SMRCD understands that an encroachment permit is required for any traffic control that encroaches onto SR 1, as is shown in Table 6 of the IS/MND.

**Comment C-1:** The County notes that based on the number of haul trips and equipment used during project construction and anticipates potential impacts to Pescadero Creek Road and Bean Hollow Road. The commenter recommends that damaged local roads be restored by SMRCD.

**Response to Comment C-1:** This comment is acknowledged. SMRCD will coordinate with the County on this topic during the encroachment permit application process.

**Comment C-2:** The County notes that a water distribution pipeline is attached to the Pescadero Creek Road bridge and that there are low overhead utility lines in the project vicinity. The comment requests that the IS/MND state that existing utilities will be protected in place.

**Response to Comment C-2:** The water line attached to Pescadero Creek Road bridge and overhead utility lines in the vicinity of the project would be protected in place. In response to this comment, the following sentence has been added to the last paragraph on page 2-22 of the IS/MND:

Excavated material from Reach 3 would be hauled to the boat launch (Staging Area #3) and eventually to the proposed fill areas within Butano Marsh. The total volume of sediment to be excavated from Reach 3 has been estimated at 24,700 cubic yards. For the purposes of this analysis, this volume is approximately two-thirds of the total volume of sediment to be removed from Butano Creek channel. For excavation in the vicinity of Pescadero Creek Road bridge, material may be loaded directly into 10-wheel dump trucks by an excavator. Note that there is an existing water line attached to Pescadero Creek Road bridge and overhead utility lines in the vicinity of the work area, both of which would be protected in place throughout the duration of construction activities in Reach 3.

**Comment C-3:** The County notes that the Project will need to apply for an encroachment permit from the County Department of Public Works for work within the County's right-of-way. The comment also notes that a Traffic Control Plan will need to be submitted for review by the County Department of Public Works.

**Response to Comment C-3:** As shown in Table 6 (page 2-43) of the IS/MND, the SMRCD acknowledges that an encroachment permit will be required from the County Department of Public Works for any work within the County's right-of-way. In response to the second portion of the comment, Mitigation Measure TR-1 has been revised to ensure that the Traffic Control Plan gets submitted for review by the County Department of Public Works:

**Mitigation Measure TR-1: Prepare and Implement a Traffic Management Plan**

SMRCD or its contractor will prepare and implement a traffic management plan to reduce potential impacts on the circulation system, including interference with local emergency response planning, potential traffic safety hazards, and impeding access for emergency responders. Development and implementation of the traffic management plan will be coordinated with Caltrans and the County Department of Public Works. The plan will be submitted to the County Department of Public Works and, as necessary, Caltrans for review. The plan will include, but will not be limited to, the following items:

- Implement comprehensive traffic control measures, including scheduling of work within the roadway to avoid peak traffic hours, lane closure procedures, warning and detour signs (if required), flaggers, barricades, speed control devices, cones for drivers, and other measures.
- Notify adjacent property owners, CALFIRE, and public safety personnel regarding timing of lane closures and/or work within the roadway. Coordinate with Caltrans regarding lane closures on State Route 1 and obtain an encroachment permit.

**Comment C-4:** The comment notes that although the BMP list (Table 5 in Chapter 1 of the IS/MND) includes street sweeping, the County Department of Public Works will likely require continuous sweeping throughout the day, especially during the dredge material transport.

**Response to Comment C-4:** This comment is noted. In response to this comment, the third measure in BMP-12 (Dust Management Controls) has been revised as follows:

The SMRCD will implement the Bay Area Air Quality Management District (BAAQMD) Basic Dust Control Measures. Current measures stipulated by the BAAQMD Guidelines include the following:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day or more in accordance with the County Department of Public Works' encroachment permit requirements. The use of dry power sweeping is prohibited.

**Comment C-5:** The comment requests clarification as to whether ongoing dredging of Butano Creek within the County's right-of-way is a requirement for a successful outcome of the overall project. The comment also questions whether this aspect of the project was a result of the modeling efforts completed. The comment further notes that the County does not have plans to continue dredging at this location.



**Response to Comment C-5:** As described in Section 2.6 of the IS/MND, the Project is not expected to require substantial maintenance once construction is completed. The need for conducting ongoing monitoring and dredging of Butano Creek (30 feet from the upstream face of the bridge and 40 feet from the downstream face) was not determined based on the Project's modeling efforts. Rather, the SMRCD determined that in order to avoid any future large-scale dredge projects within the Pescadero Marsh Natural Preserve, annual monitoring of sediment accumulation and potential dredging in this location would extend and prolong benefits of the Project. In addition, monitoring and dredging of sediment at this location was considered due to ease of access from Pescadero Creek Road.

**Comment C-6:** The comment requests clarification as to who will be performing the post-construction work.

**Response to Comment C-6:** As described in Section 2.6 of the IS/MND, SMRCD will monitor sediment accumulation in Butano Creek through coordination with the County and/or State Parks. SMRCD would take the lead in performing the post-construction work.

**Comment C-7:** The comment questions how frequently stream conveyance capacity is reduced by 30 percent and how this would be measured.

**Response to Comment C-7:** This comment is appreciated. The rate of sediment deposition along the stream bed within the vicinity of Pescadero Creek Road bridge and the resulting reduction in stream conveyance capacity would be driven by the observed future hydrologic conditions, which is unknown and highly variable year to year. Due to the highly variable magnitude, duration and frequency of rainfall events and streamflows, SMRCD cannot estimate the timing or frequency for when there would be a 30% reduction in stream conveyance capacity.

In response to the last portion of this comment, sediment deposition and associated reduction in cross-sectional area at Pescadero Creek Road bridge would first be assessed visually followed by conducting repeat stream bed level surveys along the upstream face of the Pescadero Creek Road bridge deck. Quantification of the reduction in stream conveyance capacity would require repeat surveys of multiple locations (at both the upstream and downstream) sides of the bridge and rerunning the hydraulic model for the creek. In response to this comment, the following discussion has been added to page 2-41 of the IS/MND:

Following a visual survey and depending on funding, SMRCD or its contractors may measure sediment deposition and associated reduction in cross-sectional area at Pescadero Creek Road bridge by conducting repeat bed level surveys along the upstream face of the bridge deck. To quantify reduction in stream conveyance capacity, additional repeat surveys may be conducted at multiple locations at both the upstream and downstream sides of Pescadero Creek Road bridge deck followed by rerunning the creek's hydraulic model.

**Comment C-8:** The commenter states his understanding that one of the goals of the Project is to reduce low magnitude flooding (i.e., 2-year event) and requests SMRCD's confirmation on this.

**Response to Comment C-8:** The commenter's stated understanding of the Project is correct. Additional discussion regarding the Project's goals and objectives is provided in Section 2.2 of the IS/MND.

**Comment C-9:** The comment requests that a list of anticipated materials and/or equipment that will be stored in the staging areas within the County's right-of-way be described.

**Response to Comment C-9:** Staging Area #1 may be partly within the County's right-of-way, though the majority of this staging area is on land owned by State Parks. Construction equipment used for various phases of work would be temporarily stored at Staging Area #1 including but not limited to low ground-pressure construction equipment, a dredge, dredge tender, trucks, front loader, dump trucks, fork lift, excavator, skid steers, and dozer. Materials that would be stored at Staging Area #1 include a field office, portable restrooms, dredge pipe, rock for access road improvements, articulated concrete blocks and large wood for the marsh control structure upgrade, and restoration materials (e.g., plants, erosion control blankets, and soil), and worker vehicles.

Staging Area #4 would primarily be used as a pull-out for worker trucks driving on the road. However, this staging area may be temporarily used for some construction equipment and material storage.

**Comment C-10:** The comment expresses concern about potential restrictions to the Project's construction schedule. In particular, the commenter notes that nesting season could start before the planned vegetation clearing timeframe (Spring 2019) and that water levels may be too high to commence this work depending on the timing of storms. The comment further notes that the timing of when the access road would be cleared is unclear and that any pro-active clearing prior to the start of the nesting season would be beneficial.

**Response to Comment C-10:** This comment is acknowledged. The SMRCD understands the commenter's concerns about potential construction schedule restrictions. As stated in BMP-22 (page 2-38 of the IS/MND), if vegetation clearing starts before the nesting season, a qualified biologist will survey the Project work area for nesting birds. SMRCD's contractor and/or staff from State Parks will need to monitor water levels and weather conditions prior to commencing vegetation clearing in Reach 3. To the extent feasible, SMRCD's contractor will remove vegetation and trees throughout Reach 3 in Fall of 2018 and, pending weather conditions, may need to postpone some of this work. Vegetation clearing at Access Points #5 and #6 is also planned to occur in Fall of 2018.

**Comment C-11:** The comment notes that during construction of the County's dredging project within the County's right-of-way near Pescadero Creek Road bridge, the banks did not hold shape well in some locations.

**Response to Comment C-11:** This comment is acknowledged. The Project's designs were created with this information having been considered and with County staff as technical advisors. SMRCD anticipates that the bank might not hold shape in all areas. It is not anticipated that slight shifts in the slope of bank will pose substantial impacts to the overall project.

**Comment C-12:** The comment notes that there are many woodrat nests in Reach 3.

**Response to Comment C-12:** This comment is noted. The SMRCD will implement BMP-23 (Minimize Impacts to Woodrat Nests during Vegetation Clearing) during construction. This BMP requires that a qualified biologist survey accessible areas of the vegetation clearing work area in Reach 3 at least 30 days prior the start of work. To the extent that observed nests are accessible, the biologist will dismantle woodrat nests in the vegetation removal work area and within a 10-foot buffer of the work area.

**Comment C-13:** The comment notes that the effectiveness of the fish relocation and frog relocation work may be challenging given water depths, particularly in Reaches 1 and 2 where no dewatering will occur. The comment further notes that fish relocation in Reach 3 may need to take place after

cofferdam installation and as the channel is dewatered. Lastly, the comment notes that dewatering in Reach 3 will be challenging given infiltration into the dredged area and given its extensive length. The commenter notes that SMRCD may want to consider dewatering Reach 3 in phases.

**Response to Comment C-13:** SMRCD appreciates the commenter's concerns regarding the fish and frog relocation work and dewatering activities. The fish relocation and California red-legged frog relocation methods will be coordinated with National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service throughout the Project's regulatory permitting process. In addition, initial reconnaissance surveys completed by qualified biologists from SMRCD, State Parks Department, NMFS, and USFWS will be used to guide efforts and minimize adverse impacts to species.

The commenter's recommendation to split the dewatering effort in Reach 3 into smaller reaches is acknowledged. As shown in Figure 7 of the IS/MND, water control dams would be installed at the upstream and downstream ends of Reach 3. As described in Section 2.5.5 of the IS/MND, the SMRCD may install a pilot drainage channel (French drain) in the channel footprint to facilitate drainage of groundwater stored in adjacent soils that would be excavated and install a pump to divert subsurface water from Reach 3 to Reach 2. The selected contractor may decide to install additional bladder dams or earthen dams to compartmentalize the dewatering operation in Reach 3.

**Comment D-1:** The comment expresses concern about the Project's short and long-term impacts to species of concern other than steelhead trout and Coho salmon as well as impacts to environmentally sensitive habitats including freshwater riparian forest. The comment argues that the Project will likely result in significant adverse effects that require mitigation.

**Response to Comment D-1:** The IS/MND describes the Project's effects on species other than steelhead trout and Coho salmon throughout Section 3.4, *Biological Resources*. Responses to Comments D-13 through D-15 further address the commenter's concerns about the Project's effects on riparian forest and other environmentally sensitive habitats.

**Comment D-2:** The comment questions what the timeframe is for the projected post-Project ST simulation shown in Figure 4 of the IS/MND.

**Response to Comment D-2:** The results shown in Figure 4 of the IS/MND were generated using a 2D hydrodynamic and sediment transport model, which is described further in the Project's Basis of Design Report prepared by cbec ecoengineering (2018), also cited in the IS/MND. The post-Project ST simulation results shown in Figure 4 represent conditions after a 2-year event, a greater than 2-year event, and a 5-year event. Such a sequence of storms could occur in one year or could represent five or more years, depending on whether it was a wet year or dry year.

Although not included in the IS/MND, please note that the Project's Basis of Design Report also included results for a 10-year sediment transport simulation using the 1D hydrodynamic and sediment transport model. The broader range of events are shown in **Figure A** and results of the 10-year sediment transport modeling effort are shown in attached **Figure B**. Figure B suggests greater deposition in the upper portion of the Project but does not indicate that Butano Creek channel would fill completely during the simulation period. The results shown in Figure 4 of the IS/MND (2D model simulation) and in Figure B (1D model simulation) show a number of discrete flood events but do not simulate periods of low creek flows or tidally dominated conditions. Although not formally modeled by cbec, tidal conditions are

expected to help redistribute sediment particularly in the lower portions of the Project area. As described in Response to Comment D-8, a footnote has been added at the end of page 2-1 of the IS/MND to clarify the conditions modeled and represented in Figure 4.

**Comment D-3:** The comment questions the Project's anticipated impacts on habitat, particularly riparian forest, due to increased salinity as a result of the restored tidal action up to Pescadero Creek Road bridge.

The comment further questions the projected rate of deposition of sediment within the restored channel given its low slope of 0.04 percent. Lastly, the comment asks about the number of years the Project's benefits (particularly fish passage) are expected to last in the absence of ongoing removal of accumulated sediment.

**Response to Comment D-3:** While tidal action would be restored up to Pescadero Creek Road, similar to conditions documented in historical maps, photos and local knowledge, the floodplain on which most of the existing riparian woodland vegetation in Upper Butano Marsh exists is not expected to be affected by the influx of brackish water in the channel. Once the dredging of Butano Creek is complete, the channel would provide sufficient capacity to contain tidal flows except during major storm events. While salinity modeling was not conducted for the Project, saline/brackish water is not expected to occur up to Pescadero Creek Road. Rather, it is expected that a freshwater lobe of water would be present during higher high tides. In addition, during major storm events, freshwater inflows would dilute any potential increases in salinity from tidal pulses. The lowest downstream patch of riparian woodland in the Project area is approximately 4,400 feet upstream of the Butano Creek and Pescadero Creek confluence. This patch of woodland sits on an area of higher ground and is surrounded by lowlands that are regularly inundated with both freshwater flows and muted tidal inflows. The riparian forest in Upper Butano Marsh and specifically Reach 3 where removal of riparian vegetation would take place, is at a higher elevation and further upstream from the healthy patches of riparian woodland. Similarly, riparian woodland becomes dense along the levees of Pescadero Creek, just 1600 feet upstream of the confluence with Butano Channel. This area is currently subject to tidal action but continues to support riparian woodland mainly due to constant inflows of freshwater and elevations above mean higher high tides. Based on the discussion above, while saline/brackish water is not expected to occur at Pescadero Creek Road, any increases in salinity/brackish water resulting from alterations to tidal prism is not anticipated to result in adverse effects on riparian habitat in Upper Butano Marsh.

Regarding the commenter's question about the projected rate of sediment deposition in the channel, the sediment transport model used by cbec was not used to predict rates of sedimentation. There is not enough sediment sampling data available to reliably predict this rate. In addition, this rate is highly variable year to year as it is dependent upon hydrologic conditions in a given year. As shown in Figures A and B, at the end of this memo, cbec used the sediment transport model to generate various scenarios to compare the magnitude of sediment deposition as a result of different flood events.

Regarding the commenter's last point, the Project's sediment transport models did not show any point in time that fish passage would not be maintained due to sediment deposition in the restored channel. The project was designed to ensure fish passage into the foreseeable future without substantial maintenance. The models show sediment accumulating downstream of Pescadero Creek Road bridge to a point where flood benefits begin to decrease. However, as shown in Figure B, the model simulation

does not show the channel filling all the way to its banks, which is the existing condition in the channel. Even after a period that includes floods occurring during a 10-year relatively wet period, the deepest point of the channel bottom is about 4 feet below the top of bank in areas where sediment currently fills the channel.

**Comment D-4:** The comment notes that the excavated sediment from Butano Creek would be used to fill a number of artificial open water areas, including relic borrow pits. The comment questions whether the sag ponds described as part of the Pescadero Marsh Natural Preserve Hydrologic Enhancement Project (August 1992) and attached to the comment letter, which were intended to provide habitat for San Francisco garter snake and California red-legged frog, were in fact created. The commenter expresses concern about potential impacts on the sag ponds if they were to be filled in by the Butano Creek Channel Reconnection and Resilience Project.

**Response to Comment D-4:** The State Parks Department attempted to construct a few of the sag ponds described in the Pescadero Marsh Natural Preserve Hydrologic Enhancement Project but due to wet conditions and because the ponds filled in faster than they could be excavated, the sag ponds were not built. In addition, based on review of recent topographic mapping of the marsh, there is no evidence that the sag ponds were built.

**Comment D-5:** The comment points out a typographical error on page 2-21 of the IS/MND and recommends changing “Pacifica” to “Pacific” on line 24.

**Response to Comment D-5:** In response to this comment, the following sentence on page 2-21 of the IS/MND has been revised:

Within this area, it is estimated that a total of approximately 302 trees with a diameter-at-breast height (dbh) of 12 inches or greater would require removal, including approximately 38 arroyo willow (*Salix lasiolepis*), 151 Pacifica willow (*Salix lasiandra*), and 113 red alder (*Alnus rubra*). Based on site reconnaissance and survey work in the winter of 2016, the largest trees within the removal were all less than 24 inches in dbh.

**Comment D-6:** The comment questions whether the existing USFWS and CDFW permits issued for manual breaching of the Pescadero Lagoon sandbar would be extended and incorporated into relevant permits for the Butano Creek Channel Reconnection and Resilience Project or if separate approvals would be issued. The comment also requests that the authorized period of time for sandbar breaching activities be described.

**Response to Comment D-6:** In response to the first part of the comment, SMRCD would seek separate permits from USFWS and CDFW to cover manual breaching of the Pescadero Lagoon sandbar. This activity is considered part of the overall Project. In response to the second part of the comment, the authorized time period for sandbar breaching activities would be confirmed through the permitting process with USFWS and CDFW. As described in Response to Comment A-5, sandbar breaching activities could occur as early as April and as late as November.

**Comment D-7:** This comment first points out that the reference to “Midcoast Local Program Policies of San Mateo County Planning and Building Department” is erroneous and recommends that “Midcoast” be deleted. The comment further states that the Project is located within the California Coastal Commission’s jurisdictional area, which generally extends from the marsh seaward of Pescadero Creek

Road. The commenter acknowledges that the California Coastal Commission (Coastal Commission) and San Mateo County Planning Department typically come to an agreement as to which agency will be responsible for issuing Coastal Development Permits (CDPs) when a project is located in both agency's jurisdiction, such as the Project. The comment acknowledges that a CDP for Significant Trees (cited in BMP-11) could be within the Coastal Commission's responsibility even though some significant trees are within the County's responsibility area. Lastly, the comment notes that the divided jurisdiction and associated regulatory requirements are also noted in Table 6 which indicates that a Grading and Land Clearing Permit may be required from the County.

**Response to Comment D-7:** In response to the first part of the comment, the heading above BMP-11 has been revised as follows:

**San Mateo County ~~Midcoast~~ Local Coastal Program Policies** (County of San Mateo, Planning and Building Department, 2013)

Throughout the Project's planning process, the SMRCD and other Project co-funders including the National Oceanic Atmospheric Association (NOAA) Restoration Center have been in communication with staff from the Coastal Commission and the County of San Mateo's Planning Department. As a federal partner of the Project, the NOAA Restoration Center is not only a project funder but a project applicant for the purposes of the Project's permitting process. As described in Table 6 of the IS/MND (page 2-43), as the Project is located within the Coastal Zone, the NOAA Restoration Center is currently working with Commission to complete a consistency determination to ensure the Project is compliant with Section 307 of the Coastal Zone Management Act. Because NOAA Restoration Center is working directly with the Commission, the County has agreed to cede permit authority for the Project to the Commission. This topic is further described in Section 3.10, *Land Use and Planning*, in the IS/MND. Regardless, the SMRCD plans to adhere to the County's Local Coastal Program Policies described in BMP-11 including the County's Significant Tree Ordinance and Heritage Tree Ordinance, which are referenced in the BMP. Consistency with the County's Local Coastal Program Policies (2013) is further discussed in Section 3.10 and Section 3.4, *Biological Resources*, of the IS/MND.

Lastly, in response to comment's last point, the SMRCD will coordinate with the County to confirm whether a grading and land clearing permit is required for the Project.

**Comment D-8:** The comment references the "Operation and Maintenance" section of the IS/MND, which notes that the Project is not expected to require significant maintenance once construction is completed yet acknowledges that unspecified measures are necessary to address upstream sources of sediment. Based on this, the comment asserts that the benefits of the Project would be temporary. The comment further asserts that monitoring the small area of creek adjacent to Pescadero Creek Road seems misplaced as the greatest area of sediment accumulation appears to occur near Station 3500, which will continue upstream as stream velocities are reduced and encourage sediment deposition in the lowest, flattest segment of the Project area.

The comment further questions whether upstream sources of sediment can be effectively reduced within a reasonable timeframe. The comment references a new Timber Harvest Plan (1-18-051SMO) "Carousel Creek THP" that was submitted to California Department of Forestry and Fire (CALFIRE) on

May 14, 2018. The comment implies that timber harvesting activities such as the Carousel Creek THP has been identified as a contributing sediment source.

**Response to Comment D-8:** The comment correctly points out that substantial maintenance is not expected to be needed throughout the Project footprint. For the purposes of this project, the SMRCD would continue monitoring sediment accumulation in the area immediately upstream and downstream of Pescadero Creek Road bridge and remove sediment in the event that conveyance capacity has been reduced by 30 percent. As described in Section 2.6 of the IS/MND, the SMRCD along with State Parks, the County and other partners (including CGF), will continue working with public and private landowners to address known sites of chronic erosion and investigate opportunities for increasing floodplains for sediment storage. It is important to note that these future activities still being developed and therefore not part of the Project but are rather described as measures that would prolong the benefits of the Butano Creek Channel Reconnection and Resilience Project. The SMRCD is actively working with landowners to develop more projects such as the Butano Creek Floodplain Restoration Project (described in Section 3.19 of the IS/MND). Also note that as described in Section 2.2, *Project Purpose and Objectives*, while the Project is designed to address a discrete set of issues (fish passage, flooding, and water quality), it would not solve all problems in the marsh and lagoon, restore all function of the marsh and lagoon, or eliminate flooding in the community (page 2-7).

The commenter correctly states that deposition at the lower extent of the proposed dredging area (between Stations 3500 and 5500, as shown in Figure 4) is the flattest area of the creek channel. Note that while the sediment transport modeling conducted for the project took into consideration sheer forces, velocity and slope during riverine flood events, it did not take into consideration scouring effects of the ebb tide. While tidal action was not simulated in the model, the Project would increase tidal prism and thereby result in increased scour due to tidal action. At the lower extent of the proposed dredging area, the channel is approximately 80 feet wide and the Project would excavate a 25-foot-wide area within the channel bottom. Note that the results shown in Figure 4 show deposition relative to the 25-foot-wide excavation area, not the entire 80-foot width of the creek channel. Thus, within this area, 2 feet of sediment accumulation is not expected to occur across the 80-foot width of channel. For the purposes of fish passage, similar to current conditions, this area is passable by fish at low tides and is also passable when the mouth is closed. Considering the model results and because the lower extent of Butano Creek is more dynamic due to tidal action, operational dredging in the lower extent of the creek channel was not determined necessary. Rather, due to ease of access, the SMRCD proposes to continue monitoring sediment accumulation immediately upstream and downstream of Pescadero Creek Road and if warranted, remove sediment from that area.

To clarify that the modeling results shown in Figure 4 of the IS/MND represent conditions within the Project's 25-foot-wide excavation area and that scouring effects of the ebb tide were not considered, the last sentence of the first paragraph in Section 2.1 (page 2-1 of the IS/MND) has been revised and the following footnote has been added at the bottom of page 2-1:

**Figure 4** shows the existing and proposed longitudinal profiles of Butano Creek and the zone where substantial sediment accumulation has occurred.<sup>1</sup>

<sup>1</sup> The design condition of the Butano Creek Channel shown in Figure 4 was generated using the 2D hydrodynamic and sediment transport model that takes into consideration sheer forces, velocity, and slope during riverine flood events. Model results represent conditions within the 25-foot wide

excavation area of the channel bottom after a 2-year event, a greater than 2-year event, and a 5-year event. It does not take into consideration scouring effects of the ebb tide.

**Comment D-9:** The comment states that the General Plan designation of the Project area (Agriculture and Institutional/Open Space/Future Study), as stated on page 3-1 of the IS/MND, is erroneous. The comment notes that it is in fact designated Public Recreation and the southern portion is designated Agriculture.

**Response to Comment D-9:** In response to this comment, the following text on page 3-1 of the IS/MND has been revised:

**6. General Plan Designation:** Agriculture and Public Recreation  
~~Institutional/Open Study/Future Study~~

**Comment D-10:** The comment asserts that the Aesthetics section of the IS/MND inappropriately minimizes the significance of the Project's impacts on riparian forest along Pescadero Creek Road, a county scenic road. The comment asserts that the riparian forest on both sides of the road will be completely removed to allow construction of the dredged channel, which includes up to 60 feet wide on the north side of the road and 80 feet on the south side of the road. The comment states that this activity would result in a substantial adverse effect on the area's visual character and visual quality since regrowth of riparian forest in the channel would defeat the purpose of the project.

**Response to Comment D-10:** The commenter's assertion that the riparian forest would be completely removed is incorrect. Note that the entire riparian forest along the north side of Pescadero Creek Road is over 800 feet wide and over 200 feet wide to the south of the road. The Proposed Project would involve removing a portion of the existing riparian forest including approximately 60 feet of riparian vegetation along the north side of Pescadero Creek Road and 80 feet of riparian vegetation along the south side of the road. As described on page 3-5 of the IS/MND, over time, riparian vegetation in the Proposed Project's upper reach is expected to regrow quickly along the dredged creek channel. In addition, clearing trees in this area would increase views of the creek itself from Pescadero Creek Road, which would not necessarily be considered an adverse visual effect on the Project area's visual character or visual quality since open water is characteristic of the marsh and typically has high visual quality. To clarify this point, the following sentence has been added to the second paragraph on page 3-5 of the IS/MND:

However, over time, riparian vegetation in this reach is expected to regrow quickly along the dredged creek channel and thus would not substantially degrade views from Pescadero Creek Road. Removing woody riparian trees in Reach 3 would also open up views of the creek itself from Pescadero Creek Road.

**Comment D-11:** The comment notes that the sediment stockpile area to the south of Pescadero Creek Road would be located on Prime Agricultural Lands as defined in the County's Local Coastal Program (LCP), and Prime Farmland according to the California Department of Conservation. The comment notes that according to the LCP, allowable uses on Prime Agricultural Lands do not include temporary stockpiling of dredging spoils and considers this inconsistency with the LCP policy as a potentially substantial adverse effect.

**Response to Comment D-11:** While consistency with the LCP was not evaluated in Section 3.2, *Agricultural Resources*, of the IS/MND, it should be noted that the sediment stockpile area would be



temporary (limited to approximately 2-3 weeks or less) and that the sediment would be used to benefit the agricultural field. As described in Section 2.3.2 of the IS/MND, the proposed berm augmentation would constrain flows to the Butano Creek channel that would otherwise spill onto the agricultural field and Pescadero Creek Road. Therefore, the Project would benefit ongoing agricultural activities by reducing the extent of flooding on the property and on the whole, temporary stockpiling of sediment is not expected to be inconsistent with the LCP's designation of Prime Agricultural Lands. Additionally, SMRCD has been communicating with the landowner (Level Lea Farms) about using their property for stockpiling and construction access purposes. Level Lea Farms has given verbal approval to use their property during Project construction (described on page 3-8 of the IS/MND). For all these reasons, SMRCD does not agree with the commenter's assertion that temporary stockpiling of dredging spoils would result in an inconsistency with the LCP policy such that a substantial adverse effect would occur.

**Comment D-12:** The comment requests that on page 3-18, white alder (*Alnus rhombifolia*) be revised to red alder (*Alnus rubra*).

**Response to Comment D-12:** In response to this comment, the following sentence on page 3-18 of the IS/MND has been revised as follows:

Freshwater forested/shrub wetland is found in the southern portion of the Project area, along the historic Butano Creek channel and its immediate floodplain. This habitat is generally dominated by arroyo willow (*Salix lasiolepis*), with ~~whitered~~ alder (*Alnus rhombifolia*) becoming more prevalent in the upstream portions of this habitat in the vicinity of the Pescadero Creek Road bridge.

**Comment D-13:** The comment reiterates the IS/MND's description of impacts on riparian vegetation and subsequent effects on special-status birds. The comment asserts that the IS/MND does not adequately explain how or where riparian habitat would regenerate and fully replace the loss of 3.53 acres of riparian habitat.

The comment also asserts that the Project Description does not include any provision for allowing riparian vegetation to re-establish in the dredged or excavated channel and, by allowing this to occur, the Project's purpose of flood hazard reduction and reduction of sediment deposition would not be met. Lastly, the comment asserts that loss of riparian habitat is a substantial adverse impact that should be mitigated.

**Response to Comment D-13:** It should be noted that nearly all of the riparian vegetation that is proposed for removal in Reach 3 has colonized the channel over the past 30 years as a result of sediment aggradation that has occurred throughout the channel. As described on page 3-38 of the IS/MND, removing riparian vegetation in Reach 3 would increase the area of riverine habitat and improve water quality, and thereby improve habitat value for wildlife throughout the Project area. The loss of canopy cover due to tree removal is not anticipated to substantially increase water temperatures and canopy of trees remaining along the banks of the restored channel would quickly expand into the newly available canopy space. Riparian vegetation in Reach 3 is known to grow rapidly, which is also evident throughout other creeks along California's central coast. Examples of rapid recolonization of alders and willows can be seen in nearby creeks including Scotts Creek, San Vicente Creek (Santa Cruz County), and San Gregorio Creek, among others. In addition, the proposed levee analog would be constructed at elevations that may favor colonization of riparian woodland habitat. As described on June 19, 2018

page 3-39 of the IS/MND, the expansion of riparian trees such as willows and alders on the levee analog and along the adjacent areas of the marsh is anticipated to occur over a 1- to 5-year timeframe, providing sufficient habitat for special-status birds. As a result, and as discussed in Section 3.4.3 of the IS/MND, little to no long-term loss of habitat for special-status bird species would occur.

Regarding the commenter's assertion that allowing riparian vegetation to establish in the channel would defeat the purpose of the Project, the Project does not include provisions for allowing riparian vegetation to re-colonize in the excavated channel. The Project has been designed to restore the natural processes within Butano Creek and, while scour and deposition will inevitably occur, substantial recolonization of riparian vegetation within the excavated channel is not expected in the foreseeable future (e.g., within the next 10 years). SMRCD has been working with CDFW, U.S. Fish and Wildlife Service (USFWS), and the San Francisco Bay Regional Water Quality Control Board (RWQCB) throughout the Project's planning process and none of these resource agencies consider removal of the riparian vegetation as a substantial adverse effect that requires compensatory mitigation for the following reasons: (1) the vegetation proposed for removal recently colonized the historic channel alignment, (2) the riparian trees remaining along the dredged creek channel banks would continue to provide shade and bank stability, and (3) the existing riparian habitat would be improved through restoration of edge habitat along the restored creek corridor. This is consistent with the findings in Section 3.4 of the IS/MND. Furthermore, the USFWS has expressed to SMRCD and other resource agencies that they prefer habitat in the Project area to consist of a mixture of marsh, riverine, and upland herbaceous cover as opposed to riparian forest/scrub habitat to provide better movement and foraging habitat for California red-legged frog, San Francisco garter snake, and basking and nesting habitat for western pond turtle.

For the reasons described above and considering the Project's long-term improvements with respect to water quality conditions and habitat for special-status species, no mitigation is determined necessary for the Project's removal of 3.53 acres of riparian vegetation.

**Comment D-14:** This comment reiterates concerns about the IS/MND's conclusion that removal of 3.53 acres of riparian forest vegetation would not result in a significant adverse effect. The comment further argues that the IS/MND's conclusion of replacing 3.53 acres of riverine habitat for removal of 3.53 acres of riparian habitat is not a significant impact requiring mitigation, is erroneous since the two habitat types are not equivalent. Additionally, the comment states that the "anticipated long-term expansion of riparian habitat into Upper Butano Marsh" (page 3-39) is vague and unsupported especially considering the increased salinity in Butano Creek due to the increased tidal action up to Pescadero Creek Road bridge. The comment also notes that the reference to white alder should change to red alder on page 3-38 of the IS/MND.

**Response to Comment D-14:** Please refer to Response to Comment D-13 for discussion regarding why the Project would not result in a substantial adverse effect on riparian habitat. While the commenter correctly points out that riparian and riverine habitat are different habitat types, they are intrinsically connected. Riparian is generally defined as "relating to or situated on the banks of a river or creek." Riparian habitat encompasses the transition area between upland and riverine habitats. Under the Project, the riparian vegetation proposed for removal has growth within the historic footprint of Butano

Creek. Therefore, restoration of Butano Creek cannot be achieved without removing the accumulated sediment and riparian vegetation in the creek.

The commenter's assertion that the Project would increase salinity in Butano Creek is not entirely accurate. While the Project is anticipated to increase tidal action up to Pescadero Creek Road bridge, as noted in Section 2.1.2 of the IS/MND, this is the location commonly cited by local residents as the historic extent of tidal influence. See Response to Comment D-3 for further discussion of the Project's anticipated effects on salinity and riparian woodland.

Regarding the commenter's last point, the following sentence on page 3-38 of the IS/MND has been revised:

Of these trees planned for removal, 38 trees are arroyo willow, 151 trees are Pacific willow, and 113 trees are ~~white~~red alder.

**Comment D-15:** The comment points out that the only LCP policy cited under the discussion "Conflict with local policies or ordinances protecting biological resources" (page 3-42 of the IS/MND) is Policy 8.9 regarding tree protection, while the LCP has numerous policies in the Sensitive Habitats Component that are applicable to the Project. The comment, however, notes that since the Project is within the Coastal Commission's jurisdiction (per Comment D-7), Chapter 3 (Coastal Resources Planning and Management) Policies of the Coastal Act should be reviewed.

**Response to Comment D-15:** For the purposes of complying with the CEQA Guidelines, the IS/MND evaluates consistency with local plans and policies, a significance criterion listed for biological resources. In addition, as described in Response to Comment D-7, while the Project is seeking to obtain a consistency determination from the Coastal Commission, the Project also strives to achieve consistency with other local plans and policies such as those contained in the LCP. To address this comment, the discussion on page 3-42 of the IS/MND has been expanded to include a description of the Project's consistency with Chapter 3 of the Coastal Act and additional description regarding the Project's consistency with the LCP.

As the Project site is in the Coastal Zone, it must comply with policies contained in the California Coastal Act, Chapter 3 (Coastal Resources Planning and Management Policies) San Mateo County Local Coastal Program (LCP). Chapter 3 of the Coastal Act includes several policies protecting marine resources and environmentally sensitive habitats. Section 30233 of Chapter 3 specifically applies to diking, filling, and dredging activities. This policy allows such activities in open coastal waters, wetlands, estuaries and lakes where feasible mitigation measures have been provided to minimize environmental effects and allows such activities for restoration purposes. According to Section 30233(c), dredging in estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. With implementation of the various biological resource BMPs described in Chapter 2 and Mitigation Measures HYD/WQ-1 and HYD/WQ-2, the Project would protect environmentally sensitive habitats and marine resources during the construction phase. Shortly after construction is completed, and as previously described throughout Section 3.4, the Project would improve water quality conditions and improve habitat for CRLF, SFGS, western pond turtle, steelhead, and coho, among other special-status species. Therefore, the Project would comply with policies contained in Chapter 3 of the California Coastal Act.

Although the Project would seek a consistency determination from the California Coastal Commission as described above, for the purposes of this analysis, the following paragraph addresses the Project's general consistency with other local plans and policies contained in the County General Plan and the LCP. The LCP contains numerous goals, policies, and action items to protect biological resources, particularly in the Sensitive Habitats Component. The LCP includes policies aimed to protect sensitive habitats from development and requires that mitigation measures be implemented to reduce significant impacts on such habitats. The LCP also includes a policy focused on management of Pescadero Marsh (7.21) which includes provisions to assist the SMRCD to control sedimentation throughout Pescadero/Butano watersheds and permits development limited to wetland restoration. Additionally, the LCP includes policies aimed to protect habitats of rare and endangered species including SFGS and San Francisco tree lupine moth. The LCP also requires adherence to the County's Significant Tree Ordinance and Heritage Tree Ordinance. The Project would implement BMP-11 to comply with San Mateo County Local Coastal Program policy 8.9, which pertains to tree protection. As described above, the Project would impact fewer than 100 individuals of San Francisco tree lupine and would thus comply with the LCP provisions regarding this species. The proposed Project incorporates a variety of other BMPs and Mitigation Measures HYD/WQ-1 and HYD/WQ-2 to avoid or minimize impacts to sensitive habitats, wildlife, and fisheries resources. Additionally, as described above, the proposed Project is specifically designed to be beneficial for biological resources in the long-term. Thus, the Project is consistent with the General Plan and LCP's priority on conservation of biological resources and this impact related to conflicts with local policies or ordinances for biological protection would be **less than significant with mitigation.**

**Comment D-16:** The comment requests that the land use designation referenced in Section 3.10, *Land Use and Planning*, be corrected. The comment asserts that based on CGF's review of the NOAA Fisheries Restoration Center Federal Consistency Determination (dated March 28, 2018), the Project does not meet the criteria for Qualifying Project Types for Sediment Removal (copied in the comment). Since the Project is not small in scale and involves major dredging operations.

**Response to Comment D-16:** In response to the first part of the comment, the first two sentences under discussion b. of Section 3.10, *Land Use and Planning*, has been revised as follows:

The San Mateo County General Plan has designated land uses in the Project area as "Agriculture" and "Public Recreation~~Institutional/Open Study/Future Study~~" (County of San Mateo 2018a). The proposed upper floodplain berm augmentation and nearby sediment stockpile area are designated as Agriculture and the remaining portions of the Project area are "Public Recreation~~Institutional/Open Study/Future Study~~."

The comment's assertion that it does not meet the NOAA Restoration Center's criteria as a qualifying project type for sediment removal is noted. The NOAA Restoration Center is currently coordinating with the Coastal Commission on the consistency determination. Ultimately, the Coastal Commission will make a determination as to whether the Project is in conflict with the stated policies of the California's Coastal Management Program. It should also be noted that the language copied from the NOAA RC's Federal Consistency Determination (2013) does not preclude large-scale sediment removal project types.

**Comment D-17:** The comment concludes that the Coastal Commission will need to evaluate the Project's consistency with Chapter 3 of the Coastal Act, including policies focused on Public Access and

Recreation, Visual Resources, Hazards, environmentally sensitive areas, and agriculture either through issuance of a Federal Consistency authority or through issuance of a Coastal Development permit.

**Response to Comment D-17:** This comment is acknowledged and SMRCD understands that the Coastal Commission will need to evaluate the Project's consistency with Chapter 3 of the Coastal Act. In response to this comment, the discussion under "Conflicts with land use plans or policies" has been revised on page 3-67 to describe the Project's consistency with Chapter 3 of the Coastal Act.

The consistency determination requires that activities within the Coastal Zone be consistent with enforceable policies of California's Coastal Management Program Chapter 3 of the California Coastal Act including those focused on public access and recreation, visual resources, hazards, environmentally sensitive areas, and agriculture.

The following text describes how the Project would be consistent with policies listed in Chapter 3 of the California Coastal Act. During the Project's construction phase, potential breaching of the Pescadero Lagoon mouth may temporarily affect public access at Pescadero State Beach given the temporary nature of these activities and the relatively small area affected, it would not interfere with the public's access to the ocean. As described in Section 3.15, Recreation, the Project would require temporary closure of Butano Trail throughout the construction phase but, once completed, the trail would be restored and open to the general public. Similarly, while views of construction equipment and materials on the Project site would be visible throughout the construction phase and may temporarily degrade the area's visual quality, such effects would be short in duration and the Project area would maintain the open space and natural setting of the preserve. With respect to the Project's consistency with the policies focused on agricultural land protection, while the temporary sediment stockpile area and berm augmentation work would be sited on Prime Farmland, use of the stockpile area would be temporary and ultimately, the berm would reduce the extent of flooding on farmland. Consistency with Chapter 3 policies protecting environmentally sensitive areas is addressed in Section 3.4, Biological Resources. By undergoing this federal review process, the Project would be exempt from a Coastal Development Permit.

**Comment E-1:** The commenter is a resident of Pescadero and believes that a full EIR be prepared for the Proposed Project before making a decision on it.

**Response to Comment E-1:** This comment is acknowledged. However, as it does not address the content or adequacy of the IS/MND, or substantiate why an EIR is needed, no detailed response is required. The mitigation measures described throughout the IS/MND would adequately reduce significant impacts of the Proposed Project to less-than-significant levels.

#### **ADDITIONAL TEXT REVISIONS MADE TO THE IS/MND**

In addition to the text revisions made in response to comments on the IS/MND, the SMRCD has revised the following text of BMP-25 (Invasive Plant Control) in Table 5, page 2-39 of the IS/MND to describe additional efforts for controlling invasive plants in areas disturbed by the Proposed Project:

In order to minimize the spread of invasive plants during construction, all equipment (including personal gear) will be cleaned of soil, seeds, and plant material prior to arriving on the Project site to prevent introduction of undesirable plant species. Any straw bales that are used will be certified weed free.

The Proposed Project will result in the increased susceptibility of several areas (including access routes and the natural levee analog) to a variety of exotic plant species for one to three years following Project

construction. The most efficient and effective method of reducing impacts from invasive species is to exclude them where possible, and when not possible, to detect them when patches are small and most easily controlled. In order to reduce the spread of aggressive invaders that propagate vegetatively, such as cape ivy (*Delaria odorata*), existing patches within the project footprint will be treated prior to disturbance. Consistent with the State Parks Department's ongoing maintenance program, species such as jubata grass (*Cortadaria jubata*) and fennel (*Foeniculum vulgare*), which spread through seeds, have been treated either manually or chemically for the past five years. This treatment will continue before, during, and after Project construction.

A variety of other weedy species that typically follow disturbance are widely distributed in upland areas of Butano Marsh. These include poison hemlock (*Conium maculatum*), summer mustard (*Hirschfeldia incana*), black mustard (*Brassica nigra*) and purple velvet grass (*Holcus lanatus*). These species are expected to temporarily increase in cover within the Project footprint due to the removal of the native shrub canopy and the disturbance from vehicle use during Project construction. In order to allow for the re-establishment of the native coastal shrubs, these species as well as those listed in the paragraph above, will be treated three times annually for three years, starting in the late winter and spring following Project construction.

In addition to these treatments, the entire Project site will be monitored annually for new, low incidence weeds. Any newly detected weeds will be evaluated for potential to impact the natural resources of the unit and will be prioritized and treated accordingly.

## **CONCLUSIONS**

The comments received and additional text revisions made do not affect the IS/MND's conclusions that the Proposed Project would not have any significant effects on the environment. With the clarifications provided above and minor revisions made to the IS/MND, recirculation of the IS/MND is not necessary.

**Figure A.** Sediment Transport Simulation Hydrograph

**Figure B.** Future Condition Bed Profiles



**Attachment A**

**Comments Received on the IS/MND and Sign-in Sheet from Public Meeting**