

Midcoast Community Council

An elected Advisory Council to the San Mateo County Board of Supervisors

representing Montara, Moss Beach, El Granada, Princeton, and Miramar

PO Box 248, Moss Beach, CA 94038-0248 | midcoastcommunitycouncil.org

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Chair Vice-Chair Secretary Treasurer

Date: June 9, 2021
To: Olivia Boo, Planner III, SMC Planning and Building
From: Midcoast Community Council
Subject: **Mitigated Negative Declaration for PLN2017-00135 and PLN2006-00075, an After-the-Fact Use Permit, Coastal Development Permit, Resource Management-Coastal Zone District Permit, Design Review Permit, and Grading Permit to legalize an existing AT&T cellular facility constructed without permits**

Thank you for the opportunity to comment on the Mitigated Negative Declaration (MND) for the American Tower Systems Inc. Project. Since this is an after-the-fact permit for the towers, our comments are directed only towards the restoration and repair of the existing access road (19,536 linear feet, 3.7 miles) through McNee Ranch and the construction of five (5) new fire turnouts that will require a minimum of 40,000 square feet of additional vegetation clearing of coastal scrub.

The Findings and Basis for this MND were based on a September 2018 Biological Resources Impact Analysis (Report). This Report provides the only botanical field survey information used to determine the potential environmental effects of proposed projects on special status plants and sensitive natural communities as required by law (e.g., CEQA, CESA, and federal Endangered Species Act (ESA)) but this Report does not follow the California Department of Fish and Wildlife (CDFW) [Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities](#) and was conducted outside of the flowering season for many plants, including the host plants for the endangered butterflies and the rare manzanitas of Montara Mountain. The sparse Report identified only 21 plant species (providing only common names) during the Biologist's 3-hour pedestrian survey of the 3.7 miles of roadway from the McNee Ranch Gate at Hwy 1 to the towers at the Peak of Montara Mountain and did not analyze or discuss potential impacts to the detected butterfly host plants. A comparable survey by Chris Rogers of Wood Biological in June of 2021 (Survey), identified 84 species of plants including multiple mature specimens of two rare species, Kings Mountain manzanita (*Arctostaphylos regismontana*) or Montara manzanita (*Arctostaphylos montaraensis*) growing immediately adjacent to the access road where blading and vegetation removal is proposed.

Both the 2018 Report and 2021 Survey detected butterfly host plants along the access road and at many of the new turnouts - summer lupine (*Lupinus formosus*), varied lupine (*Lupinus*

varicolor), silver bush lupine (*Lupinus albifrons*), and Pacific stonecrop (*Sedum spathulifolium*), but the MND does not address the impacts to these plants and their host butterflies, the endangered mission blue butterfly (*Plebejus icariodes missionensis*) and the endangered San Bruno elfin butterfly (*Callophrys mossii bayensis*), impacts that would result from road widening and vegetation removal. Thus we ask for the following Mitigation Measures to be added to the MND (Environmental Training, Pre-construction Surveys for Special Status Plants, and

Pre-construction Surveys for Host Plants for Special Status Butterfly Species).

Although the 2018 Report was conducted outside of the nesting bird season and migratory season where bird species are abundant on the Mountain, both the Report and Survey found suitable nesting sites for birds in the dense coastal scrub along the access road. Since the 2021 Survey was conducted during the nesting bird season it was no surprise that an active bushtit (*Psaltriparus minimus*) nest was inadvertently discovered during inspection of a King's Mountain Manzanita at the second proposed turnout. Migratory bird species are protected by both state (CDFW Code Sections 3503 and 3513) and federal (MBTA of 1918) laws. These code sections and laws make it unlawful to "take" any migratory bird listed in 50 CFR 10, including their nests, eggs, or products thus we ask for the additional mitigation measure of Pre-Construction Nesting Bird Surveys within 2 weeks of work commencement in order to protect active nests.

Both the Report and Survey identified invasive plant species along the access road including black mustard (*Brassica nigra*), teasel (*Dipsacus fullonum*), harding grass (*Phalaris aquatica*), velvet grass (*Holcus lanatus*), and red-stemmed filaree (*Erodium cicutarium*). Common construction measures to reduce the spread of invasive species should be in place so we ask for a mitigation measure of Invasive Plant Minimization. Also the activity of road widening by blading and compaction will only increase the spread of these invasive species so we recommend post-construction invasive plant removal for a period of 5 years.

The project plans state that blading of the project access road will occur during dry conditions. The operation of heavy equipment on steep decomposed granite hillsides in a high fire danger area may potentially cause wildfires. Fires can start from those interactions of diesel fuel, gas, grease or hydraulic oil. Heavy machinery are also heavily wired and loose wires can cause friction against a metal component producing sparks which can start fires. We thus ask for an additional Mitigation Measure (Fire Prevention) to protect the mountain against wildfire.

Requested Change:

Deny turnouts and turnarounds due to potential damage to protected species and lack of justification. Existing turnouts and turnarounds are sufficient.

A review of the County of San Mateo Initial Study, Environmental Evaluation Checklist, found deficiencies in the following areas:

Aesthetics 1.g. Visually intrude into an area having natural scenic qualities?

This is marked less than significant. It should be marked **significant** as the five new turnouts will remove approximately 25,850 square feet of dense coastal scrub including rare Manzanitas. This is an excessive and unnecessary amount of native coastal scrub since there are already five existing utility turnouts created by PG&E for their bucket trucks to turnout and turn around during structure upgrades (2019-2021). Using these existing utility turnouts for emergency vehicle

access would require minimal vegetation removal and grading for improvements (Table and Figures attached).

Biological Resources 4.a. Have a substantial adverse effect, either directly or through habitat modifications, on any species listed...?

The Discussion does not address the impacts to the rare manzanitas and butterfly host plants that will be modified or destroyed by grading and the vegetation removal for the five new fire turnouts. It is not clear if the road widening to 12 feet on straightaways and 15 feet on corners will include vegetation removal. The MND must state the amount of coastal scrub and trees to be removed as part of the widening. This is a significant impact.

Biological Resources 4.d. ...impede the use of native wildlife nursery sites?

The Discussion does not address the impacts to nesting birds by grading and the vegetation removal for the five new fire turnouts and by road widening to 12 feet on straightaways and 15 feet on corners.

MND Mitigation Measures:

Fire Prevention:

Prior to daily work, the contractor must check and follow the requirements of the daily Fire Adjective Rating in Federal Response Areas as determined by the NPS Fire Management Office. These are measures of fire weather and fuel conditions that may restrict activities otherwise permitted. Motorized equipment must have federal- or state-approved spark arrestors. All vehicles must be equipped with firefighting tools as appropriate and in accordance with all applicable laws, rules, regulations, orders, and ordinances. Smoking is not allowed. For mechanical clearing operations including grading, the contractor must have a water source containing a minimum of 300 gallons of water or approved Compressed Air Foam System (CAFS) with 200 feet of 1-inch hose on-site at all times during operation. The water source must either be self-propelled or always attached to a vehicle capable of moving it to where it is needed. The contractor's water source must always be within 200 feet of mechanical operation. Excess water must be disposed of in accordance with all laws and regulations. Mechanical clearing equipment must have at least one 5-pound (lb.) or more Class ABC fire extinguisher with current inspection tag mounted in the cab and accessible by the operator. No mechanical clearing operations will occur during High Fire Danger (or greater) levels. The vegetation management contractor must stay on-site for a minimum of ½ hour after mechanical clearing operations end for the day to ensure fire safety.

Environmental Training:

All construction personnel will receive worker environmental awareness training on potentially occurring sensitive species and protected resources. This training will instruct the crew on sensitive species habitat(s), and the nature and purpose of protection measures, including relevant legal requirements. This training will also cover the invasive plant minimization protocols and fire prevention.

Pre-construction Surveys for Special Status Plants:

A qualified biologist, with experience identifying special status plants known to occur in the vicinity including Kellogg's horkelia (*Horkelia cuneata*), Montara manzanita (*Arctostaphylos montaraensis*), King's Mountain manzanita (*Arctostaphylos regismontana*), Franciscan thistle (*Cirsium andrewsii*), the globally rare island tube lichen (*Hypogymnia schizidiata*), and Scouler's catchfly (*Silene scouleri* ssp. *scouleri*), will survey and flag protected plants for avoidance.

Pre-construction Surveys for Host Plants for Special Status Butterfly Species:

A qualified biologist, with experience identifying host plants for the endangered mission blue butterfly (*Icaricia icarioides missionensis*) and the endangered San Bruno elfin butterfly (*Callophrys mossii bayensis*), will conduct a survey prior to work commencement and flag host plants for avoidance including summer lupine (*Lupinus formosus*), varied lupine (*Lupinus variicolor*) and silver bush lupine (*Lupinus albifrons*), and Pacific stonecrop (*Sedum spathulifolium*).

Pre-Construction Nesting Bird Surveys:

Prior to any ground disturbance and/or vegetation removal during the nesting bird season (approximately February 1 – August 31), a pre-construction survey for active nests is required. If an active bird nest (containing eggs or young) is observed the qualified biologist will contact CDFW for consultation for appropriate nest avoidance buffers which is dependent by species and applied based on the type of construction work planned and other factors.

Invasive Plant Minimization:

All vehicles and equipment arriving at the project site will be cleaned to minimize bringing invasive weed propagules, plant pathogens, insects, and soil from elsewhere into the project area. The qualified biologist will inspect all construction vehicles, equipment, and materials prior to entrance into McNee Ranch to ensure vehicles, equipment, and materials are clean and free of soils and plant material. All construction workers will brush off soil and plant material off their boots and other equipment and tools prior to entering McNee Ranch and will decontaminate boots and other equipment and tools with isopropyl alcohol (70-90%).

Invasive Plant Removal Post Construction:

The access road will be monitored for invasive weeds for a period of five (5) years. If found, they will be hand-pulled, bagged and removed from the project site.

We thank you for the opportunity to comment on the Draft Mitigated Negative Declaration (MND) for American Tower Systems Inc. We look forward to reviewing the updated MND.

MIDCOAST COMMUNITY COUNCIL

s/Michelle Weil, Chair

TABLE AND FIGURES:



Figure 1: Map of special-status plants and endangered butterfly host plants observed by Chris Rogers of Wood Biological Consulting during a 3-hour walk along the access road from the McNee Ranch Gate (Hwy 1) to the Peak of Montara Mountain - 3501 Whiting Ridge Road, Montara, CA 94038.



Figure 2: Photo of one of the many mission blue butterfly host plants (lupine) growing in a road cut along the access road that will be impacted by grading and is not described in the Mitigated Negative Declaration (MND).



Figure 3: A new lupine sprout, potential host plant for the endangered mission blue butterfly, growing in the sloughing decomposed granite along the roadway, material that will be used to fill rills, ruts and gullies in the roadway.



Figure 4: To ensure compliance with the 1918 Migratory Bird Treaty Act, the Mitigated Negative Declaration (MND) should require nesting bird surveys prior to vegetation removal including tree trimming if work occurs during the nesting bird season (February 1 - August 31).



Figure 5: The existing utility clearing at station 81+00 has the dimensions (88' x 34') to be used as a fire turnout.



Figure 6: The Mitigated Negative Declaration states that new turnouts will occur on flat areas yet the 1st proposed turn out at Station 96+00 will occur on a 12% slope of decomposed granite. The roadway is currently 15 feet wide with a deep ditch on the northern edge to capture runoff from the steep sided granite hillside. Construction of a new turnout will require the removal of 300 square feet of dense coastal scrub. A qualified biologist should conduct surveys for nesting birds, special status plants and butterfly host plants prior to the cut and fill required to form the turnout.



Figure 7: The second proposed turnout at station 116+00 will require the removal (take) of butterfly host plants (pink flags) and spread invasive black mustard (yellow flowers) during grading activities.



Figure 8: The access road narrows to ten feet in width at elevations above station 100 with butterfly host plants growing along the edges. These lupines will be impacted when the roadway is widened to 12 feet on the straightaways and 15 feet on the corners.



Figure 9: Facing west, view of a mature Kings Mountain manzanita (CRPR 1B.2 rare, threatened or endangered in CA) growing along the access road at the Station 136+00 proposed turnout.



Figure 10: Facing west, view of the 3rd proposed turn out located at station 136+00 and at the top of the pedestrian trail to San Pedro Park in Pacifica. Construction of this turnout will require cut and fill and the removal of ~ 700 square feet of dense coastal scrub.



Figure 11: View of an active bushtit nest found by Chris Rogers of Wood Biological Consulting in a Kings Mountain manzanita at the 3rd proposed turn out (Station 136+00).



Figure 12: Facing west, view of the access road narrowing to ~8 feet in width above Station 136+00 where many areas are lined with dense coastal scrub. The removal of 4 feet of vegetation from the roadway to meet the 12-foot width requirement for straight-aways and the removal of 7 feet of vegetation along road curves to meet the 15-foot width corner requirement will cause an impact.



Figure 13: View north of Station 138+00, an existing clearing created by previous utility maintenance work. This area is approximately the proposed dimensions of a turnout and has an existing utility road that was used as a hammerhead turnaround.



Figure 14: View of one of the thousands of host plants (*Sedum spathifolium*) for the endangered San Bruno elfin butterfly growing on the granite cut slopes above station 140+00.



Figure 15: Panoramic view of a granite cut slope above station 140+00 adjacent the decomposed granite roadway which harbors multiple populations of the endangered San Bruno elfin Butterfly host plant (*Sedum spathifolium*) as well as rare manzanitas.



Figure 16: A 3rd existing utility clearing (95' x 77') at station 178+00 - mile 3.3 that exceeds the requirements of a fire turnout and a turnaround with an adjacent road that could be used as a hammerhead turnaround.



Figure 17: View south of Station 184 at mile 3.5 where the 10-foot roadway would need to be widened to 20 feet to meet the requirements of the proposed fire turnout. This would require extensive vegetation removal.



Figure 18: The brilliantly colored wildflowers of Montara mountain - the ghostlike, endemic cobweb thistle (*Cirsium occidentale*) mixed with yarrow (*Achillea millefolium*) and Indian paintbrush (*Castilleja coccinea*).

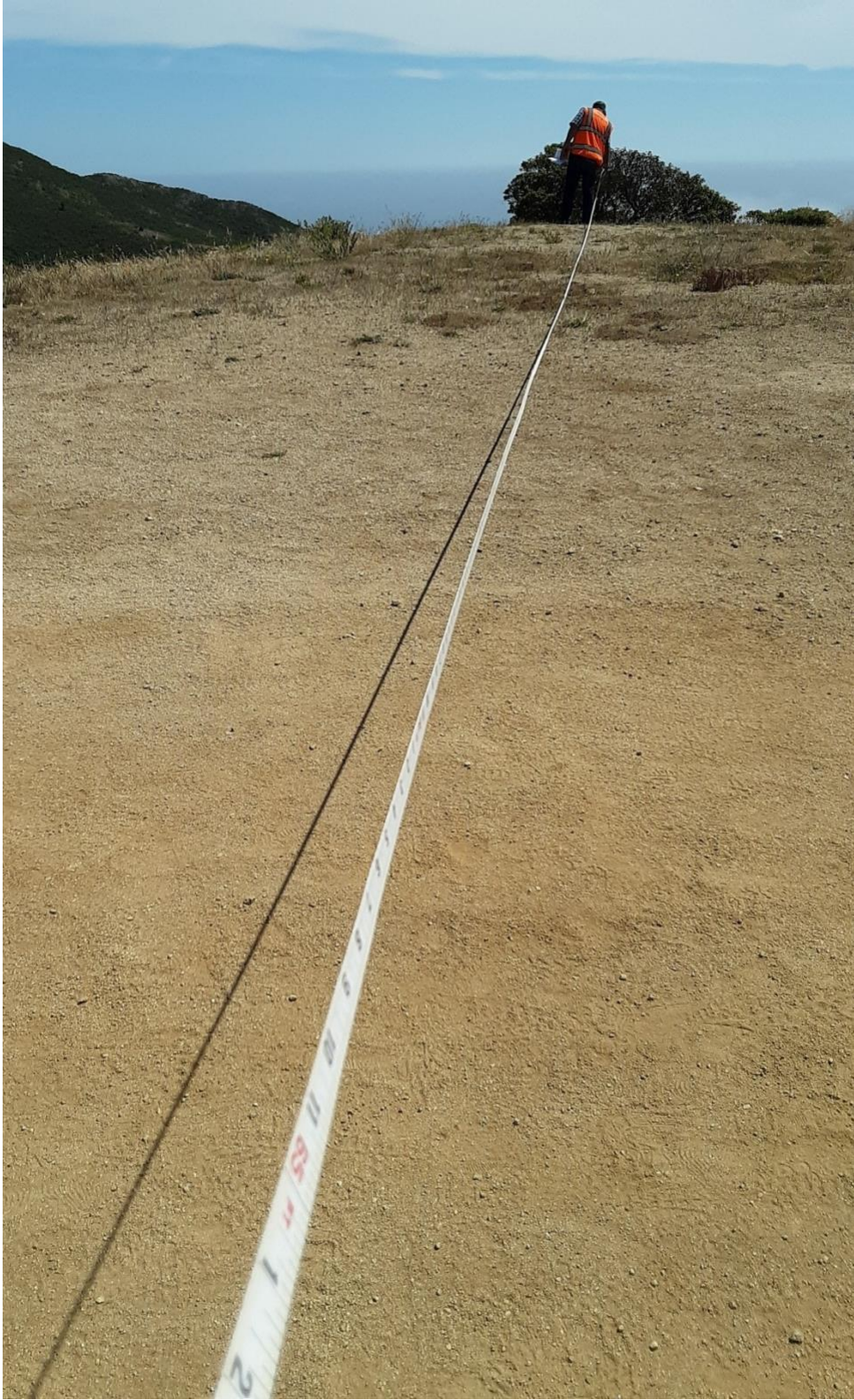


Figure 19: A 4th existing clearing (65' x 55') at the peak of Montara Mountain (station 186+00 - mile 3.5) that could be used as a hammerhead turnaround.



Figure 20: Multiple roads and fire turnouts exist at the peak of Montara mountain.



Figure 21: View north of wide roadways at the peak of the mountain (station 198+00) adjacent granite slopes with butterfly host plants.

*Proposed Turnout	Existing Conditions	Veg. Removal	Existing Turnout	Existing Dimensions	Veg. Removal
Station 96+00	15' wide road with 12% slope of slick decomposed granite with a drainage ditch on the north at the base of a granite cut slope and coastal scrub on the south side of the road.	300 sq. ft.	Station 81+00	88' x 34'	Meets size requirements of fire turnout. No additional grading or veg. removal needed.
Station 116+00	10' wide road with dense coastal scrub on both sides.	600 sq. ft.	Station 138+00	80' x 38'	Near size requirements of fire turnout. No additional grading or veg. removal needed.
Station 136+00	8' wide road with Manzanita Construction will require cut and fill and the removal of dense coastal scrub.	700 sq. ft.	Station 178+00	95' x 77'	Meets size requirements of fire turnout. No additional grading or veg. removal needed.
Station 184+00	10' wide road with dense coastal scrub on both sides	600 sq. ft.	Station 186+00	65' x 55'	200 sq. ft.
Station 198+00 (Peak)	Existing T-roadway with many staging areas.	350 sq. ft.	Station 198+00 (Peak)	100' x 15'	50 sq. ft. Rounding corners only for turnaround
TOTAL GRADING & VEGETATION REMOVAL NEEDED USING NEW TURNOUTS 2,550 sq. ft.			TOTAL GRADING & VEGETATION REMOVAL NEEDED USING EXISTING CLEARINGS 250 sq. ft.		

Table 1: Vegetation removal and new grading to create new turnouts/turnarounds compared to using existing utility truck turnouts/turnarounds. *Proposed Turnouts require 1700 sq. ft and Turnarounds require 1400 sq. ft.