

August 8, 2018

Mr. Joseph Terry
Senior Biologist
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825

RE: Section 7 Consultation for Green Valley Trail

Dear Mr. Terry:

I am writing in regard to the United States Fish and Wildlife Service's ("USFWS") Section 7 Consultation for the Green Valley Trail ("GVT"). The USFWS's proposed conditions of approval make the project infeasible for the County of San Mateo ("County") to undertake given our current resources and staffing. Our response to the requirements and mitigation measures are detailed below.

Requirements

Based on your email, dated June 21, 2018, USFWS has proposed five requirements for the issuance of the United States Army Corps of Engineers' 404 Permit ("Requirements"). In order for the County to proceed with the GVT, the following amendments to the Requirements will need to be accepted by USFWS.

Requirement #1: A California Red-legged Frog Bicycle Conflict Monitoring Program

Response to Requirement #1: Parks cannot provide a biologist on-call every weekend to address incidents involving CRLFs. At this time, Parks does not have a biologist on staff that is permitted to handle CRLF, we do not have the funds or staffing capacity to have a biologist certified to handle CRLF, nor do we have the funds for a contract biologist to be on call every weekend. If another agency becomes the project applicant for the GVT, that organization may have the resources to implement the bicycle conflict monitoring program in the manner the USFWS has proposed.

Proposed Amendment: Eliminate requirement if County is applicant.

Requirement #2: Minimization of potential impacts to the downhill CRLF Mitigation Pond installed and monitored by CalTrans.

Response to Requirement #2: Upon assessing the distance between of the proposed location of the GVT and CalTrans' downhill CRLF Mitigation Pond, it is unclear as to how the GVT would adversely impact the mitigation pond. Daily operation and maintenance of the GVT will likely have no impact on the downhill pond, and therefore, the County does not agree to any condition in which it is required to implement measures to minimize the GVT's unlikely impacts on CalTrans' downhill Mitigation Pond.

Proposed Amendment: Eliminate requirement.

Requirement #3: *Estimation of the number of CRLFs that may disperse from the drainage ditch above the GVT to CalTrans' downhill CRLF Mitigation Pond.*

Response to Requirement #3: During site visits conducted by a professional biologist, only one CRLF egg mass has been identified in the ditch above the GVT. Outside of this occurrence, no evidence has been presented that would lead Parks to think that any CRLFs will be dispersing from the ditch to CalTrans' downhill CRLF Mitigation Pond. For this reason, Parks' estimate is zero. Further, due to a lack of evidence to the contrary, no assessment should be required of Parks.

Proposed Amendment: Eliminate requirement.

Requirement #4: *An off-trail mountain bicycle monitoring and adaptive management program.*

Amendment to Requirement #4: The off-trail mountain bicycle monitoring and adaptive management program, which would be designed to prevent and terminate any informal bicycle paths that stem from the GVT, is a program that would best be developed and managed by a state agency. Given that the GVT is on Lands of the State of California and any off-trail paths created would be across Lands of the State of California, Parks will be initiating conversations with the State of California regarding this Requirement. Should a state agency not be willing to satisfy this Requirement, Parks will terminate the project as our agency has neither the resources to comply with this requirement nor the desire to manage state lands.

Proposed Amendment: The State of California will be responsible for this requirement.

Requirement #5: *A Green Valley Trail trash clean-up program.*

Amendment to Requirement #5: Should Parks proceed as the GVT project applicant, Parks will implement a trash clean-up program for the GVT based on existing practice at other Parks trails.

Proposed Amendment: The existing Parks practices for trash clean-up will be accepted as the GVT clean-up program.

Mitigation Measures

USFWS has provided a list of measures it deems acceptable for the mitigation of potential impacts associated with the GVT ("Mitigation Measures"). Proposed Mitigation Measures include:

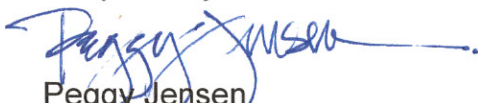
1. A conservation easement, which will require the in-perpetuity preservation and management of occupied CRLF breeding habitat and sufficient surrounding upland habitat and a fully funded endowment;
2. Restoration or creation and management of CRLF breeding habitat;
3. Bullfrog and fish removal from ponds that would otherwise support CRLF breeding; or
4. The purchase of CRLF bank credits.

Upon evaluating all Mitigation Measures proposed by USFWS, Parks has concluded that all are too onerous for this Department to accept. In order for this project to proceed with the County as the project applicant, less onerous, and more reasonable measures are requested.

While Parks will continue to engage with USFWS to facilitate acceptable and meaningful Requirements and Mitigation Measures, Parks will also be initiating conversations with other agencies who may be more inclined to accept the conditions as currently proposed. Should Parks be successful in securing another agency to be the project applicant, Parks will transfer all planning and design documents to that agency immediately and at no cost.

I look forward to discussing these matters with you in greater detail. Thank you for your consideration.

Respectfully,


Peggy Jensen
Acting Parks Director
County of San Mateo