

Date: August 27, 2018

To: Tim Duff, Coastal Conservancy
Joseph Terry, USFWS
cc: Peggy Jenson, Acting Parks Director
San Mateo County Parks Dept.
Fr: Jeff Peters, Questa Engineering

Sent via email

Tim.Duff@scc.ca.gov

joseph_terry@fws.gov

pjensen@smcgov.org

Re: Green Valley Trail Permit Requirement Clarifications- USFWS

Dear Mr. Duff and Mr. Terry

This letter is a summary of the telephone conference call of August 22, 2018 on the above-referenced project between Joseph Terry of the USFWS, Tim Duff of the Coastal Conservancy and myself. The call focused on USFWS permit related issues. Grant funding for the project is provided by the Coastal Conservancy.

Using the August 8, 2018 letter sent by San Mateo County Parks Department to Mr. Terry as a basis for the discussion, the purpose of the call was to clarify and confirm with Mr. Terry his position in response to the County letter. He had previously indicated to Tim Duff that he had no intention of responding formally to the County letter as that would not have been consistent with his agency's consultation protocol.

In response to the County letter, Mr. Terry has agreed to the following interpretation and clarification of his initial set of proposed permit requirements and mitigation measures required to meet the USFWS goals for protection of the California Red-legged Frog (CRLF) during the construction and post construction operation of the Green Valley Trail.

1) CRLF Bicycle Conflict Monitoring Program:

Post signs at the two trailheads with information on the presence of the CRLF including photos and a requirement to avoid disturbing the frog. A protocol will be developed by the County or NGO, in coordination with State Parks staff, and USFWS on what actions to take if and when a dead or dying frog is found. This will include annual training of staff on response actions, as lead by a qualified biologist. When trail users think they have come across a dead or dying CRLF the sign will request that they take a photo of the frog and once in cell range to text it to the telephone number posted on the sign with a general description of the location on the trail where it was found. State Parks and County or NGO staff will coordinate on confirming the frog species shown in the photo and documenting and total number of frogs taken annually. This

information will be provided to the USFWS annually to confirm compliance with the take permit, (i.e. comparison with number of frogs allowed to be “taken” annually per permit conditions). No other action is required unless the total number of frogs taken annually exceeds the allotted total in the permit, in which case the parties will meet to discuss appropriate remedies such as closing the trail periodically, ESA fence installation in key areas, or other measures to reduce the likelihood of future take. No on call contract biologist would be required when following the above protocol.

2) Minimizing potential impacts to the downhill Caltrans CRLF mitigation pond:

During the final design and permit phase, a meeting will be scheduled on site with county staff, county design / permit consultant, and the RCD to evaluate the trail’s potential impacts on the downhill pond, with a focus on trail erosion and sedimentation. If needed, incorporate measures into the design and/or operation of the trail.

Note: Given the distance between the trail and the pond, the steep terrain and dense vegetation it is unlikely that any potential impacts will be identified. The RCD is expected to enter into a contract with Caltrans to assist with the operation / maintenance of the pond and could coordinate with the County/others to implement any measures needed to minimize impacts of the trail on the pond, e.g. remedial erosion control, if any such impacts are identified at the site visit.

3) Estimation of the number of CRLFs that may disperse from the drainage ditch above the trail to the Caltrans downhill pond:

County or NGO design / permit consultant will provide this estimate for purposes of USFWS determination of the number of CRLFs allowed to be taken annually and throughout the life of the project in the take permit and Biological Opinion consultation letter.

4) Off trail mountain biking monitoring and adaptive management program:

County or NGO design / permit consultant will prepare this program. County and State Parks staff will coordinate program implementation. Third parties would be allowed to assist, e.g. a Friends of the Devils Slide hiking / biking community group, local mountain bike club.

5) Green Valley Trash clean up program:

County and/or NGO to implement this program per their August 8, 2018 letter.

Note: State Parks and/or Friends of the Devils Slide hiking / biking community group could assist.

Mitigation Measures

Of the four options provided to the County by the USFWS, it is recommended that the purchase of CRLF bank credits be selected. The estimated cost ranges from \$75,000-\$175,000. Remaining Coastal Conservancy grant funds could be used for this purchase. No additional CRLF mitigation measures would be required.

Note: Tim confirmed there are adequate funds remaining in the Coastal Conservancy grant to fund the purchase.