



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
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Sacramento, California 95825-1846



IN REPLY REFER TO:
1-1-04-TA-2261

AUG 20 2004

Ms. Susan Craig
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060

Subject: Wavecrest Village Development Project, Half Moon Bay, San Mateo
County, California

Dear Ms. Craig:

This letter represents the U.S. Fish and Wildlife Service's (Service) initial comments on the Wavecrest Village Development Project (WVDP). Our comments are made under the authority of the Endangered Species Act of 1973, as amended (Act). On July 19, 2004, the Service received a package of information from the California Coastal Commission (CCC) on the WVDP. The package of information included: the Wavecrest Village Revised Project Description (dated June 28, 2004); biological section of the Wavecrest Village FEIR (dated 1999); numerous CCC memoranda regarding on-site wetland delineation; Special Status Species Habitat Assessment (Wetlands Research Associates, Inc., 1998); California Red-Legged Frog Site Assessment and Survey Report (Wetlands Research Associates, Inc., 1998); Assessment of Potential for Occurrence of the San Francisco Garter Snake at the North Wavecrest Project Site (Wetlands Research Associates, Inc., 1998); Wavecrest Village Raptor Survey (Wetlands Research Associates, Inc., 2001); Wintering Raptor Survey at the Wavecrest Village Project Site, Half Moon Bay, California (Wetlands Research Associates, Inc., 2002); and numerous letters from Gary Deghi to the CCC regarding raptor habitat on the project site. In addition, on July 14, 2004, Mary Hammer of my staff received an e-mail from you containing a photograph of a federally threatened California red-legged frog (*Rana aurora draytonii*) (red-legged frog) taken on the Wavecrest Project site on June 7, 2004, by a biologist, Chris Giomi of Tree Frog Treks. Also included in the e-mail was the California Natural Diversity Database (CNDDB) form that Mr. Giomi reported the occurrence of the red-legged frog to the California Department of Fish and Game (CDFG).

On July 29, 2004, Ms. Hammer of my staff visited the Wavecrest Project Site along with John Dixon of the CCC, Dave Johnston of CDFG, Jeff Dreier of Wetlands Research Associates, Inc., and Patrick Fitzgerald of Wavecrest Village, LLC. The purpose of the Service's visit to the site

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was to assess the suitability of the habitat on site for the red-legged frog and the federally endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) (garter snake). A garter snake was documented approximately one mile from the project site along Pilarcitos Creek, near downtown Half Moon Bay, in June 2004.

The project site encompasses approximately 207 acres and is located on an uplifted marine terrace between Highway 1 and the Pacific Ocean bluffs near Half Moon Bay. The site has a variety of habitats including, non-native grassland, riparian scrub/woodland, shrubland, woodland, natural and man-made wetlands, a riparian area, an irrigation ditch, and an agricultural pond. The majority of the site consists of non-native grasslands with wetlands interspersed throughout. A vegetated drainage ditch also traverses the site from the southeast corner to the northwest corner. An existing ball field is also present on the site.

The site visit revealed that the project site contains suitable upland and aquatic habitat for red-legged frogs and garter snakes. Aquatic and upland habitats are equally important habitat components for both red-legged frogs and garter snakes. Red-legged frogs and garter snakes forage in and near aquatic habitat and retreat to burrows in uplands areas to aestivate. Upland habitat also provides important dispersal habitat for both species and maintains connectivity between adjacent populations of these species. Undeveloped portions of San Mateo County, particularly sites with aquatic habitat surrounded by upland aestivation and dispersal habitat are very important sites for red-legged frogs and garter snakes.

Suitable habitat for both species is also located adjacent to the project site. An off-site pond and surrounding uplands located on the northern boundary of the project site, east of the grove of eucalyptus trees, may also provide suitable breeding, foraging, and aestivation habitat for both species. No barriers to dispersal exist between this pond and the project site. Suitable breeding, foraging, and aestivation habitat also exists in other locations off site, including an agricultural pond and surrounding open space located approximately 0.75 miles east of the project site and Arroyo Leon located approximately one mile east of the project site.

The project proponent proposes to construct 217 housing units, construct a middle school campus and associated facilities, construct a boys and girls club near the middle school, renovate the existing ball fields, restore and enhance the existing agricultural pond, improve and maintain an extensive systems of public trails to and along the bluff top, and improve existing infrastructure. Approximately 140 acres of the site would be preserved as open space including the bluff top, riparian area, and wetland areas and associated buffers.

The Service believes that implementation of the project may result in "take" of the red-legged frog and/or garter snake or habitat for these species. Red-legged frogs have been documented on-site and the site contains suitable habitat for both species. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR 17.3).

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Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a *formal consultation* with the Service. During formal consultation, the Federal agency, the applicant, and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a *biological opinion* by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then the applicant should apply for an *incidental take permit*. The Service may issue such a permit if a satisfactory habitat conservation plan (HCP) for the species that would be affected by the project is submitted to us. Should surveys determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that the applicant work with this office and the California Department of Fish and Game to develop an HCP that minimizes the project's direct and indirect impacts to listed species and mitigates for project-related loss of habitat. The applicant should include the plan in any environmental documents filed.

In summary, the Service is concerned that the proposed project may result in "take" of red-legged frogs and/or garter snakes. The Service encourages the applicant to pursue take authorization for the project by one of the two procedures discussed above. If you have any questions regarding the Service's comments on the proposed Wavecrest Village Development Project, please contact Mary Hammer or Dan Buford of my staff at (916) 414-6625.

Sincerely,



Catrina Martin
Deputy Assistant Field Supervisor