

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

**NOTICE OF INTENT TO ADOPT  
MITIGATED NEGATIVE DECLARATION**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: Masten Land Clearing, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2019-00393

OWNER: Ginger Masten

APPLICANT: James O'Connell

NAME OF PERSON UNDERTAKING THE PROJECT OR RECEIVING THE PROJECT APPROVAL (IF DIFFERENT FROM APPLICANT): N/A

ASSESSOR'S PARCEL NO.: 023-392-020, 023-391-030, 023-395-020

LOCATION: East of terminus of Springwood Way, Unincorporated Pacifica

PROJECT DESCRIPTION

A Land Clearing Permit is being sought to clear a 10 feet wide path through approximately 6.2 acres of commonly-owned rural, undeveloped and densely vegetated land to allow for temporary access to the upper portions of the project parcels for purposes of archaeological study, geotechnical investigation, and land surveying. The clearing operation will consist of approximately 3 to 4 workers using primarily hand tools to remove shrubs, thick grasses and non-heritage trees down to approximately foot-level, no soil will be exposed, within a 1,725-foot long meandering path. Tree removal is expected to be minimal, see the Biological Section for further discussion.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

The Current Planning Section has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition, the project will not:

- a. Create impacts which have the potential to degrade the quality of the environment.
- b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
- c. Create impacts for a project which are individually limited, but cumulatively considerable.
- d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The County of San Mateo has, therefore, determined that the environmental impact of the project is insignificant.

MITIGATION MEASURES included in the project to avoid potentially significant effects:

**Mitigation Measure 1:** The applicant shall submit a plan to the Planning and Building Department prior to the commencement of work that at a minimum includes applicable “Basic Construction Mitigation Measures” as listed in Table 8-2 of the BAAQMD CEQA Guidelines (May 2017). These measures shall be implemented prior to beginning any project related work and shall be maintained for the duration of the project activities:

- a. All paved areas (i.e., roadways) used for construction staging and/or parking shall be cleared of visible dirt and debris at the end of each work day in a manner that minimizes the generation of dust and avoids pollutants entering any waterway.
- b. All haul trucks transporting loose material shall be covered.
- c. Idling times shall be minimized either by shutting equipment or vehicles off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]).
- d. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- e. Minimize the idling time of diesel-powered construction equipment, including work vehicles, to two minutes.
- f. Workers shall commute to the job site when feasible to reduce the increase of construction vehicles to the area.
- g. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District’s phone number shall also be visible to ensure compliance with applicable regulations

**Mitigation Measure 2:** A qualified biologist shall be on-site to oversee all clearing operations performed under the project. Should consultation with any state or federal agency be required throughout project implementation due to the discovery or potential adverse impact on a biological resource in the project area, the County of San Mateo Planning and Building Department shall be notified immediately. A letter from the biologist summarizing their oversight of any biological resource impacts encountered during project implementation and identifying the measures taken to minimize those impacts, or recommended measures needed to minimize or mitigate impacts, shall be submitted to the County of San Mateo Planning and Building Department within 10 business days of project completion. Upon review, the County may require the applicant to complete post-project measures as determined necessary by the project biologist.

**Mitigation Measure 3:** A qualified botanist shall be on-site to oversee all clearing operations performed under the project. A letter from the botanist summarizing their oversight of any vegetative resource impacts encountered during project implementation and identifying the measures taken to minimize those impacts, or recommended measures needed to minimize or mitigate impacts, shall be submitted to the County of San Mateo Planning and Building Department within 10 business days of project completion. Upon review, the County may require the applicant to complete post-project measures as determined necessary by the project botanist. This mitigation measure may be satisfied in combination with Mitigation Measure 2 provided the biologist is qualified as a botanist.

**Mitigation Measure 4:** To prevent debris material from migrating off-site or entering any watercourses or riparian habitats, the following measures shall be implemented:

- a. Install a silt fence, or equivalent temporary protective device, at the outside edges of the clearing limits and limit all work activities to this area. Check the protective device daily to ensure that the barrier is preventing materials from migrated outside of the immediate work limits.
- b. Install rock bags or equivalent protective devices outside of and parallel to any watercourse channels to prevent debris material from entering the creek while allowing wildlife to continue use of the watercourse as a migratory corridor.
- c. Use impervious tarps or other impervious material to secure all debris material at the work site prior to transporting over any watercourses and to any on-street staging area for off-haul.
- d. All project-related debris and waste shall be picked-up and properly disposed of daily. Debris stockpiled throughout the course of each day that can be blown by wind shall be covered when not in active use.

**Mitigation Measure 5:** To prevent chemical agents from entering any watercourses, groundwater, and/or land that contain potential habitat for special-status species, the applicant shall not use insecticides or herbicides at the project site during project implementation or for maintenance purposes.

**Mitigation Measure 6:** The applicant shall adhere to the applicable San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:

- a. Perform clearing activities only during dry weather.

- b. Store, handle, and dispose of all potential pollutants, including but not limited to construction materials, wastes and vegetation debris material properly, so as to prevent their contact with stormwater or watercourses.
- c. Avoid cleaning, fueling, or maintaining equipment on-site, except in a designated area where wash water is contained and treated.
- d. Avoid the use of pesticides, herbicides, or similar chemicals, to prevent polluted runoff or groundwater contamination.
- e. Avoid tracking dirt or debris materials onto paved roadways; clean paved construction staging and parking areas using dry sweeping methods.
- f. Train and provide instruction to all workers regarding General Construction and Site Supervision Guidelines and Best Management Practices.

**Mitigation Measure 7:** There shall be no diversion, obstruction, change, removal or deposit to the course of any waterway, including to the bed, channel or banks as a result of the project.

**Mitigation Measure 8:** Wildlife exclusion fencing shall be erected around the clearing limits prior to commencement of work to prevent wildlife species, including but not limited to California Giant Salamander, California red-legged frog, and San Francisco garter snake, from entering the active work area. Exclusion fencing shall be at least 24 inches high and entrenched three to six inches into the ground. The integrity of the fence shall be maintained for the extent of the clearing operation. Silt fencing may be used to serve this purpose.

**Mitigation Measure 9:** The use of monofilament netting, commonly used in straw wattle and other erosion devices, is prohibited to avoid possible entrapment of wildlife species.

**Mitigation Measure 10:** Any wildlife encountered during clearing activities shall be allowed to leave the work area of their own accord and without harassment. Animals shall not be picked up or moved in any way without prior consultation from the qualified on-site biologist.

**Mitigation Measure 11:** If invasive species such as pampas grass, Himalayan blackberry, poison hemlock, and fennel are removed during clearing operations, the debris shall be hauled offsite to prevent the spread of these species.

**Mitigation Measure 12:** If any trees are removed between October through February then a qualified biologist shall survey the trees prior to removal for overwintering butterflies. If a monarch roost is observed during surveys, consultation with the California Department of Fish and Wildlife shall occur prior to removal.

**Mitigation Measure 13:** Tree removal should occur between September 1 and January 31, outside of the avian breeding season. However, if tree removal occurs between February 1 and August 31, the nesting season for raptors and most other birds, then a qualified biologist must survey the trees for the presence of active bird nests prior to removal. If active nests are found a work exclusion zone shall be established around each nest by a qualified biologist that will remain in place until all young in the nest have fledged or the nest otherwise becomes inactive. As exclusion zones vary in size depending on the species, the size will be determined by the qualified biologist.

**Mitigation Measure 14:** If any trees are removed during bat roosting season, between March through August, a qualified biologist shall survey the project trees for the presence of bat maternity roosts prior to tree removal. Disturbance of maternity roosts shall be avoided until young bats are mature enough to leave on their own. Consultation with the Department of Fish and Wildlife shall occur before relocation of bats. Alternatively, trees may be removed from September 1 through October 31, after the maternity roost season but before winter hibernation (which may begin as early as November).

**Mitigation Measure 15:** Any encounter with San Francisco dusky-footed woodrat middens shall result in work stoppage in the area and consultation with the qualified project biologist. Middens should be avoided if feasible. Should the avoidance of woodrat middens not be feasible, the middens should be dismantled by hand under the supervision of a qualified biologist. If young are encountered, the material should be replaced, and the biologist should return within approximately 24 hours to see if the young have been relocated. If the young have not been relocated, the biologist should make an age determination and return when it is likely that the young have been weaned to determine occupancy. A no-disturbance buffer should be established around the active midden at the discretion of the biologist and the buffer should remain in place until the young have matured enough to disperse on their own.

**Mitigation Measure 16:** Silt fencing and an orange temporary Environmentally Sensitive Area (ESA) fence shall be installed around all red alder forest and red osier thickets in the work area to avoid work activity impacts. The fencing shall be installed under the supervision of a qualified biologist to ensure installation is completed correctly and with minimal impact.

**Mitigation Measure 17:** Whenever feasible, the project shall avoid the removal of any trees that are 12-inch dbh (diameter at breast height) or greater; avoidance may require modification to the pathway for clearing when feasible and not in conflict with minimizing impacts to other habitat resources.

**Mitigation Measure 18:** All tree removal shall avoid root removal to prevent soil disturbance and destabilization in the area.

**Mitigation Measure 19:** All trees, 12-inch dbh or greater, removed for the project shall be documented as to their location, species and size, and submitted to the County of San Mateo Planning and Building Department within 10 business days of project completion for record. Upon review, the County will determine whether tree replanting is necessary based on the extent of documented removal.

**Mitigation Measure 20:** In the event that archaeological resources are inadvertently discovered, work in the immediate vicinity (within 25 feet) of the find must stop until a qualified archaeologist can evaluate the significance of the find. Clearing activities may continue in other areas beyond the 25-foot stop work area. A qualified archaeologist is defined as someone who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology. The County of San Mateo Planning and Building Department's Current Planning Section shall be notified of such findings, and no additional work shall be done in the stop work area until the archaeologist has recommended appropriate measures, and those measures have been approved by the Current Planning Section and implemented.

**Mitigation Measure 21:** All vegetation debris shall be cleared from the project area daily. Debris burning in conjunction with the project shall be strictly prohibited.

**Mitigation Measure 22:** Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.

**Mitigation Measure 23:** In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.

**Mitigation Measure 24:** Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

**RESPONSIBLE AGENCY CONSULTATION**

City of Pacifica

**INITIAL STUDY**

The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

**REVIEW PERIOD:** March 10, 2020 - March 30, 2020

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., March 30, 2020.**

**CONTACT PERSON**

Summer Burlison  
Project Planner, 650/363-1815  
[sburlison@smcgov.org](mailto:sburlison@smcgov.org)

  
Summer Burlison, Project Planner

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