COASTAL CONSERVANCY

Staff Recommendation
March 24, 2022

TUNITAS CREEK BEACH PUBLIC ACCESS IMPROVEMENT PROJECT

Project No. 17-010-01
Project Manager: Hilary Hill

RECOMMENDED ACTION: Authorization to disburse up to $2,934,892 to San Mateo County to construct public access improvements and visitor-serving amenities at Tunitas Creek Beach in San Mateo County, of which $2,174,892 will derive from remaining unexpended funds from a Conservancy grant authorized on March 14, 2019 for the acquisition and planning of the project, and adoption of findings under the California Environmental Quality Act.

LOCATION: Tunitas Creek Beach, unincorporated San Mateo County

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EXHIBITS

Exhibit 1: Project Location Maps

Exhibit 2: Site Photos

Exhibit 3: Project Designs

Exhibit 4: March 14, 2019 Tunitas Creek Beach Acquisition and Planning Staff Recommendation

Exhibit 5: CEQA - Initial Study/Mitigated Negative Declaration for the Tunitas Creek Beach Improvement Project

Exhibit 6: Project Letters

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed two million nine hundred thirty-four thousand eight hundred and ninety-two dollars ($2,934,892) to San Mateo County ("the grantee") to construct public access improvements and visitor-serving amenities at Tunitas Creek Beach in San Mateo County, of which $2,174,892 will derive from

remaining unexpended funds from the Conservancy grant authorized on March 14, 2019, for previous phases of the project.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy and Proposition 68 funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence the grantee has entered into agreements with Caltrans sufficient to enable the grantee to implement and maintain the project.

In addition, to the extent appropriate, the grantee shall incorporate the guidelines of the Conservancy's 'Coastal Access Project Standards'.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Conservancy has independently reviewed and considered the "Initial Study/Mitigated Negative Declaration for the Tunitas Creek Beach Improvement Project" certified by San Mateo County on December 14, 2021 pursuant to the California Environmental Quality Act ("CEQA") and attached to the accompanying staff recommendation as Exhibit 5. The Conservancy finds that the proposed project as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the project may have a significant effect on the environment, as defined in Title 14 of the California Code of Regulations Section 15382.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends disbursement of up to $2,934,892 to San Mateo County, acting through their Parks Department (County Parks), to construct public access improvements and visitor-serving amenities at Tunitas Creek Beach. The Conservancy previously authorized a $6.2 million grant for acquisition of Tunitas Creek Beach and planning of public access improvements on March 14, 2019 (Exhibit 4). The proposed project will construct the planned improvements to provide public access to Tunitas Creek Beach. $2,174,892 of the proposed authorization will consist of

the remaining unspent funds from the $6.2 million grant for the acquisition and planning of the project and $760,000 of the proposed authorization will be additional funding as described in the financing section of this Staff Recommendation.

Implementation of the proposed project will allow Tunitas Creek Beach to be opened to the public for the first time. Tunitas Creek Beach is an approximately 1-mile-long secluded sandy beach backed by dramatic rugged cliffs and is located approximately 5 miles south of the City of Half Moon Bay (Exhibit 1). Over the past decade, when the remote beach was privately owned, it became a hotspot for all-night parties attended by hundreds of people from throughout the San Francisco Bay Area and promoted via social media. The property had no facilities and no park agency management, thus adverse impacts on the property's natural resources and public safety were extreme, including large amounts of human waste and garbage, emergency safety incidents, and impacts to sensitive plants and wildlife. Surrounded by private property, the only access routes to the beach were unsafe and environmentally-damaging—either using informal footpaths scaling two hundred feet down erosive bluffs, or by walking through the Tunitas Creek corridor to reach the beach, damaging in-creek habitat.

With support of the Conservancy and project partner Peninsula Open Space Trust, County Parks acquired the property in 2020 and embarked on planning to provide safe, sustainable, and environmentally-sensitive access to Tunitas Creek Beach. Planned improvements, such as parking, trails, restrooms, and additional visitor amenities, were developed with extensive community engagement and designed to provide inclusive access to a diversity of users while also protecting and minimizing impacts on the property's sensitive biological and cultural resources. The proposed Conservancy authorization will allow County Parks to construct these improvements and open Tunitas Creek Beach County Park to the public as a new coastal park.

Improvements proposed by the project are divided into three areas of the property – upper-bluff, mid-bluff, and beach – and accommodate different visitor experiences at each location (Exhibit 3). The upper-bluff of the property will include paved parking for approximately 65 vehicles with additional unpaved overflow parking and a scenic overlook of Tunitas Creek Beach. From the upper-bluff, an accessible pedestrian pathway 1,800 feet in length with intermittent rest stops and scenic overlooks will bring visitors down to the mid-bluff area.

At the mid-bluff, improvements will include public restrooms, picnic tables, interpretive displays, and a tiered amphitheater-style seating area that overlooks the beach and can serve as a gathering space for school groups or other visitor programs. Improvements at the mid-bluff are designed to provide a unique experience before visitors travel down to the beach. The existing damaged home structure on the mid-bluff will be demolished as it is beyond repair. A ranger station is proposed on the mid-bluff to provide 24-hour presence of County Parks' staff, but this is dependent on County Parks securing permits for a water source.

To access the beach, improvements will be made to the existing 400-foot-long access road for visitors to travel down to Tunitas Creek Beach. The beach will have minimal development, instead offering visitors opportunities for recreation on the beach. Fencing will be installed to protect snowy plover habitat and sensitive riparian habitat at Tunitas Creek, a steelhead-bearing creek. Due to the site constraints and slope stability of the property, the beach access path could not be designed to meet accessibility standards, thus access to the property for

those with physical disabilities is concentrated at the mid-bluff and upper-bluff areas. A 2-mile loop trail will cross the property and provide an additional experience for visitors wanting a hike or longer visit. Existing informal trails down the bluff will be closed and restored to reduce erosion and redirect users to alternative sustainable beach access routes.

Construction of the proposed project is planned to begin in Summer 2022 with the property opening to the public by Summer 2023. The proposed project will open a new beach accessway in San Mateo County, create 2 miles of new Coastal Trail, and address degradation caused by unmanaged access to Tunitas Creek Beach. This project has been developed with a strong partnership between County Parks, Peninsula Open Space Trust, and the Conservancy. Future visitors eagerly await the completion of this project.

Site Description: The 58-acre Tunitas Creek Beach property is located within unincorporated San Mateo County, five miles south of the City of Half Moon Bay. The property is bound by Tunitas Creek to the north, State Highway Route 1 to the east, and the Pacific Ocean to the west. The Caltrans right of way for Highway 1 encompasses the upper bluff of the property. The property offers panoramic views of the ocean, coastline, and dramatic cliffs at the north end of the beach.

The bulk of the Tunitas Creek Beach property is undeveloped and comprised of coastal bluffs, sandy beach and dune habitat, and a third of a mile of the Tunitas Creek riparian corridor. Currently, the only development on the property is a fire-damaged, two-story single-family dwelling, several other dilapidated structures, and an access road to the property from State Route 1. Before acquisition by the County, the property was in private ownership, closed to the public, and beach visitors had to scale down tall erosive bluffs on unsanctioned trails or through a sensitive riparian corridor to access Tunitas Creek Beach.

The property supports a diversity of habitats including marine, sandy beach, dunes, northern coastal scrub, coastal terrace prairie, Monterey pine forest, coastal and valley freshwater marsh, red alder riparian forest, and a creek corridor. The property supports rare, endangered, and unique species including the federally threatened western snowy plover and the coastal marsh milkvetch. Tunitas Creek Beach and surrounding areas have historically provided habitat for threatened or endangered species including steelhead, Coho salmon, California red-legged frog, and San Francisco Garter Snake. Based on the presence of suitable habitat, additional state species of special concern are also expected to occur on the property such as California giant salamander, Santa Cruz black salamander, and San Francisco common yellowthroat.

The location is significant historically for many reasons, including: the Torose Village of the Cotegen Tribe was located at Tunitas Creek Beach; the Spanish Portola expedition was the first European land exploration of Alta California and camped at Tunitas Creek in 1769; and Tunitas Creek was the southern terminus of the Ocean Shore Railroad in the early 1900s.

Grant Applicant Qualifications: County Parks manages 23 parks and 194 miles of trail encompassing over 16,000 acres of parkland. It works to preserve San Mateo County's natural and cultural treasures and provide safe, accessible parks, recreation, and learning opportunities to enhance the community's quality of life. At the land-sea interface, County Parks has experience managing their popular Fitzgerald Marine Reserve, famous for its tidepools and seal

colony. County Parks and Peninsula Open Space Trust have partnered successfully on similar projects, such as Pillar Point Bluff County Park, for which the Conservancy and the Wildlife Conservation Board provided grant funds. San Mateo County's Public Works Department will be overseeing construction of the proposed project and has extensive experience planning, designing, and constructing infrastructure projects within unincorporated areas of San Mateo County.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. **Extent to which the project helps the Conservancy accomplishes the objectives in the Strategic Plan.**

See the "Consistency with Conservancy's Strategic Plan" section below.

2. **Project is a good investment of state resources.**

The proposed project is a benefit to all Californians by providing public access and coastal recreation to one of San Mateo County's most beautiful beaches. The project also protects significant natural resources, such as snowy plover and steelhead habitat, in an important coastal watershed that drains to the ocean and Monterey Bay National Marine Sanctuary. The project is feasible, on-track to begin construction this year, leverages significant local funding, and is supported by state legislators. The project will complete the vision of Conservancy previous investments at Tunitas Creek Beach for coastal access and resource protection.

3. **Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.**

In 2017 and 2021 the Conservancy sent letters to California Native American tribes in San Mateo County inquiring if any tribes would like to initiate tribal consultation on the proposed project and no tribes responded. In addition, no tribes requested consultation during the CEQA process in 2021 which included outreach to the following tribes: Amah Mutsun Tribal Band, Costanoan Rumsen Carmel Tribe, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, and The Ohlone Indian Tribe.

County Parks presented the project designs to representatives of the Muwekma Ohlone Tribe and the Association of Ramaytush Ohlone tribe and both parties gave support. County Parks plans to reengage these tribes during development of interpretive and educational programming opportunities concerning indigenous peoples.

4. **Project benefits will be sustainable or resilient over the project lifespan.**

The proposed project will create sustainable access to Tunitas Creek Beach. Existing erosive informal trails down the bluff will be closed and restored, while redirecting visitors to more sustainable access routes. All proposed improvements were evaluated for erosion potential, slope stability, landslide conditions, and sea level rise projections. Improvements are sited and designed to minimize hazards and maximize longevity. No improvements are located within areas vulnerable to sea level rise, other than removable fencing for habitat protection. All proposed structures, such as the restroom and the ranger residence, are sited away from the bluff edge and cliff erosion projections to maximize longevity. These structures are also designed to be portable so they can be relocated should slope movement or bluff erosion occur later in the project lifespan. Smaller amenities such as picnic tables are sited within cliff erosion projections but also can be relocated over time as needed.

5. Project delivers multiple benefits and significant positive impact.

The proposed project is centered on four core values identified by the project's Community Advisory Committee:

- Environmental Protection: The project improves the environment and leads to enhanced stewardship.
- Outdoor Experiences: A variety of recreational experiences are available, from vista point to extended stays.
- Equity and Inclusion: Diverse and non-traditional communities are involved during project development.
- Education and Awareness: History and nature knowledge are made accessible through meaningful interpretation.

These core values are reflected in the proposed project features and design. Multiple benefits to natural resources, recreation, and environmental education are created by the project, and the project provides a variety of experiences and for a diversity of users, including people with physical disabilities.

6. Project planned with meaningful community engagement and broad community support.

A robust community engagement effort was implemented in development of the project. A volunteer Community Advisory Committee was created before planning began and identified core values to drive the project, listed above. Due to the Covid-19 pandemic, a modified public engagement strategy was developed for a virtual format and included online learning modules posted to the project homepage, short videos which supplemented the learning modules, virtual public workshops in English and Spanish, and feedback surveys available both online and hardcopy. Hardcopies could be requested via email and would be sent with postage paid return envelops. All materials were posted in English and Spanish and the videos were also posted in Mandarin. As COVID-19 restrictions eased, in October 2021, the Project Team hosted its first in-person public meeting at Tunitas Creek Beach. Over 1,300 survey responses were received over the course of the public process (including over 100 responses in Spanish) and the videos posted received over 2,100 views in aggregate. As part of its engagement strategy, County Parks also conducted targeted outreach with various community groups, including Puente,

CARON (Community Alliance to Revitalize Our Neighborhoods), and classes at Ocean High School and Siena Youth Center, to engage community members not traditionally involved in a park planning process.

PROJECT FINANCING

Coastal Conservancy	**$2,934,892**
Peninsula Open Space Trust (POST)	$2,245,000
San Mateo County	$2,000,000
California State Parks Prop 68 Per Capita	$828,430
Project Total	**$10,250,000**

Conservancy staff recommend authorizing $2,934,892 in funding for implementation of the proposed project. This amount would include $2,174,892 of remaining unspent funds from the Conservancy grant for previous phases of the project authorized on March 14, 2019 and an additional $760,000 from sources described below.

The $2,174,892 of unspent funds from the grant for the acquisition and planning of the Tunitas Creek Beach project is a fiscal year 2018/2019 appropriation from the General Fund specifically for "local grants for San Mateo County and its local partners for the Tunitas Creek Beach County Park" (SB 840, Mitchell, Chapter 29 (2018)).

There are two anticipated sources for the $760,000 of Conservancy funding. The first is the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 ("Proposition 84"), codified at Public Resources Code (PRC) Sections 75001-75130. Proposition 84 authorizes the use of these funds for promoting access to and enjoyment of coastal resources of the state (PRC Section 75060). Consistent with PRC Section 75060, this proposed project will promote access to and enjoyment of its coastal resources. Section 75060(c) allocates funding specifically for the San Francisco Bay Area Conservancy Program (Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165), and states that "not less than 20% of the funds allocated by this paragraph shall be expended on projects in watersheds draining directly to the Pacific Ocean." The proposed project is consistent with Chapter 4.5 of Division 21, since the proposed project will promote access to and enjoyment of coastal resources and Tunitas Creek Beach is located in an ocean-draining watershed of San Mateo County, one of the nine counties in the San Francisco Bay Area Conservancy Program.

The second anticipated source of Conservancy funding is the California Drought, Water, Climate, Coastal Protection, and Outdoors Access for All Act of 2018 ("Proposition 68"), codified at PRC Sections 8000-80173. Pursuant to Section 80120(c), the Conservancy may provide grants for the "protection of beaches, bays, wetlands, and coastal watershed resources" in accordance with Division 21. Prop 68's definition of "protection" includes "actions to improve access to public open-space areas". (PRC Section 80002(l).) The proposed project is an eligible project type pursuant to Section 80120(c) as the project will improve coastal access to Tunitas Creek Beach and the project will be carried out in accordance with Chapter 4.5 of Division 21

regarding the San Francisco Bay Area Conservancy Program (see "Consistency with Conservancy's Enabling Legislation" section below). The proposed project is consistent with the funding guidelines for expenditure of Proposition 68 adopted by the Conservancy on December 6, 2018 as described in various sections of this staff recommendations.

Peninsula Open Space Trust and San Mateo County are contributing $2,245,00 and $2,000,000 in matching funds, respectively, for construction of the proposed project. The County has secured $828,430 from California State Parks Prop 68 Per Capita grant program for the project and is actively applying for additional funds, including a $2,000,000 grant from California State Parks Regional Park Program. The proposed ranger station will be funded by one of the above matching funds, not with Conservancy funding. These other sources of funding listed above are provided as estimates. The Conservancy does not typically require matching funds nor does it require documentation of expenditures from other funders. Typical grant conditions require Grantees to provide any funds needed to complete the project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165, to address the natural resource and public access goals of the San Francisco Bay Area. Section 31162 authorizes the Conservancy to award grants in the nine-county San Francisco Bay Area to achieve specified goals of the San Francisco Bay Area Conservancy Program. These goals include providing open space and natural areas that are accessible to urban populations for recreational and educational purposes (Section 31162(d)). Tunitas Creek Beach is located in San Mateo County, one of the nine counties of the San Francisco Bay Area. It is a natural area that is accessible to the large urban populations of San Jose and the San Francisco Bay Area. Consistent with Section 31162(d) the proposed project will provide public access to Tunitas Creek Beach and related facilities including parking, restrooms, picnic areas, etc. The proposed project is a priority for funding consistent with Section 31163(c) because: (1) it is supported by the public access policies of the California Coastal Act in that it will provide public access to the coast; (2) will serve a regional constituency in that it will have sufficient amenities such as restrooms and parking which will facilitate travelers to visit this remote, beautiful coastal area; (3) is ready to be constructed; (4) will provide the important benefits of access to the coast during a time of intense need for access to the outdoors; and (5) is supported by funds from the County, POST, and State Parks.

CONSISTENCY WITH CONSERVANCY'S 2018-2022 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 1, Objective D** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will create approximately 2 miles of California Coastal Trail in San Mateo County.

Consistent with **Goal 2, Objective A** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will expand opportunities for access for people with disabilities to and along the coast and coastal trails.

Consistent with **Goal 2, Objective B** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will open a new coastal area to the public at Tunitas Creek Beach.

Consistent with **Goal 2, Objective D** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will construct visitor-serving amenities at Tunitas Creek Beach to enhance coastal recreation.

CEQA COMPLIANCE:

On December 14, 2021, the County of San Mateo certified the "Initial Study/Mitigated Negative Declaration for the Tunitas Creek Beach Improvement Project" (IS/MND) (Exhibit 5) and adopted a Mitigation Monitoring and Reporting Program. The IS/MND indicates that the project could have potentially significant effects on the following types of resources: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Land Use, Recreation, Tribal Cultural Resources, Utilities and Service Systems, and identifies mitigation measures to avoid, reduce or mitigate all the possible significant environmental effects to less than significant.

The potentially significant impacts of the project and associated mitigation measures are summarized below:

Air Quality: Project construction may result in short-term degradation of air quality due to the release of particulate matter emissions (i.e., fugitive dust) generated by grading, clearing, and other activities. Construction equipment may also create emissions including CO, NOx, ROG, directly-emitted particulate matter (PM2.5 and PM10), and toxic air contaminants (TACs), such as diesel exhaust particulate matter.

MITIGATION MEASURE AIR-1 requires that Bay Area Air Quality Management District Basic Construction Mitigation Measures to be implemented including watering any exposed dirt, covering materials on haul trucks transporting loose materials, adhering to 15 mph speed limits, paving roadways as soon as possible, minimizing idling times for equipment, and ensuring construction equipment is properly maintained.

Biological Resources

a) Special Status Species: Construction of the proposed project could directly or indirectly affect sensitive status species including coastal marsh milk vetch, 23 other special-status plant species, monarch butterflies, California red-legged frog, San Francisco garter snake, California giant salamander, Santa Cruz black salamander, western pond turtle, western snowy plovers, San Francisco common yellowthroat, white-tailed kite, other nesting birds, San Francisco dusky-footed woodrat, Townsend's big-eared bat, pallid bat, and western red bat.

   MITIGATION MEASURE BIO-1 requires a qualified botanist to conduct pre-construction plant surveys. Development must avoid and be set back at least 50 feet from previously mapped occurrences of coastal marsh milk-vetch and from special-status plant species found during the pre-construction plant surveys. The project shall be redesigned or modified to avoid direct and indirect impacts on identified special-status plant species

and if impacts are unavoidable and less that 5 percent of a population would be impacted, the County shall preserve a seedbank by retaining topsoil in the project area. Special status plant species to be avoided shall be fenced to protect from disturbance.

MITIGATION MEASURE BIO-2 requires a monarch butterfly survey if trees within the Monterey pine forest are to be impacted (trimmed or removed) to determine if monarchs roost in the trees. If found, potential impacts to trees shall be avoided, especially in winter when monarchs are most likely to be present. Additional measures shall be considered in order to avoid potential impacts, including: habitat surveys by a qualified biologist, 100-ft buffer zones for disturbance activities, avoiding fall and winter seasons, not using herbicides or pesticides in buffer zones, and implementing impact minimization plans in consultation with USFS when work is unavoidable.

MITIGATION MEASURE BIO-3 requires that measures shall be implemented for ground-disturbing activities within and in proximity to creeks or within riparian woodland or scrub habitats, to reduce potential impacts to special-status amphibian and reptile species. These measures include: training for construction personnel, pre-construction surveys by a qualified biologist, relocation of animals as approved by USFWS/CDFW, exclusion fencing or oversight by a qualified biologist during initial construction activities, limiting construction during the wet season or nighttime to the extent feasible, additional surveys as required for species during construction, buffer zones if nests or eggs/larvae are found, litter control, proper storage and trench/pit management, traffic restriction to established roads and staging areas, and no materials will be used that can entangle amphibians and reptiles.

MITIGATION MEASURE BIO-4A requires pre-construction surveys for nesting birds by a qualified biologist if construction activities occur between February 1 and August 31. If an active nest is found close to work areas, a fenced or flagged construction-free buffer zone will be established around the nest (typically 300 feet for raptor and 100 feet for other species). If possible, all potential nesting substrates (e.g. bushes and trees) that are planned for removal during the project shall be removed prior to nesting season.

MITIGATION MEASURE BIO-4B requires that to the extent feasible construction activities within 600 feet of suitable snowy plover habitat occur outside of the plover breeding season (March 1 – September 14) and if construction does occur to conduct pre-construction surveys by a qualified biologist to determine if active nests are present. If active nests are present, USFWS shall be consulted and an appropriate buffer zone shall be adhered to, as described by the mitigation measure.

MITIGATION MEASURE BIO-5 requires pre-construction surveys for San Francisco dusky-footed woodrat houses. If houses are identified, they shall be flagged and a 10-foot buffer shall be fenced or flagged if feasible. Physical disturbance of houses shall be avoided if feasible and where infeasible relocation of houses shall occur as outlined by the mitigation measure, and avoiding the nesting season from February-July.

MITIGATION MEASURE BIO-6A requires that prior to demolition any structures, a bat survey shall be conducted by a qualified biologist to determine if there are any bats or

active maternity roosts. If bats are found but no maternity roost, they shall be excluded from the structure using approved methods such as one-way doors or acoustic deterrents. If a maternity colony is present, no demolition within 100 feet of the roost site or any point of ingress or egress shall occur during the period of April 1 – August 31 and appropriate replacement maternity roost habitat should be provided on site.

MITIGATION MEASURE BIO-6B requires a pre-construction bat survey of the project area to be completed by a qualified biologist within two weeks before construction such as trees that may have roosts. If an active maternity colony or non-breeding bat roost is located, the project shall be redesigned to avoid disturbance of the roosts and if not feasible work shall not take place during the maternity season (March 15-July 31) and must adhere to protocol outlined in the mitigation measure. If feasible, tree pruning or removal shall occur in Fall to avoid the maternity roosting period of resident bats. Pruned limbs or cut trees shall be left on the ground in place for at least 24 hours after cutting to allow any bats to leave an unidentified roost prior to further work.

b) Riparian and sensitive habitats: Construction of the proposed project could have direct or indirect impacts on sensitive habitats including riparian forest and scrub, streams, wetlands, and coastal dunes. The proposed project has been designed to avoid impacts to sensitive communities to the extent possible; however, it would result in impacts to Tunitas Creek and its associated riparian vegetation through construction of the proposed water system as well as impacts to intermittent and ephemeral streams through stream crossings on the loop trail.

MITIGATION MEASURE BIO-7A requires If native riparian trees or shrubs are impacted during project construction, they shall be replaced at a minimum 1.5:1 ratio from phytophthera-free container stock propagated from local genetic stock (i.e., San Francisco Bay region). Any temporarily disturbed areas within the riparian woodland shall be seeded with an appropriate native seed mix.

MITIGATION MEASURE BIO-7B requires that, if needed, the project shall construct low impact stream crossings that avoid potential impacts to streams, are designed to accommodate high flows, are regularly maintained, and include footings sited fully outside of the stream bank.

MITIGATION MEASURE BIO-7C requires applicable Best Management Practices (BMPs) detailed in the County of San Mateo Watershed Protection Program's Maintenance Standards and the San Mateo Countywide Pollution Prevention Program Construction BMPs to be used during construction.

MITIGATION MEASURE BIO-7D requires measures to protect water quality during construction, including storing equipment overnight 100 feet from steams, containing hazardous materials in watertight containers or removing from project site, removing construction debris and materials from work site upon completion, and refueling equipment at staging areas least 50 feet from the top of bank or other wetland and over plastic bags filled with sawdust or highly absorbent material.

MITIGATION MEASURE BIO-7E requires County Parks to obtain a Coastal Development Permit and comply with all conditions of the permit.

MITIGATION MEASURE BIO-7F requires preparation of a Revegetation Plan by a qualified biologist to revegetate and restore impacted habitat.

c) Wetlands: Construction of the proposed project could have significant impacts to wetlands and other water systems because the proposed domestic water system would require construction and placement of structures within Tunitas Creek and atop the creek bank. In addition, the proposed loop trail crossing may require placement of fill within the intermittent streams.

   MITIGATION MEASURE BIO-8A requires avoidance of impacts to areas of wetland and other water to the greatest extent possible and if unavoidable, limit impacts to the smallest area possible.

   MITIGATION MEASURE BIO-8B requires permits from the Army Corps, RWQCB, and/or CDFW where required, compliance with those permit requirements, and mitigation for impacts to wetlands and other aquatic habitats at a ratio of 1.5:1 onsite and 3:1 offsite.

d) Wildlife Corridors/Migration: Mitigation Measure BIO-4 would reduce any potential impacts to nesting birds protected by the Migratory Bird Treaty Act. Mitigation Measure BIO-6A and BIO-6B would reduce potential impact to a possible wildlife nursery site for Townsend's big-eared bat. Mitigation Measure UTIL-1 would ensure the water level and habitat within Tunitas Creek would not be significantly impacted by the project for steelhead and other fish species that may use the creek as a nursery site.

Cultural Resources: Geomorphology of the site indicate that buried archaeological deposits could be present; therefore, the project has the potential to unearth previously unidentified resources. Disturbance of such remains could result in a significant impact if the following mitigation measures are not implemented as well as BMPs identified in the County's Maintenance Program Manual.

MITIGATION MEASURE CULT-1A requires archaeological monitoring during any ground-disturbing activities in the project site. A qualified archaeologist shall identify any resources identified and ensure that if human remains are found they are treated according to protocols.

MITIGATION MEASURE CULT-1B requires if any previously unidentified deposits of prehistoric or historical archaeological materials are encountered, all work within 50 feet of the discovery shall be stopped until assessed by an archaeologist. Archaeological resources that are historical, unique, or tribal cultural resource shall be avoided by project activities.

Geology and Soils: The project may impact possible paleontological resources as the project site is underlain by sedimentary bedrock materials of the Purisima Formation, which is considered to have high paleontological sensitivity, and grading and repair of a landslide would result in a cut of as much as 15 feet deep.

MITIGATION MEASURE GEO-1 requires that if paleontological resources are encountered during ground disturbance, work in the immediate area of the find shall be

redirected until a paleontologist assesses the situation and determines next steps to identify and collect paleontological resources.

Hazards and Hazardous Materials: The existing home structure may have lead-based paint and asbestos-containing materials. Contaminated soil is likely to occur in proximity to the home (lead-contamination) as well the historic railroad corridor that traverses the property (arsenic-contamination). During construction of proposed park improvements, hazardous materials (e.g., fuels, oils, and paints) will be routinely transported, stored, and used at the project site.

MITIGATION MEASURE HAZ-1 requires a site-specific Health and Safety Plan (HSP) to be prepared by a qualified contractor that establishes soil management and control specifications for excavation, grading, and construction activities.

Land Use: The proposed project is consistent with relevant land use plans and policies including the County's zoning ordinance and the County's General Plan goals and policies related to the provision of parks and recreation facilities. Additional relevant policies relate to the protection of natural resources, water quality, cultural resources, visual resources, air quality, public safety from natural and human-caused hazards, provision of public services, noise and traffic. Implementation of the mitigation measures in the MND would reduce any impacts related to these topics to less than significant.

Recreation: The project includes construction of recreational facilities that provide safe and accessible access to the property and eliminates informal social trails that create bluff erosion. Potential adverse impacts on the environment would be reduced to less than significant with implementation of Mitigation Measures AIR-1,BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6A, BIO-6B, BIO- 7A, BIO-7B, BIO-7C, BIO-7D, BIO-7E, BIO-7F, BIO-8A, BIO-8B, CULT-1A, and CULT-1B.

Tribal Cultural Resources: As described in the Cultural Resources section, implementation of Mitigation Measure CULT-1 would ensure that potential impacts related to previously undiscovered historic or archaeological resources and human remains, including tribal cultural resources, would be less than significant.

Utilities and Service Systems: Construction of the ranger station would require creation of a new water system drawing from Tunitas Creek. Mitigation measures discussed below and in previous sections of the MND would reduce potential impacts to less than significant.

MITIGATION MEASURE UTIL-1 requires the preparation of a hydrologic study to determine if there is adequate water supply for the ranger residence and that water extracted will not adversely affect water-dependent sensitive habitats, result in depletion of the aquifer, and will meet potable water standards. If adequate water supply for the proposed ranger residence is not found, the ranger residence would be not constructed as part of the project. Monitoring will be required for the first three years after construction to monitor groundwater and surface levels, water quality, and plant and animal species of water-dependent sensitive habitats. If monitoring shows impacts to water-dependent sensitive habitats, the pumping rate shall be reduced until it is clear that such impacts will not occur.

Conclusion:

Staff has independently evaluated the Mitigated Negative Declaration for the Tunitas Creek Beach Improvement Project adopted by the County of San Mateo on December 14, 2021 and concurs that the there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces, or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by Title 14 California Code of Regulations Section 15382.

Upon approval of the project, Conservancy staff will file a Notice of Determination.