

SECTION 5.0

RECOMMENDATIONS

Ideally, ESA recommends avoiding future activities within biological resources identified as high constraints. San Mateo Creek and its riparian corridor potentially support special-status species protected under the Federal and/or California Endangered Species Act as well as Section 15380 of the CEQA Guidelines. Additionally, CDFG regulates the bed and banks of San Mateo Creek and its riparian habitat, and the Corps regulates the area below the OHWM. Because development currently exists at the edge of or within these sensitive biological features, we cannot recommend buffer distances within the limits of San Mateo Creek or its riparian corridor.

However, ESA acknowledges that due to the location of existing South School facilities, and limited size of the site, complete avoidance of the sensitive biological resource area may be infeasible. If avoidance of San Mateo Creek and its riparian habitat is infeasible, ESA recommends that the District protect and minimize disturbance to these features and obtain the appropriate permits. Disturbance (filling or dredging) in the area below the OHWM would require a Section 401 permit from the RWQCB and a Section 404 permit from the Corps. Disturbance (substantially divert, obstruct the natural flow, or substantially change) to the bed and banks of San Mateo Creek and its riparian corridor would require a Streambed Alteration Agreement from CDFG.

Project activities resulting in adverse effects on federal and/or state endangered or threatened species (e.g., California red-legged frog, central California coast steelhead, San Francisco garter snake) would require formal consultation with the USFWS and NOAA Fisheries to obtain a USFWS Section 7 permit or a USFWS Section 10a permit, and consultation with CDFG to obtain concurrence or a Section 2081 permit (see Appendix A, Regulation of Special Status Species). A Section 7 permit would be obtained if the project has any federal involvement such as funding or requirements to obtain other federal permits, e.g., a Section 404 permit from the Corps or Section 106 compliance with the National Historic Preservation Act. If the project has no federal involvement, then consultation with the USFWS would result in Section 10(a) (Incidental Take) permit. As identified in Table 1, ESA recommends conducting species-specific protocol-level surveys for endangered and threatened species to determine presence or absence within San Mateo Creek.