



United States Department of the Interior



In Reply Refer to:
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2019-I-3192

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846

Daniel Abeyta
Environmental Coordinator
Federal Communications Commission
1445 12th Street Southwest
Washington, D.C. 20554

JAN 13 2020

Subject: Concurrence with a Not Likely to Adversely Affect Determination for the Montara Peak American Tower Telecommunications Facility Project in San Mateo County, California

Dear Mr. Abeyta:

This letter is in response to a January 7, 2019, request from EBI Consulting that the U.S. Fish and Wildlife Service (Service) concur with the determination that the Montara Peak American Tower Telecommunications Facility Project (Project) in San Mateo County, California may affect, but is not likely to adversely affect, the federally threatened California red-legged frog (*Rana draytonii*), its designated critical habitat, the federally endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), the federally endangered Mission blue butterfly (*Plebejus icarioides missionensis*) or the federally endangered San Bruno Elfin butterfly (*Callophrys mossii bayensis*) in accordance with the requirements of the Endangered Species Act of 1973, as amended (Act). Your request was received by email on January 7, 2019. Critical habitat has not been designated for the San Francisco garter snake, the Mission blue butterfly, or the San Bruno Elfin butterfly. The Project is within critical habitat for California red-legged frog (unit SNM-1).

In reviewing the potential effects of the proposed Project, the Service has relied upon: (1) the September 18, 2018 Biological Resources Reports for the Project submitted with your consultation request; and (2) other information available to the Service.

The Project consists of no new infrastructure. It is for the repairs, maintenance and improvements to an existing access road through to the peak of Montara Mountain. In addition, four new 12-foot by 20-foot turnouts are proposed at various locations along the access road.

Minimization Measures

1. Work will stop if any listed species are encountered in the Project area and be allowed to leave on its own volition.
2. A biologist will be present for all ground-disturbing activities, and will flag any host plants for butterflies to be avoided.

3. Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the extent possible.
4. No work will be conducted when precipitation is forecast to be greater than 0.1 inches.

The Mission blue butterfly is known to occur on the ridges east of the project action area. However, botanical surveys of the project area found no host plants in the project footprint for this species. The San Bruno elfin butterfly has been documented approximately two miles north of the project location. However, botanical surveys of the project area found no host plants for this species. The project area is more than one mile from any ponds or reservoirs that are potentially capable of supporting breeding or foraging for the San Francisco garter snake. The project area is within designated California red-legged frog critical habitat (unit SNM-1). The project area does not contain the primary constituent elements of their critical habitat: aquatic breeding habitat, non-breeding aquatic habitat and upland habitat. A juvenile California red-legged frog was observed during surveys for another project in 2016. A follow-up survey conducted in May 2016 did not detect any California red-legged frog within the Project area. The frog was in a puddle that ponded following a late-season rain storm and is currently dry. The dirt road within the Action Area will be dry during road maintenance. The entirety of the project is within dispersal distance but due to timing species are not likely to be present.

The Service concurs that the Project, as described here and in Project documents submitted to the Service, may affect, but is not likely to adversely affect the California red-legged frog, the San Francisco garter snake, the Mission blue butterfly, or the San Bruno Elfin butterfly because Project effects are likely to be discountable based on the following: (1) The work is short term; (2) The work is will stabilize the hillside and limit erosion; and (3) the instruction to stop all work if any listed species are encountered. These measures will help ensure that there are no adverse effects to the species.

Therefore, unless new information reveals effects of the project that may affect federally listed species or critical habitat in a manner not identified to date, or if a new species is listed or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary for the Montara Peak American Tower Telecommunications Facility Project.

If you have any questions regarding this letter, please contact Leif Goude, Biologist (leif_goude@fws.gov) or Ryan Olah, Coast Bay Division Chief (ryan_olah@fws.gov) at the letterhead address or telephone (916) 414-6659.

Sincerely,



Ryan Olah
Chief, Coast Bay Division