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Governor's Office of Planning & Research

March 19, 2020

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STATE CLEARINGHOUSE

Ms. Erika Carpenter, Senior Environmental Planner
Physical Planning, Development, and Operations
University of California, Santa Cruz
1156 High Street, Barn G
Santa Cruz, CA 95064
eircomment@ucsc.edu

Subject: UC Santa Cruz Long Range Development Plan, Notice of Preparation,
SCH #2020029086, Santa Cruz County

Dear Ms. Carpenter:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) prepared by the Board of Regents of the University of California for the UC Santa Cruz Long Range Development Plan (Project) located in Santa Cruz County. CDFW is submitting comments on the NOP regarding potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological resources). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

The Project is a land use plan that proposes the construction of new buildings and infrastructure to accommodate for population growth at the main residential campus at the University of California, Santa Cruz (UCSC) and the Westside Research Park property at 2300 Delaware Avenue in the City of Santa Cruz.

The proposed building and infrastructure projects include the construction of 8,500 student housing beds, up to 550 employee housing units, and approximately 2,800,000 assignable square feet of academic and administrative building space.

The draft Environmental Impact Report (EIR), and subsequent EIR, will be a programmatic EIR and replace the UCSC 2005 Long Range Development Plan.

ENVIRONMENTAL SETTING

The special-status species that have the potential to occur in or near the Project site, include, but are not limited to:

- American badger (*Taxidea taxus*) – a state species of special concern;
- Bank swallow (*Riparia riparia*) – state listed as endangered under CESA;
- Burrowing owl (*Athene cunicularia*) – a state species of special concern;
- California giant salamander (*Dicamptodon ensatus*) – a state species of special concern;
- California red-legged frog (*Rana draytonii*) – federally listed as threatened under the Endangered Species Act (ESA) and a state species of special concern;
- Coho salmon (*Oncorhynchus kisutch*) – federally listed as endangered under ESA and state listed as endangered under CESA;
- Ohlone tiger beetle (*Cicindela ohlone*) – federally listed as endangered under ESA;
- Pacific Grove clover (*Trifolium polyodont*) – a state rare species;
- San Francisco popcornflower (*Plagiobothrys diffusus*) – state listed as endangered;
- Santa Cruz black salamander (*Aneides niger*) – a state species of special concern;
- Steelhead (*Oncorhynchus mykiss irideus*) – federally listed as threatened under ESA;
- Townsend's big-eared bat (*Corynorhinus townsendii*) – a state species of special concern;
- Western bumble bee (*Bombus occidentalis*) – a state candidate species under CESA;
- Western pond turtle (*Emys marmorata*) – a state species of special concern;
- White-rayed pentachaeta (*Pentachaeta bellidiflora*) – federally listed as endangered under ESA and state listed as endangered under CESA;
- White-tailed kite (*Elanus leucurus*) – a state fully protected species under Fish and Game Code; and
- Zayante band-winged grasshopper (*Trimerotropis infantilis*) – federally listed as endangered under ESA.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the Board of Regents of the University of California in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on biological resources.

Comment 1: Full Project Description of Project Features

The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and require that it contain sufficient information to evaluate and review the Project's environmental impact.

To fully address the Project's impacts to biological resources, please include complete descriptions of the following features within the draft EIR:

- Building heights and widths;
- Introduction of sources of light and glare into habitat areas;

- Detailed description of any proposed work within sensitive habitats or streams;
- Trail locations, widths, and lengths; and
- Location, type, lengths, and heights of all fencing.

Comment 2: Cumulative Impacts

The Project has a potential to contribute to cumulative impacts, such as decreasing wildlife connectivity due to the installation of fencing and infrastructure; increase in deleterious material (e.g., trash, pollutants, etc.) into streams due to the increase of impervious surfaces; and increase in stream flow due to the culverting of ditches and the funneling of storm runoff throughout the project into streams. Any cumulative impact to biological resources should be mitigated to the extent possible or avoided.

CDFW recommends that the Project incorporate wildlife friendly fencing (if fencing is proposed), creation of wildlife bypasses to mitigate for decreases in wildlife connectivity, education of future faculty and students regarding leaving no trace, and ensuring that storm runoff is dispersed as sheet flow along the landscape and not funneled into streams.

Comment 3: New Buildings and Infrastructure within Developed Areas

The Project area includes, and is surrounded by, sensitive habitats (e.g., redwood forests, sandhills, grasslands) that contain special-status species. To avoid impacts to special-status species and encroachment into sensitive habitats, CDFW strongly recommends constructing new buildings and infrastructure within already paved areas within UCSC's main residential campus and the Westside Research Park or infilling between existing buildings.

Comment 4: Water Source

Water supply resources are limited in the Santa Cruz area. To ensure adequate long-term water supply at UCSC, CDFW recommends including mechanisms and/or infrastructure in the draft EIR to decrease the Project's water supply needs. This may include, but is not limited to, additional supplemental water supply infrastructure (e.g., rainwater catchments), conservation practices, and/or water reuse projects.

Comment 5: State Threatened or Endangered Wildlife Species

State threatened, endangered, or candidate wildlife species are known to occur within the Project area. Without appropriate mitigation measures, Project activities conducted within occupied territories or habitats have the potential to significantly impact these species.

Impacts to state-listed wildlife species include, but are not limited to, inability to reproduce, capture, burrow/den collapse, crushing as a result of burrow collapse, entombment, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of young, nest abandonment, loss of nest trees/breeding habitat, or loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young), and direct mortality. Unauthorized take of species listed as threatened or endangered pursuant to CESA is a violation of Fish and Game Code.

To evaluate potential impacts to state-listed wildlife species, CDFW recommends conducting the following evaluation of the Project area, incorporating the following mitigation measures into the draft EIR, and requiring these measures as conditions of approval for the Project.

Recommended Mitigation Measure 1: State Listed Wildlife Species Focused Surveys

CDFW recommends that the Project area be surveyed for state-listed wildlife species by a qualified biologist following species-specific protocol-level surveys, if applicable. Protocol-level surveys contain methods that, when adhered to, are intended to maximize detectability. In the absence of protocol-level surveys being performed or when performed outside of the parameters of the methodology, additional surveys may be necessary.

Recommended Mitigation Measure 2: State Listed Wildlife Species Avoidance

In the event a state listed wildlife species is found within or adjacent to the Project site, implementation of avoidance measures is warranted. CDFW recommends that a qualified wildlife biologist be on-site during all Project-related activities and that a no disturbance buffer be implemented. Fully addressing potential impacts to state listed wildlife species and requiring measurable and enforceable mitigation in the draft EIR is recommended.

Recommended Mitigation Measure 3: State Listed Species Take Authorization

If a state listed wildlife species is identified and detected during surveys or during Project implementation, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, take authorization through acquisition of an Incidental Take Permit (ITP) issued by CDFW pursuant to Fish and Game Code section 2081(b) is necessary to comply with CESA.

Comment 6: State Threatened, Endangered, or Rare Plant Species

The Project area contains occurrence and habitat that may support special-status plants meeting the definition of rare, threatened, or endangered under Fish and Game Code sections 1901 and 1907 and CEQA Guidelines section 15380.

Without appropriate avoidance and minimization measures potential impacts to special-status plant species include inability to reproduce and direct mortality. Unauthorized take of plant species listed as threatened, endangered, or rare pursuant to CESA or NPPA is a violation of Fish and Game Code.

Many of the special-status plant species are narrowly distributed endemic species. These species are threatened with habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, road maintenance, and introduction of non-native plant species. Therefore, the Project has the potential to significantly impact populations of the species mentioned above.

To evaluate potential impacts to special-status plants, CDFW recommends conducting the following evaluation of the Project area, incorporating the following mitigation measures into the draft EIR, and requiring these measures as conditions of approval for the Project.

Recommended Mitigation Measure 4: Special-Status Plant Focused Surveys

CDFW recommends that the Project area be surveyed for special-status plant species by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities" which can be found online at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>. This protocol, which is intended to maximize detectability, includes identification of reference populations to facilitate the likelihood of field investigations occurring during the appropriate floristic period. In the absence of protocol-level surveys being performed, additional surveys may be necessary.

Recommended Mitigation Measure 5: Special-Status Plant Avoidance

CDFW recommends special-status plant species be avoided whenever possible by delineation and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. Active management, such as removal of non-native weeds, may be required to protect plant populations, and should be done in consultation with CDFW.

Recommended Mitigation Measure 6: Special-Status Plant Take Authorization

If a state threatened, endangered, rare, or candidate plant is identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take. If take cannot be avoided, acquisition of an ITP issued by CDFW Pursuant to Fish and Game Code sections 2081(b) and/or section 1900 et seq is necessary to comply with CESA and NPPA.

Comment 7: Nesting Birds

CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground disturbing or vegetation disturbing activities must occur during the breeding season (February through early September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act of 1918 or Fish and Game Code section 3503.

To evaluate and avoid for potential impacts to nesting bird species, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project.

Recommended Mitigation Measure 7: Nesting Bird Surveys

CDFW recommends that a qualified avian biologist conduct pre-activity surveys for active nests no more than seven (7) days prior to the start of ground or vegetation disturbance and every 14 days during Project activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of ground or vegetation disturbance, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, CDFW recommends having the qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW

recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

Recommended Mitigation Measure 8: Nesting Bird Buffers

If continuous monitoring of identified nests by a qualified avian biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified avian biologist advise and support any variance from these buffers.

Comment 8: Bats

Bat species are known to occur within and surrounding the project site. To evaluate and avoid potential impacts to bat species, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and requiring these measures as conditions of approval for the Project.

Recommended Mitigation Measure 9: Bat Habitat Assessment

To evaluate Project impacts to bats, a qualified bat biologist should conduct a habitat assessment for bats at work sites seven (7) days prior to the start of Project activities and every 14 days during Project activities. The habitat assessment shall include a visual inspection of features within 50 feet of the work area for potential roosting features (bats need not be present). Habitat features found during the survey shall be flagged or marked.

Recommended Mitigation Measure 10: Bat Habitat Monitoring

If any habitat features identified in the habitat assessment will be altered or disturbed by Project activities, the qualified bat biologist should monitor the feature daily to ensure bats are not disturb, impacted, or fatalities are caused by the Project.

Recommended Mitigation Measure 11: Bat Project Avoidance

If bat colonies are observed at the Project site, at any time, all Project activities should stop until the qualified bat biologist develops a bat avoidance plan to be implement at the Project site. Once the plan is implemented, Project activities may recommence.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant

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modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species [CEQA section 21001(c), 21083, and CEQA Guidelines section 15380, 15064, 15065]. Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration (LSA) Program

Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code section 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code section 711.4; Pub. Resources Code, section 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

Thank you for the opportunity to comment on the Project's NOP. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Monica Oey, Environmental Scientist, at (707) 428-2088 or monica.oey@wildlife.ca.gov; or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at (707) 576-2786 or randi.adair@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse #2020029086