



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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April 22, 2020

Governor's Office of Planning & Research

APR 23 2020

STATE CLEARINGHOUSE

Ms. Stephanie Hansen
Santa Cruz County Planning Department
701 Ocean Street, Fourth Floor
Santa Cruz, CA 95060
stephanie.hansen@santacruzcounty.us

Subject: Medical Office Building Project, Notice of Preparation, SCH #2020039067,
Santa Cruz County

Dear Ms. Hansen:

The California Department of Fish and Wildlife (Department) has reviewed the Notice of Preparation (NOP) prepared by the County of Santa Cruz Planning Department (County) for the Medical Office Building project (Project) located in Santa Cruz County. The Department is submitting comments on the NOP regarding potentially significant impacts to biological resources associated with the Project.

DEPARTMENT ROLE

The Department 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). The Department 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, 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 LOCATION AND DESCRIPTION SUMMARY

The Project is located at an existing storage and junkyard/salvage facility, 5940 Soquel Avenue, Santa Cruz, CA 95062 in Santa Cruz County; Assessor's Parcel Number 029-021047.

The Project includes the development of the existing facility into a four-story 160,000 gross square foot medical office and a four-story parking garage. The Project will also include the construction of photovoltaic solar panels on the parking garage rooftop and a new stormwater outfall along Rodeo Gulch.

COMMENTS AND RECOMMENDATIONS

The Department offers the following comments and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources.

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COMMENT 1: Cumulative impacts

The Project has a potential to contribute to cumulative impacts, such as increasing deleterious material (e.g., trash, pollutants, etc.) into Rodeo Gulch due to the increase of visitors to the Project area, and increase in stream flow due to funneling of storm runoff throughout the Project to an outfall at Rodeo Gulch. Any cumulative impact to biological resources should be mitigated to the extent possible or avoided.

COMMENT 2: Stream hydromodification

Issue: The Project could increase impervious surfaces at the Project site. Impervious surfaces, stormwater systems, and storm drain outfalls have the potential to significantly affect fish and wildlife resources by altering runoff hydrograph and natural streamflow patterns.

Evidence the impact would be significant: Urbanization (e.g., impervious surfaces, stormwater systems, storm drain outfalls) can modify natural streamflow patterns by increasing the magnitude and frequency of high flow events and storm flows (Hollis 1975, Konrad and Booth 2005).

Recommendations to minimize significant impacts: The Department recommends that storm runoff be dispersed as sheet flow through the property rather than funneled to a stormwater outfall. The Department also recommends incorporating permeable surfaces throughout the Project to allow stormwater to percolate in the ground and prevent stream hydromodification.

COMMENT 3: Artificial lighting

Issue: The Project could increase artificial lighting. Artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife.

Evidence the impact would be significant: Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., bird song; Miller 2006, determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Aquatic species can also be affected, for example, salmonids migration can be slowed or stopped by the presence of artificial lighting (Tabor et al. 2004, Nightingale et al. 2006).

Recommendations to minimize significant impacts: The Department recommends eliminating all non-essential artificial lighting. If artificial lighting is necessary, the Department recommends avoiding or limiting the use of artificial lights during the hours of dawn and dusk, when many wildlife species are most active. The Department also recommends that outdoor lighting be shielded, cast downward, and does not spill over onto other properties or upwards into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>).

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COMMENT 4: Nesting Birds

Issue: Project construction could result in disturbance of nesting birds.

Evidence the impact would be significant: Noise can impact bird behavior by masking signals used for bird communication, mating, and hunting (Bottalico et al. 2015). Birds hearing can also be damaged from noise and impair the ability of birds to find or attract a mate and prevent parents from hearing calling young (Ortega 2012).

Recommendations to minimize significant impacts: 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 1918 or Fish and Game Code.

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

Recommended Mitigation Measure 1: Nesting Bird Surveys

The Department 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. The Department 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, the Department recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begins, the Department recommends having the qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, The Department recommends stopping the work causing that change and consulting with the Department for additional avoidance and minimization measures.

Recommended Mitigation Measure 2: Nesting Bird Buffers

If continuous monitoring of identified nests by a qualified avian biologist is not feasible, the Department 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. The Department recommends that a qualified avian biologist advise and support any variance from these buffers.

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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 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 Program

Notification is required, pursuant to the Department’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. The Department, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. The Department 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

The Department 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 the Department.

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 the Department, 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 randi.adair@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Gregg Erickson
Regional Manager
Bay Delta Region

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