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Governor's Office of Planning & Research

Aug 24 2022

STATE CLEARINGHOUSE

August 23, 2022

Mr. Justin Meek
City of Watsonville
250 Main Street
Watsonville, CA 95076
justin.meek@cityofwatsonville.org

Subject: Crocker's Locker Project, Initial Study/Mitigated Negative Declaration,
SCH No. 2022070219, City of Watsonville, Santa Cruz County

Dear Mr. Meek:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the City of Watsonville (City) for the Crocker's Lockers Project (Project), located in Santa Cruz County, pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the IS/MND to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA pursuant to CEQA Guidelines § 15386 for commenting on projects that could impact fish, plant, and wildlife resources (i.e., 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, 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.

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.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Pub. Resources Code, §§ 21001(c), 21083, and CEQA Guidelines §§ 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, § 2080 et. seq.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for any Project 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 generally subject to notification requirements. CDFW, as a Responsible Agency under CEQA, would consider the CEQA document for the Project. CDFW may not execute a final LSA Agreement until it has complied with CEQA (Pub. Resources Code § 21000 et seq.) as the Responsible Agency.

Raptors and Other Nesting Birds

CDFW has authority over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION SUMMARY

Proponent: Ted Crocker

Objective: The Project would develop an existing paved parking lot into a self-storage facility which would consist of six self-storage buildings. Four of the buildings would be single-story and two would be two-story. A seventh building would be constructed as a manager's building. In total, the Project would provide 1,072 storage units and 149,796 square feet of building space. The Project would replace and relocate the existing driveway and include approximately 21 parking spaces. The Project would remove 125 trees and retain 51 trees along Airport Boulevard and Nielson Street. The Project would also include two bioretention areas and other onsite storm drainage improvements.

Timeframe: The Project would be completed within 12 months. The existing site would be demolished prior to construction of the proposed buildings.

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ENVIRONMENTAL SETTING AND LOCATION

The Project site is located at 70 Nielson Street on a 4.39-acre parcel (APN 015-111-49) at the corner of Airport Boulevard, across from the Watsonville Municipal Airport in Watsonville, California. The Project site is developed and consists of a paved parking lot and parking lot islands that are landscaped with ornamental trees. In addition, there is a wetland approximately 0.1 mile south of the Project site. Special-status species with the potential to occur in or near the Project site include, but are not limited to, California red-legged frog (*Rana draytonii*), federally listed as threatened and a California Species of Special Concern (SSC) and Santa Cruz tarplant (*Holocarpha macradenia*), federally listed as threatened and state listed as endangered.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those recommended by CDFW below, CDFW concludes that an IS/MND is appropriate for the Project.

COMMENT 1: Santa Cruz Tarplant

Issue: A reconnaissance level survey for Santa Cruz tarplant (*Holocarpha macradenia*) was conducted outside of the blooming period for the species, July-October, (U.S. Fish and Wildlife Service (USFWS), 2014) which may affect accurate determination of presence on-site for the species.

Evidence the impact would be significant: While the site is mostly developed with an existing paved parking lot, there is potential for the plant to occur in unpaved areas on the Project site. The Project site is directly adjacent to a known Santa Cruz tarplant population at the Watsonville Municipal Airport, which holds the largest population of Santa Cruz tarplant with 28 million individuals recorded in 1998. The number of individuals recorded has decreased since then with approximately 512,000 individual plants recorded in 2012 (USFWF, 2014). Because Santa Cruz tarplant is an annual species, the number of individuals recorded in a year is highly dependent on rainfall and other factors. Santa Cruz tarplant produces two types of seeds, ray achenes and disk achenes (USFWS, 2014). Generally, the seeds fall within the vicinity of the plant and not have a structural means for dispersal, although it is possible that some ray achenes may be dispersed long distances by animals (USWFS, 2014). Ray achenes also form lasting seed banks with seeds that remain viable for an unknown amount of time, with seeds up to 15 years old successfully germinating (USFWS, 2014).

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While the Biotic Report states that no special-status plants are expected to occur in the Project area due to the lack of suitable grassland habitat and regular landscaping, there is potential for the species to occur within the unpaved areas given the proximity to a large known population and longevity of the seedbank. Surveys conducted during the blooming period when the plant will be both evident and identifiable are necessary for an accurate determination of presence on site. Furthermore, since Santa Cruz tarplant is an annual species, surveys over consecutive seasons may be necessary to increase the likelihood of detection and account for variances in weather and other disturbances from year to year.

Santa Cruz tarplant is an endangered species under CESA (Fish & G. Code, § 2050 et seq.). Species listed under CESA may not be taken² at any time except under the provisions of a Natural Communities Conservation Plan (NCCP), (Fish & G Code § 2081.7), a Memorandum of Understanding for scientific education or management purposes (Fish & G. Code §2081, subd. (a)), or an Incidental Take Permit (Fish & G. Code § 2081 (b)).

Recommendation: CDFW recommends the City add a Mitigation Measure to include focused surveys for Santa Cruz tarplant during the blooming period of the species.

Recommended Mitigation Measure: An experienced qualified botanist, familiar with the native plant communities of Santa Cruz County, shall conduct a focused Santa Cruz tarplant survey during the blooming period of the species, from July to October. The surveys shall occur throughout the entire Project prior to the initiation of construction and the results shall be included in the Project environmental document. Surveys shall be conducted according to: *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (CDFW 2018), available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

If Santa Cruz tarplant is detected within the Project area, additional measures may be needed to avoid, minimize, and/or mitigate potential Project impacts. Measures may include work stoppage, flagging and avoidance of occurrences, collection of propagation material, site restoration and/or obtaining an Incidental Take Permit (Fish and Game Code section 2081, subd., (b)).

COMMENT 2: Project Timing

Issue: While Mitigation Measure Bio-2 includes measures to perform clearing and earth moving activities during dry weather to the maximum extent practical and to stop grading work in the event of rain, more restrictive dry weather measures may be

² Take is defined in Fish & G. Code, § 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

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necessary to prevent impacts to California red-legged frog (*Rana draytonii*) and other native amphibians.

Evidence the impact would be significant: While there are no wetlands, streams, or lakes at the Project site, the project is located 0.1 mile from a wetland and approximately 0.5 mile from Struve Slough and Harkins Slough. While there are no documented occurrences of California red-legged frog at the unnamed wetland, it provides suitable foraging and dispersal habitat for California red-legged frog according to the Biological Resources Report for the IS/MND. Furthermore, there are multiple occurrences of California red-legged frogs within one mile of the project site (California Natural Diversity Database (CNDDDB), 2022). Amphibians are more active seasonally during wet weather conditions and in the winter. California red-legged frog often travel to upland habitat during periods of wet weather and can travel up to a mile over the course of the wet season (USFWS, 2002). Due to the proximity of wetlands and potential habitat for California red-legged frog near the site, ground disturbing work such as grading and excavating during the wet season may result in potential impacts to frogs dispersing through in search of upland habitat.

Recommendation: CDFW recommends City include a measure to further restrict work during the winter and wet weather.

Recommended Mitigation Measure: All work shall begin on or after June 15 and all work shall be completed by October 15 of each year. Project activities shall be restricted to dry weather during the work period. Project activities shall be timed with awareness of precipitation forecasts and potential increases in stream flow and amphibian activity. Project activities shall cease when the National Weather Service (NWS) 24-hour weather forecast indicates a 40 percent chance or higher of precipitation of at least 0.10-inch of precipitation. All necessary sediment and erosion control measures shall be implemented prior to the onset of precipitation.

COMMENT 3: Artificial Lighting

Issue: Additional lights would be added to the site to replace the existing pole mounted lights, including a yard light and security light, however the details of the replacement lights are not given in the IS/MND. The Project has the potential to increase the amount of artificial night lighting on the Project site which may significantly affect fish and wildlife resources.

Evidence the impact would be significant: Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication such as bird song (Miller, 2006), determining when to begin foraging (Stone et al., 2009), behavior thermoregulation (Beiswenger, 1977), and migration (Longcore and Rich, 2004).

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Recommendations to minimize significant impacts: CDFW recommends eliminating all non-essential artificial lighting. If artificial lighting is necessary, CDFW recommends avoiding or limiting the use of artificial lights during the hours of dawn and dusk, when many wildlife species are most active. CDFW 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/>) and limited to warm light colors with an output temperature of 2700 kelvin or less.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB online field survey form and other methods for submitting data can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plantsand-Animals>.

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, § 711.4; Pub. Resources Code, § 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.

CONCLUSION

Thank you for the opportunity to comment on the Project's IS/MND. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Serena Stumpf, Environmental Scientist, at (707) 337-1364 or Serena.Stumpf@wildlife.ca.gov; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

ec: State Clearinghouse # 2022070219

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