



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

September 22 2021

STATE CLEARINGHOUSE

September 22, 2021

Mr. Matt Johnston
County of Santa Cruz
701 Ocean Street, 4th Floor Planning Department
Santa Cruz, CA 95060
Matt.Johnston@santacruzcounty.us

Subject: Ranport Lumbermill, Mitigated Negative Declaration, SCH No. 2021080399,
Santa Cruz County

Dear Mr. Johnston:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) prepared by Santa Cruz County (County) for the Ranport Lumbermill (Project), located in Santa Cruz County. CDFW is submitting comments on the MND 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, 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.

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

Mr. Matt Johnston
County of Santa Cruz
September 22, 2021
Page 2 of 6

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

The Project has the potential to impact resources including the Harkins Slough. 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. CDFW considers work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains generally subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute a final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

PROJECT DESCRIPTION

The proposed Project includes the construction of specialty lumbermill, office, and two storage buildings on a site with an existing permitted tree service operation. The lumbermill will specialize in processing logs from salvaged trees. The Project site is composed of three parcels totaling about nine acres with one parcel intersected by Harkins Slough. Project construction will consist of five phases:

- The first phase includes the removal of the existing trailer and storage containers and installation of site infrastructure.
- The second and third phase include the construction of two 5,000 square foot storage buildings.
- The fourth phase includes construction of the mill building.
- The fifth phase includes the construction of an office building.

ENVIRONMENTAL SETTING AND LOCATION

The Project is located on APN 052-511-06, 052-511-08, and 052-011-61 along the north side of Ranport Road in the community of Watsonville in unincorporated Santa Cruz County. Harkins Slough crosses the lower parcel (052-511-08) where there is currently a 50-foot riparian setback between the current tree company activities and the slough.

Mr. Matt Johnston
 County of Santa Cruz
 September 22, 2021
 Page 3 of 6

The Project CEQA document does not include sufficient environmental baseline information to understand potential significant impacts to special-status species located and potentially located within the Project area and surrounding lands (CEQA Guidelines, §15380). Threatened, endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

Common Name	Scientific Name	Status
California red-legged frog	<i>Rana draytonii</i>	FT, SSC
Santa Cruz long-toed salamander	<i>Ambystoma macrodactylum croceum</i>	FE, SE, SFP
Western pond turtle	<i>Emys marmorata</i>	SSC
Notes: FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; SFP = State Fully Protected; SSC = State Species of Special Concern		

CDFW recommends that prior to Project implementation surveys be conducted special-status species noted in this comment letter with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

COMMENTS AND RECOMMENDATIONS

CDFW 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.

Comment 1: Santa Cruz Long Toed Salamander

Issue: The Project MND does not provide enough evidence to support the claim that Santa Cruz long-toed salamanders (SCLTS) are unlikely to occur on-site. While SCLTS has not been found on the site to date, the MND does not indicate if any on-site or nearby parcel surveys have been conducted for the species. Page 15 of the Pacific Coast Hardwoods Biotic Report included in the MND notes that the Project site is approximately 1.5 miles east of the Buena Vista SCLTS breeding pond and 2.5 miles downstream of known SCLTS occurrences in Larkin Valley in Harkins Slough Gulch.

Mr. Matt Johnston
County of Santa Cruz
September 22, 2021
Page 4 of 6

Given the proximity to known breeding locations, and absence of detailed baseline information for potential nearby breeding sites, SCLTS may disperse through the area through suitable upland habitat. Riparian woodland is considered suitable upland habitat for the species (USFWS 2009) and is reported on-site of APN 052-511-08. However, Table 3 on page 16 of Attachment 2 notes that there is no suitable upland habitat on site for SCLTS. Furthermore, it is possible that undiscovered SCLTS breeding ponds may exist closer to or at the Project site.

The Santa Cruz Long Toed Salamander is a threatened species under CESA (Fish & G. Code, § 2050 et seq.) and a Fully Protected species (Fish & G. Code § 5050). A fully protected species may not be taken or possessed at any time and no license or permits may be issued for their take except for collecting these species for necessary scientific research.

Recommendation: CDFW recommends the Project avoid impacts to SCLTS. To determine the likelihood of SCLTS presence on-site, CDFW recommends conducting a full habitat assessment by gathering information from multiple sources including aerial imagery and topographic lidar maps, historical and recent survey data, field reconnaissance, scientific literature and “positive occurrence” databases such as California Natural Diversity Database (CNDDDB). Survey and monitoring protocols and guidelines for SCLTS (and other special-status species are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Based on the data and information from the habitat assessment, the MND can then adequately assess if SCLTS is likely to occur in the Project vicinity.

Comment 2: Storage of Wood Preservatives

Issue: The MND does not indicate if lumber will be treated with wood preservatives on site and how preservatives will be contained. Wood preservatives such as arsenic, chromium, copper, creosote, and pentachlorophenol can be toxic or hazardous substances (CA Department of Toxic Substances Control, 2021) if allowed to seep into the ground or leave the site as runoff.

Recommendation: CDFW recommends the County clarify the Project description to state whether wood preservatives will be used on-site. If wood preservatives are used, CDFW recommends they are stored in closed, watertight containers or other means appropriate for the type of wood preservative, in areas as far away from the riparian habitat as possible where they cannot pass into waters of the state (such as from site run-off).

Mr. Matt Johnston
County of Santa Cruz
September 22, 2021
Page 5 of 6

Comment 3: Milling Waste

Issue: The MND states that until the mill building is constructed, milling will occur outside. However, the MND does not address how byproducts from milling such as sawdust, shavings, slabs or edgings (milling waste) will be contained on-site. Milling waste substances and materials are considered pollutants to waters (see Fish & G. Code § 5650(a)(3)).

Recommendation: CDFW recommends the County list milling waste contamination of the Harkins Slough as a potential impact under Question 2 of Section D. Biological Resources. CDFW also recommends the County incorporate protective measures in the Project MND to require milling waste be prevented from entering the slough.

Comment 4: Wood Storage

Issue: The MND states storage buildings will not be constructed until the second and third phases. The Project description does not clarify where wood will be stored for milling operations until storage buildings are constructed. Stacking wood on the ground near a riparian area can provide habitat for amphibians such as California red-legged frog (CRLF) which can be injured or killed when wood is removed.

Recommendations: CDFW recommends clarifying where wood will be stored before the storage buildings are constructed during milling operations. Wood should be stored away from the stream and riparian habitat to minimize potential impacts to amphibians. If wood will be placed in the vicinity of riparian habitat, CDFW recommends limiting storage to short periods of time to decrease the likelihood of amphibian usage. If wood will be stored for long periods of time near a riparian area, CDFW recommends the Project have a biological monitor check the wood storage area for amphibians prior to removing wood with heavy equipment. If amphibians are found, work should stop until the animal leaves on its own. In addition, or alternatively, CDFW recommends the Project include exclusion fencing to prevent CRLF from entering Project areas.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code § 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 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

Mr. Matt Johnston
County of Santa Cruz
September 22, 2021
Page 6 of 6

Serena.Stumpf@wildlife.ca.gov; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Stephanie Fong

CF047D7F8D234E1...

Stephanie Fong
Acting Regional Manager
Bay Delta Region

ec: State Clearinghouse No. 2021080399

REFERENCES

California Department of Toxic Substances Control. 2021. *Treated Wood Waste Information and Fact Sheets*. Department of Toxic Substances.
<https://dtsc.ca.gov/toxics-in-products/treated-wood-waste-information-and-fact-sheets/>

U.S. Fish and Wildlife Service [USFWS]. 2009. Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) 5-year review: summary and evaluation. Ventura Fish and Wildlife Office, USFWS, Ventura, CA, USA.