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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

February 16, 2021

**Feb 16 2022**

## STATE CLEARINGHOUSE

Ms. Lezanne Jeffs  
Santa Cruz County Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060  
[Lezanne.Jeff@santacruzcounty.us](mailto:Lezanne.Jeff@santacruzcounty.us)

Subject: Mattison Lane Apartments, Mitigated Negative Declaration,  
SCH No. 2022010253, Santa Cruz County

Dear Ms. Jeffs:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) prepared by Santa Cruz County (County) for the Mattison Lane Apartments (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 § 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 (Pub. Resources Code, §§ 21001(c), 21083,

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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.

### **Lake and Streambed Alteration Program**

The Project has the potential to impact resources including but not limited to Rodeo Creek. Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code, § 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 are 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 § 21000 et seq.) as the Responsible Agency.

### **PROJECT DESCRIPTION**

The Project consists of the development of a 10-unit apartment complex on two vacant parcels, totaling 2.55 acres in Santa Cruz County, APN 025-211-02 and APN 025-211-07. The apartment complex will be grouped into five two-story duet style buildings which will be accessed from Mattison Lane. The first phase of the Project will consist of the construction of four duet style buildings and site improvements including a new sidewalk, utilities, and the construction of an eight-foot sound wall on the southern property line. The second phase includes the construction of one additional duet style building.

CDFW commends the Project for including the creation of a bioretention basin with no direct storm drain outlet into Rodeo Creek. Stormwater systems and storm drain outfalls into streams have the potential to significantly affect fish and wildlife resources by altering the hydrograph of natural streamflow patterns (Hollis, 1975, Konrad and Booth, 2005), and CDFW generally recommends against their inclusion in projects.

### **ENVIRONMENTAL SETTING AND LOCATION**

The Project is located on the south side of Mattison Lane, approximately 1,000 feet from the intersection of Mattison and Soquel Drive in the Community of Live Oak in unincorporated Santa Cruz County. The eastern side of the property intersects Rodeo Creek. The Project will encompass a 50-foot riparian corridor setback and an additional 10-foot construction setback. All buildings and features will be located outside of the

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setback. The Project site supports annual grassland, landscape tree and shrub groves, and mixed riparian woodland.

## 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: Surveys for Santa Cruz Tarplant

**Issue:** Surveys for State Endangered Santa Cruz tarplant (*Holocarpha macradenia*) were conducted outside of the blooming period for the species (June-October) which may affect accurate determination of presence on site. The Biotic Report for the MND states that Santa Cruz tarplant is documented in two locations, both approximately one mile from the Project site. While the Biotic Report states that there is low potential for the species to occur on-site due to soil conditions and previous disturbance, 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.

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

**Recommended Mitigation Measure:** An experienced botanist, familiar with the native plant communities of Santa Cruz County including coastal prairie communities shall conduct a focused Santa Cruz tarplant survey during the blooming period of the species, from June to October, over a minimum of two consecutive seasons. 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>.

Because Santa Cruz tarplant is listed as Endangered under CESA, if it occurs 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)).

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## COMMENT 2: Artificial Lighting

**Issue:** As stated in the MND, the Project would increase the amount of artificial night lighting on the Project site. 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 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).

**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.

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

Sincerely,

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

ec: State Clearinghouse No. 2022010253

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