

Crocker's Lockers Self-Storage Project

Watsonville, CA

Biological Resources Report



Prepared for:
City of Watsonville
70 Nielson Street
Watsonville, California 95076

Prepared by:
MIG
2055 Junction Avenue, Suite 205
San José, CA 95134
(650) 400-5767
Project Number: 09117.08

PLANNING | DESIGN | COMMUNICATIONS | MANAGEMENT | SCIENCE | TECHNOLOGY

2055 Junction Avenue, Suite 205 • San Jose, CA 95131 • USA • 650-327-0429 • www.migcom.com

Offices in: California • Colorado • Oregon • Texas • Washington

1 Environmental Setting

The project site is located in the City of Watsonville at Airport Boulevard and Nielson Street (Figures 1 and 2). The site is generally located northeast of Highway 1 and just south of the Watsonville Municipal Airport within an industrial zone of Watsonville. The proposed project will develop an existing paved parking lot into a 4.39-acre self-storage facility. The storage facility would consist of six self-storage buildings, including four single-story buildings and two two-story buildings. An additional two-story building is proposed with an office on the ground floor and apartment above. The project would provide 1,072 storage units on an approximately 149,796 square foot building footprint. The project site is located within the *Watsonville West*, California 7.5-minute USGS quadrangle.

The project site consists of an existing paved parking lot and parking lot islands that are landscaped with ornamental trees and other plantings. There is one aquatic in the vicinity, a wetland approximately .10 mile south of the project area (photo 3). The project includes the removal of all trees and vegetation within the parking lot and demolition of the parking lot.

1.1 Existing Land Cover Types, Vegetation Communities, and Habitats

The reconnaissance-level field survey, conducted by MIG biologist Alex Broskoff, B.S on January 14, 2022, identified one land cover type within and adjacent to the project site: Developed. No vegetation communities or habitats were present on the site. This landcover type is described below.

1.1.1 Developed

The project site is composed of disturbed and developed habitat with parking lot islands that have been maintained by a traditional landscape company on a regular basis (photos 1 and 2). Vegetation within the islands is dominated by non-native ornamental species including Deodar cedar (*Cedrus deodara*), eucalyptus (*Eucalyptus* sp.) pampas grass (*Cortaderia selloana*), oleander (*Nerium oleander*), English ivy (*Hedera helix*), liquid amber (*Liquidambar styraciflua*), Chinese pistache (*Pistacia chinensis*) and wood sorrel (*Oxalis* sp.). The species are confined to parking lot islands.

The wildlife most often associated with developed and landscaped areas are those that are tolerant of periodic human disturbances, including introduced species such as the European starling (*Sturnus vulgaris*), rock pigeon (*Columba livia*), eastern gray squirrel (*Sciurus carolinensis*), house mouse (*Mus musculus*), and Norway rat (*Rattus norvegicus*). Numerous common, native species are also able to utilize these habitats, especially the landscaped areas, including the western fence lizard (*Sceloporus occidentalis*), and a variety of birds may forage and nest within, including Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), bushtit (*Psaltriparus minimus*), Bewick's wren (*Thryomanes bewickii*), mourning dove (*Zenaida macroura*), and dark-eyed junco (*Junco hyemalis*). In addition, the

mature trees provide potential nesting habitat for raptors such as the Cooper's hawk (*Accipiter cooperii*). Wildlife such as striped skunk (*Mephitis mephitis*) may also move through the site en route to other habitats.

2 Regulatory Setting

2.1 Federal

2.1.1 Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under FESA. FESA has the following four primary components: (1) provisions for listing species, (2) requirements for consultation with the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), (3) prohibitions against "taking" (i.e., harassing, harming, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in any such conduct) of listed species, and (4) provisions for permits that allow incidental "take". FESA also discusses recovery plans and the designation of critical habitat for listed species.

Both the USFWS and NOAA Fisheries share the responsibility for administration of FESA. Section 7 requires federal agencies, in consultation with, and with the assistance of the USFWS or NOAA Fisheries, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. Non-federal agencies and private entities can seek authorization for take of federally listed species under Section 10 of FESA, which requires the preparation of a HCP.

2.1.2 U.S. Migratory Bird Treaty Act

The U.S. Migratory Bird Treaty Act (MBTA; 16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is "unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof..." In short, under MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The MBTA does not protect some birds that are non-native or human-introduced or that

belong to families that are not covered by any of the conventions implemented by MBTA. In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as directly and knowingly removing a nest to construct a project, hunting, and poaching. On January 7, the USFWS published a final rule defining the scope of the MBTA to exclude incidental take of migratory birds. However, On October 4, 2021, the Service published an updated final rule revoking the January 7, 2021, regulation that limited the scope of the MBTA (USFWS 2021). With this final and formal revocation of the January 7 rule, the Service returns to implementing the MBTA as prohibiting incidental take and applying enforcement discretion, consistent with judicial precedent and long-standing agency practice prior to 2017. This final rule went into effect on December 3, 2021.

2.1.3 Clean Water Act

The Clean Water Act (CWA) is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the U.S. Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the U.S. Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 404 and 401 of the CWA apply to activities that would impact waters of the U.S. The USACE enforces Section 404 of the CWA, and the California State Water Resources Control Board enforces Section 401.

Section 404

As part of its mandate under Section 404 of the CWA, the EPA regulates the discharge of dredged or fill material into “waters of the United States” (U.S.). “Waters of the U.S.” include territorial seas, tidal waters, and non-tidal waters in addition to wetlands and drainages that support wetland vegetation, exhibit ponding or scouring, show obvious signs of channeling, or have discernible banks and high-water marks. Wetlands are defined as those areas “that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3(b)). The discharge of dredged or fill material into waters of the U.S. is prohibited under the CWA except when it is in compliance with Section 404 of the CWA. Enforcement authority for Section 404 was given to the USACE, which it accomplishes under its regulatory branch. The EPA has veto authority over the USACE’s administration of the Section 404 program and may override a USACE decision with respect to permitting.

Substantial impacts to waters of the U.S. may require an Individual Permit. Projects that only minimally affect waters of the U.S. may meet the conditions of one of the existing Nationwide Permits, provided that such permits’ other respective conditions are satisfied. A Water Quality

Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions (see below).

Section 401

Any applicant for a federal permit to impact waters of the U.S. under Section 404 of the CWA, including Nationwide Permits where pre-construction notification is required, must also provide to the USACE a certification or waiver from the State of California. The “401 Certification” is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board (RWQCB).

The RWQCB issues and enforces permits for discharge of treated water, landfills, storm-water runoff, filling of any surface waters or wetlands, dredging, agricultural activities and wastewater recycling. The RWQCB recommends the “401 Certification” application be made at the same time that any applications are provided to other agencies, such as the USACE, USFWS, or NOAA Fisheries. The application is not final until completion of environmental review under CEQA. The application to the RWQCB is similar to the pre-construction notification that is required by the USACE. It must include a description of the habitat that is being impacted, a description of how the impact is proposed to be minimized and proposed mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at a minimum ratio of 2:1, or twice as many acres of wetlands provided as are removed. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the water-based habitat that is being removed.

2.2 State

2.2.1 California Environmental Quality Act (CEQA)

CEQA (Public Resources Code Sections 21000 et. seq.) requires public agencies to review activities which may affect the quality of the environment so that consideration is given to preventing damage to the environment. When a lead agency issues a permit for development that could affect the environment, it must disclose the potential environmental effects of the project. This is done with an “Initial Study and Negative Declaration” (or Mitigated Negative Declaration) or with an “Environmental Impact Report”. Certain classes of projects are exempt from detailed analysis under CEQA if they meet specific criteria and are eligible for a Categorical Exemption.

CEQA Guidelines Section 15380 defines endangered, threatened, and rare species for purposes of CEQA and clarifies that CEQA review extends to other species that are not formally listed under the state or federal Endangered Species acts but that meet specified criteria. The state maintains a list of sensitive, or “special-status”, biological resources, including those listed by the state or federal government or the California Native Plant Society (CNPS) as

endangered, threatened, rare or of special concern due to declining populations. During CEQA analysis for a proposed project, the California Natural Diversity Data Base (CNDDB) is usually consulted. CNDDB relies on information provided by the California Department of Fish and Wildlife (CDFW), USFWS, and CNPS, among others. Under CEQA, the lists kept by these and any other widely recognized organizations are considered when determining the impact of a project.

2.2.1 California Endangered Species Act

The California Endangered Species Act (CESA; Fish and Game Code 2050 et seq.) generally parallels FESA. It establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. Section 2080 of the California Fish and Game Code prohibits the take, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or by the regulations. "Take" is defined in Section 86 of the California Fish and Game Code as to "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." This definition differs from the definition of "take" under FESA. CESA is administered by CDFW. CESA allows for take incidental to otherwise lawful projects but mandates that State lead agencies consult with the CDFW to ensure that a project would not jeopardize the continued existence of threatened or endangered species.

2.2.2 California Fish and Game Code Sections 1600-1607

Sections 1600-1607 of the California Fish and Game Code require that a Notification of Lake or Streambed Alteration application be submitted to CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake." CDFW reviews the proposed actions in the application and, if necessary, prepares a Lake or Streambed Alteration Agreement (LSAA or SAA), that includes measures to protect affected fish and wildlife resources.

2.2.3 Native Plant Protection Act

The Native Plant Protection Act (NPPA) was created in 1977 with the intent to preserve, protect, and enhance rare and endangered plants in California (California Fish and Game Code sections 1900 to 1913). The NPPA is administered by CDFW, which has the authority to designate native plants as endangered or rare and to protect them from "take." CDFW maintains a list of plant species that have been officially classified as endangered, threatened, or rare. These special-status plants have special protection under California law and projects that directly impact them may not qualify for a categorical exemption under CEQA guidelines.

2.2.4 Fully Protected Species and Species of Special Concern

The classification of California fully protected (CFP) species was the CDFW's initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (§5515 for fish, §5050 for amphibian and reptiles, §3511 for birds, §4700 for mammals) deal with CFP species and state that these species "...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species" (CDFW Fish and Game Commission 1998). "Take" of these species may be authorized for necessary scientific research. This language makes the CFP designation the strongest and most restrictive regarding the "take" of these species. In 2003, the code sections dealing with CFP species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

California species of special concern (CSSC) are broadly defined as animals not listed under FESA or CESA, but which are nonetheless of concern to CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA, and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

2.2.5 California Migratory Bird Protection Act

Fish & Game Code section 3513 states that federal authorization of take or possession is no longer lawful under the state Fish & Game Code if the federal rules or regulations are inconsistent with state law. The California Migratory Bird Protection Act (MBPA) was passed in September 2019 to provide a level of protection to migratory birds in California consistent with the U.S. MBTA prior to the 2017 rule change limiting protection of migratory birds under the U.S. MBTA to purposeful actions (i.e., directly and knowingly removing a nest to construct a project, hunting, and poaching). Thus, under the MBPA, protections for migratory birds in California are consistent with rules and regulations adopted by the United States Secretary of the Interior under the U.S. MBTA before January 1, 2017. The MBPA reverts to existing provisions of the U.S. MBTA on January 20, 2025.

2.2.6 Nesting Birds

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." In addition, under California Fish and Game Code Section 3503.5, "it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by CDFW.

2.2.7 Non-Game Mammals

Sections 4150-4155 of the California Fish and Game Code protects non-game mammals, including bats. Section 4150 states "A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission". The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under California Fish and Game Code, in addition to being protected if they are a listed species (e.g., CSSC, CFP, state or federal threatened, or state or federal endangered).

2.2.8 Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are either unique in constituent components, of relatively limited distribution in the region, or are of particularly high wildlife value. These communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies, or regulations, or by the CDFW (i.e., CNDDDB) or the USFWS. The CNDDDB identifies a number of natural communities as rare, which are given the highest inventory priority (Holland 1986; CDFW 2016). Impacts to sensitive natural communities and habitats must be considered and evaluated under CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

2.2.9 Porter-Cologne Water Quality Control Act

The intent of the Porter-Cologne Water Quality Control Act (Porter-Cologne) is to protect water quality and the beneficial uses of water, and it applies to both surface and ground water. Under

this law, the State Water Resources Control Board develops statewide water quality plans, and the RWQCBs develop basin plans, which identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne, referred to as "waters of the State," include isolated waters that are not regulated by the USACE. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g., soil) to waters of the State must file a Notice of Intent (NOI) or a Report of Waste Discharge and receive either waste discharge requirements (WDRs) or a waiver to WDRs before beginning the discharge.

2.2.10 State and Local Requirements to Control Construction-Phase and Post-Construction Water Quality Impacts

Construction Phase. The CWA has nationally regulated the discharge of pollutants to the waters of the U.S. from any point source since 1972. In 1987, amendments to the CWA added Section 402(p), which established a framework for regulating nonpoint source storm water discharges under the National Pollutant Discharge Elimination System (NPDES). The NPDES is a permitting system for the discharge of any pollutant (except for dredge or fill material) into waters of the U.S. In California, this permit program is administered by the RWQCBs. The NPDES General Construction Permit requirements apply to clearing, grading, and disturbances to the ground such as excavation. Construction activities on one or more acres are subject to a series of permitting requirements contained in the NPDES General Construction Permit. This permit requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that includes Best Management Practices (BMPs) to be implemented during project construction. The project sponsor is also required to submit a Notice of Intent (NOI) with the State Water Resources Control Board Division of Water Quality. The NOI includes general information on the types of construction activities that would occur on the site.

3 Special-Status Species and Sensitive Habitats

3.1 Special-Status Animals

Amphibians and Reptiles

California Red-legged Frog (*Rana draytonii*). **Federal status: Threatened; State status: Species of Special Concern.** The California red-legged frog was federally listed as threatened in June 1996 (USFWS 1996) based largely on a significant range reduction and continued threats to surviving populations. Critical habitat was most recently designated in March 2010 (USFWS 2010). Designated critical habitat is not present in the project site. The historical distribution of the California red-legged frog extended from the city of Redding in the Central

Valley and Point Reyes National Seashore along the coast, south to Baja California, Mexico. The species' current distribution includes isolated locations in the Sierra Nevada and the San Francisco Bay area, and along the central coast (USFWS 2002).

The California red-legged frog inhabits freshwater pools, streams, and ponds throughout the Central California Coast Range and isolated portions of the western slope of the Sierra Nevada (Fellers 2005). Its preferred breeding habitat consists of deep perennial pools with emergent vegetation for attaching egg clusters (Fellers 2005), as well as shallow benches to act as nurseries for juveniles (Jennings and Hayes 1994). However, red-legged frogs will also breed in small, shallow pools as well as intermittent streams. Non-breeding frogs may be found adjacent to streams and ponds and may travel up to 2 miles from their breeding locations across a variety of upland habitats to other suitable non-breeding habitats (Bulger et al. 2003; Fellers and Kleeman 2007). However, the distance moved is highly site-dependent and is influenced by the local landscape (Fellers and Kleeman 2007). California red-legged frogs generally disperse during the wet season from mid-October to mid-April.

No suitable breeding, foraging, or dispersal habitat is present on the project site. However, there are multiple California red-legged frog occurrences within 1 mile of the project site including one record as recent as 2017 (CNDDDB 2022). Additionally, there is a wetland approximately .10 mile south of the project site. The wetland seemingly provides foraging and dispersal habitat for red-legged frog, especially during rain events. However, this wetland is isolated from known red-legged frog occurrences by surrounding roads and development, and red-legged frogs are likely absent from the wetland due to the lack of habitat connectivity. Furthermore, there are no documented occurrences of the red-legged frog in this wetland (CNDDDB 2022). Therefore, due to the lack of suitable habitat and lack of connectivity to the closest known populations, California red-legged frog is not expected to occur on the project site.

3.1.1 Nesting Birds

Nesting birds may occur in trees and other vegetation on the project site and vegetation and buildings adjacent to the project site. All migratory bird species are protected under California Fish and Game code.

3.2 Special-Status Plants

Once special-status plant species, the Santa Cruz tarplant (Federally Status: Threatened, State Status: Endangered, CNPS Rank: 1B.1), is known to occur within 0.25 miles of the project site. This species occurs in coastal prairie and grassland habitats. Although the project site is entirely developed and primarily consists of a paved parking lot, this plant was considered for its' potential to occur due to the presence of unpaved areas within the landscaped islands. However, the project site, including the landscaped islands lack suitable grassland habitat required for the persistence of the Santa Cruz tarplant. Furthermore, the years of regular

landscape maintenance excludes the presence of Santa Cruz tarplant. Therefore, no special-status plants are expected to occur in project area.

3.3 Sensitive and Regulated Plant Communities and Habitats

There are no sensitive vegetation communities within the project site.

4 Discussion

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Less than Significant with Mitigation.

Nesting Birds. Nesting birds, including raptors, protected under the MBTA and California Fish and Game Code may potentially occur in the trees and shrubs on the project site and adjacent to the site. Birds nesting in the developed areas within and adjacent to the project site are expected to be acclimated to high levels of disturbance and it is likely that construction activities will not disturb these birds. If construction activities in this area occur during the avian breeding season (February 1 to September 15), injury to individuals or nest abandonment could occur. Noise and increased construction activity could temporarily disturb nesting or foraging activities, potentially resulting in the abandonment of nest sites. However, with the implementation of mitigation measure BIO-3, the impacts from the project would be less than significant.

Impact BIO-1: Project activities that include tree removal could impact nesting birds if project activities take place during the nesting season.

Measure BIO-1: To avoid impacts to nesting birds and violation of state and federal laws pertaining to birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) should occur outside the avian nesting season (that is, prior to February 1 or after September 15). If construction and construction noise occurs within the avian nesting season (from February 1 to September 15), all suitable habitats located within the project's area of disturbance including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas shall be thoroughly surveyed, as feasible, for the presence of active nests by a qualified biologist no more than five days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days, an additional nesting bird survey shall be performed. Active nesting is present if a bird is

building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys shall be documented.

If pre-construction nesting bird surveys result in the location of active nests, no site disturbance and mobilization of heavy equipment (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests, or as determined by a qualified biologist, until the chicks have fledged. Monitoring shall be required to ensure compliance with MBTA and relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

No Impact. The project site does not support any sensitive habitats. Thus, the project will have no impact on riparian habitat or any other sensitive natural communities.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant with Mitigation.

Impact BIO-2: The project site does not support any state or federally-protected wetlands and no work will take place in such habitats. However, the wetland downstream of the project area could be indirectly affected by project activities. Specifically, construction activities could indirectly cause the degradation of surface or ground water quality due to erosion and transport of fine sediments downstream of the construction area, unintentional release of contaminants into jurisdictional waters, vegetation removal, and soil compaction from access and equipment.

Construction projects in California causing land disturbances that are equal to 1.0 acre or greater must comply with State requirements to control the discharge of stormwater pollutants under National Pollutant Discharge Elimination System (NPDES)/Construction General Permit. Prior to the start of construction/demolition, a Notice of Intent must be filed with the State Water Board describing the project. A Storm Water Pollution Prevention Plan (SWPP) must be developed and maintained during the project, and it must include the use of best management practices (BMPs) to protect water quality until the site is stabilized. Standard permit conditions under the NPDES/Construction General Permit require that the applicant utilize various measures including on-site sediment control best management practices, damp street sweeping, temporary cover of disturbed

land surfaces to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other methods.

Measure BIO-2: The project will employ BMPs to protect water quality per the NPDES permit. A list of example BMPs may include the following:

- Store, handle, and dispose of construction materials and wastes properly to prevent their contact with stormwater.
- Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment and non-stormwater discharges to storm drains and water courses.
- Avoid cleaning, fueling, or maintaining vehicles on site, except in a designated area in which run-off is contained and treated.
- Perform clearing and earth moving activities during dry weather to the maximum extent practical.
- Remove spoils promptly and avoid stockpiling of fill materials when rain is forecast. Cover soil stockpiles and other materials with a tarp or other waterproof material during rain events.
- Trash and construction related solid wastes must be deposited into a covered receptacle to prevent contamination and dispersal by wind.
- In the event of rain, all grading work is to cease immediately.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. All proposed project activities are located within the footprint of the existing developed site, which is surrounded by commercial development and roads. As such, the project site does not provide any natural habitats or migratory corridors, nor is it adjacent to any such areas. Still, urban-adapted wildlife occasionally move across the landscape through the site. As part of the project, the majority of the site will be developed with the storage buildings and paved areas. Most of the trees will be removed, but a portion of the existing trees will be retained and the perimeter of the site will be landscaped. Thus, while fewer species will likely move across the site, due to the presence of buildings and reduced vegetation, wildlife movement will not be impeded and wildlife will be able to continue to move along/around the site following project construction. Thus, the project would not interfere with the movement of any native resident wildlife species or with established native resident or migratory wildlife corridors in the site vicinity.

As noted above, common urban-adapted native species also likely nest in existing trees and other vegetation on the site. The project will implement measures to avoid impacts on nesting birds (see Mitigation Measure BIO-1 above); thus, it will not impede the use of native wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (including the County Heritage and Significant Tree Ordinances)?

No Impact. The City of Watsonville does not have a tree removal ordinance, excepting the project from impacts to local policies or ordinances.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan that applies to the project site. Thus, the proposed project would not conflict with such a plan.

5 References

- Bulger, J.B., N.J. Scott, Jr., and R.B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs *Rana aurora draytonii* in coastal forests and grasslands. *Biological Conservation* 110: 85-95.
- [CNDDDB] California Natural Diversity Data Base. 2022. Results of electronic records search. Rarefind 5. California Department of Fish and Wildlife, Biogeographic Data Branch. Accessed March 2022 from <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.
- Fellers, G.M. 2005. *Rana draytonii* California red-legged frog. In M. Lannoo, ed. *Amphibian Declines: The Conservation Status of United States Species*. University of California Press. CA: Berkeley. Pp 552-554.
- Fellers, G.M. and P.M. Kleeman. 2007. California red-legged frog (*Rana draytonii*) movement and habitat use: implications for conservation. *Journal of Herpetology* 41(2): 276-286.
- Jennings, M.R. and M.P. Hayes. 1994. Amphibian and reptile species of special concern in California. California Department of Fish and Game, Inland Fisheries Division.
- [USFWS] U.S. Fish and Wildlife Service. 1996. Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California Red-legged Frog. *Federal Register* 61:25813-26833.
- [USFWS] U.S. Fish and Wildlife Service. 2002. Recovery plan for the California red-legged frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Region 1.
- [USFWS] U.S. Fish and Wildlife Service. 2010. Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for California Red-legged Frog; Final Rule. *Federal Register* 75:12815-12959.
- [USFWS] U.S. Fish and Wildlife Service. 2021. Regulations Governing the Take of Migratory Birds; Revocation of Provisions; Final Rule. *Federal Register* (86): 54642-54656

Site Photos

PLANNING | DESIGN | COMMUNICATIONS | MANAGEMENT | SCIENCE | TECHNOLOGY

2055 Junction Avenue, Suite 205 • San Jose, CA 95131 • USA • 650-327-0429 • www.migcom.com

Offices in: California • Colorado • Oregon • Texas • Washington



Photo 1. Developed land cover type on the project site looking east.



Photo 2. Developed land type cover type looking north.



Photo 3. Wetland .10 mile downstream of project area facing south.