



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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October 28, 2022

Governor's Office of Planning & Research

OCT 31 2022

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

STATE CLEARINGHOUSE

Subject: Freedom Campus Master Plan, Initial Study/Mitigated Negative Declaration, SCH No. 2022090636, City of Watsonville, Santa Cruz County

Dear Mr. Johnston:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the County of Santa Cruz (County) for the Freedom Campus Master Plan (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 County, 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) or 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 and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA or

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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NPPA, either during construction or over the life of the Project. If the Project will impact CESA or NPPA listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

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 Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may 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, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. CDFW, as a responsible agency under CEQA, will consider the IS/MND for the Project. CDFW may not execute a final LSA Agreement until it has complied with CEQA 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: County of Santa Cruz

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Objective: Consistent with the County's Long-Range Facilities Plan, the Project would consist of the adoption of the Freedom Campus Master Plan. The plan would improve upon the site by demolishing all six existing buildings, construction of one or more new health service buildings, and designation a four-acre portion of the site for residential development. The Project would also provide on-site parking.

Timeframe: The Master Plan is a conceptual plan for the site and requires approval before implementation.

ENVIRONMENTAL SETTING AND LOCATION

The Project is located at 1430 Freedom Boulevard in the City of Watsonville, California, Assessor's Parcel Number 019-017-07. The approximately 9.5-acre site is owned by the County of Santa Cruz. The site is located within an urbanized area and is bordered by a cemetery and apartment building to the North, Madison Street and single-family homes to the east, Freedom Boulevard to the west, and Crestview Drive to the south. Existing buildings occupy 5.4 acres of the site. The non-paved portions of the site are dominated by ruderal non-native vegetation. Approximately 55 non-native ornamental trees exist on the 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), Santa Cruz tarplant (*Holocarpha macradenia*), federally listed as threatened and state listed as endangered, southwestern pond turtle (*Emys marmorata pallida*), listed as SSC, tricolored blackbird (*Agelaius tricolor*) listed as state endangered, and western bumble bee (*Bombus occidentalis*) a state candidate for listing. A candidate species is afforded the same protections as a CESA-listed threatened or endangered species (Fish and Game Code, § 2085).

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: Impervious surfaces

Issue: The Project could increase impervious surfaces at the Project site with the addition of parking lots and buildings. Impervious surfaces, stormwater systems, and storm drain outfalls have the potential to significantly affect fish and wildlife resources by altering the hydrograph of natural streamflow patterns via concentrated run-off.

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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: CDFW recommends that storm runoff be dispersed rather than concentrated to a stormwater outfall or other receiving waters. CDFW recommends implementation of low impact development (LID) and the use of bioswales and bioretention features to intercept storm runoff. CDFW also recommends incorporating permeable surfaces throughout the Project to allow stormwater to percolate in the ground and prevent stream hydromodification (see https://www.usgs.gov/science/evaluating-potential-benefits-permeable-pavement-quantity-and-quality-stormwater-runoff?qt-science_center_objects=0#qt-science_center_objects).

COMMENT 2: Artificial Lighting

Issue: Additional lights would be added to the site including new exterior building lights and overhead parking lighting. 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).

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 California Natural Diversity

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Database (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
Regional Manager
Bay Delta Region

ec: State Clearinghouse # 2022090636

REFERENCES

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