



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

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February 18, 2025

Justin Meek

City of Watsonville, Community Development Department

250 Main Street

Watsonville, CA 95076

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Subject: Watsonville 2050 General Plan Environmental Impact Report, Notice of Preparation of a Draft Environmental Impact Report. SCH No. 2024090440, City of Watsonville, Santa Cruz County

Dear Justin Meek:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Watsonville (City) reissued Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Watsonville 2050 General Plan Environmental Impact Report (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously commented on the original NOP (original NOP) released for the Project on September 13, 2024, for public comment through October 14, 2024.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect fish and wildlife resources of the State. Please be advised, by law, CDFW may be required to carry out or approve aspects of the Project through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW is providing the City of Watsonville, as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.). For purposes of CEQA, CDFW

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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is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game Code. For example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW 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. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and 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, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the Lead Agency cannot approve a Project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires a LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct

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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 is 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. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

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

PROJECT DESCRIPTION AND LOCATION SUMMARY

Proponent: City of Watsonville

Objective: Since the release of the original NOP for the Project approximately 55 acres of land was added to the Highway 1 Gateway area for possible annexation and future non-residential development. The total number of residential units remain unchanged in this revised version of the 2050 General Plan, although slight adjustments were made to their distribution within the existing City limits and designated growth areas. No other changes have been made to the Project.

Location: The Project encompasses the City of Watsonville including five areas on noncontiguous land at the Watsonville Wastewater Treatment Plant, Buena Vista Landfill, Pinto Lake, Corralitos Water Filter Plant, and Browns Valley in Santa Cruz County.

Timeframe: 2050.

The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental

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impact. Please include a complete description of the following Project components in the Project description including, but not limited to, the below information.

- Identification of impacts to connectivity areas, permeability, and natural landscape areas (e.g., California Essential Habitat Connectivity Project, State Wildlife Action Plan, Regional Advance Mitigation Plan, Areas of Conservation Emphasis, Restoring California's Wildlife Connectivity 2022, other relevant plans, policies, and ordinances adopted by neighboring jurisdictions, and regional wildlife connectivity assessments).
- Location of existing wildlife movement pathways and built infrastructure supporting wildlife movement, including data on wildlife movement, if applicable.
- Potential for obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.
- Land use changes resulting from, for example, rezoning certain areas.
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground-disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft EIR (CEQA Guidelines, §§15125 & 15360). CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: <https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%2>

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[Ocommunities](#)), and any stream or wetland set back distances the City may require. Fully protected, threatened or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to: the species listed in **Attachment 1**.

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDDB). Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends surveys be conducted for special-status species 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-Protocol>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: <https://www.wildlife.ca.gov/Conservation/Plants>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Changes in hydrological conditions that could alter the timing and magnitude of streamflows both during construction and operation of the Project;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, overhanging banks);

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- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence;
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features;
- Water quality impacts resulting from construction and operation of the Project;
- Impacts both from construction and operation of the Project;
- Impacts to the bed, channel, and bank, in the reservoirs and creeks downstream of the Project; and
- Impacts to bed, channel, bank, and riparian habitat, and the direct and indirect effects to fish, wildlife, and their habitat.

The CEQA document also should identify existing and reasonably foreseeable future Projects in the Project vicinity, disclose any cumulative impacts associated with these Projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a Project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City of Watsonville, as the Lead Agency, to consider and describe in the draft EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370.) This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the USFWS, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

COMMENTS AND RECOMMENDATIONS

Based on the information provided in the NOP, CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and/or indirect impacts on fish and wildlife (biological) resources. These comments and recommendations are not an exhaustive list and CDFW may provide additional recommendations as more Project

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specific information is disclosed. The draft EIR must include a full Project Description, Environmental Setting, and Impact Analysis and Mitigation Measures as outlined above. Editorial comments or other suggestions may also be included to improve the document.

General Conservation Planning Comment: CDFW appreciates the 2050 General Plan will broadly include preserving the City's natural open spaces, especially the sloughs. While CDFW encourages and supports these goals, the Project has potential to significantly impact biological resources from Project related habitat loss in areas outside of open space and sloughs. Remaining riparian habitat along streams and tributaries to major sloughs and wetlands as well as uplands in the Project areas may provide important habitat and allow movement (connectivity) for a variety of special-status fish and wildlife species.

COMMENT 1: Artificial Lighting

Issue: The Project has the potential to increase artificial lighting from addition to residential and nonresidential development along East Lake Avenue and Freedom Boulevard corridors and within Downtown Watsonville, Buena Vista, Atkinson Lane, Area C, and the Highway 1 Gateway area. Artificial lighting has the potential to significantly and adversely affect fish and wildlife behavior and reproduction.

Evidence impact would be significant: Several studies show that direct and indirect light effects the physiology, behavior and life history of animals, with consequences for their development, survival, and reproductive success (Candolin and Filippini, 2025). Night lighting can disrupt the circadian rhythms of 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). Changes in how animals behave, survive, and reproduce can affect their population sizes and where they live. This, in turn, impacts biodiversity, how species interact, and essential ecosystem processes like nutrient cycling, pollination, and seed dispersal (Candolin and Filippini, 2025).

Recommendation 1: 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 <https://darksky.org/>) and limited to warm light colors with an output temperature of 2700 kelvin or less.

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COMMENT 2: Impervious Surface Runoff

Issue: The Project could increase impervious surfaces at the Project site with the addition of roads, residential buildings, and non-residential 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.

Evidence impact could 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). Increased impervious cover leads to greater stormwater runoff and reduced groundwater recharge. This excess runoff raises stream flows during storms, causing erosion of stream banks, increased sedimentation, and the degradation of aquatic habitats (Chithra et al., 2015).

Recommendation 1: 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 for example: Evaluating the potential benefits of permeable pavement on the quantity and quality of stormwater runoff, <https://www.usgs.gov/centers/upper-midwest-water-science-center/science/evaluating-potential-benefits-permeable-pavement>).

COMMENT 3: Riparian Setbacks

Issue: The Project has the potential to encroach into riparian vegetation (i.e., “riparian zone”) from development. Encroachment into the riparian zone can result in significant and adverse impacts to sensitive riparian and aquatic species through reduction of habitat and decreased water quality. Riparian zone encroachment also has the potential to increase flood risk in areas bordering the creek and accelerate erosion. Streambank stabilization activities are commonly needed in areas of riparian encroachment resulting in cumulative impacts over time.

Evidence impact would be significant: Riparian vegetation, and associated floodplains, provide many essential benefits to stream and aquatic species habitat, including thermal protection, cover, and large woody debris (Moyle 2002, CDFW 2007). Development adjacent to the riparian zone can result in fragmentation of riparian habitat and decreases in native species abundance and biodiversity (Davies et al. 2001, Hansen et al. 2005, CDFW 2007). Riparian buffers help keep pollutants from entering adjacent waters through a combination of processes including dilution, sequestration by

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plants and microbes, biodegradation, chemical degradation, volatilization, and entrapment within soil particles. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1997, Dong et al. 1998, Kiffney et al. 2003, Moore et al. 2005).

Mitigation Measure 1: CDFW recommends the Project establish and the draft EIR incorporate riparian buffer zones along all rivers, lakes and streams to prohibit development and vegetation clearing to outside of and away from riparian areas. Riparian buffers should include all perennial, intermittent and ephemeral streams. CDFW is available to consult with the City to determine appropriate riparian buffers to reduce impacts to special-status species and riparian habitat to less-than-significant.

COMMENT 4: Santa Cruz Tarplant

Issue: The Project has the potential to significantly impact Santa Cruz tarplant (*Holocarpha macradenia*) with the development of new residential units and non-residential units in the new Urban Limit Line (ULL) in Buena Vista Area.

Evidence the impact would be significant: 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 (MOU) for scientific education or management purposes (Fish & G. Code §2081, subd. (a)), or an ITP (Fish & G. Code § 2081 (b)).

Santa Cruz tarplant is an annual species and 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 do 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). 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 to determine the potential for take.

Recommended Mitigation Measure 2 – Focused Survey: Prior to commencement of construction activities on property with undeveloped areas or unmaintained landscaping, an experienced 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 June to October. The surveys shall occur throughout the entire Project

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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where potential Santa Cruz tarplant habitat has been identified, 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>.

Recommended Mitigation Measure 3 – Santa Cruz Tarplant Avoidance and

Mitigation: If Santa Cruz tarplant is detected or likely to occur 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, and/or site restoration. In the event that State-listed plants cannot be avoided during construction, the Project proponent shall obtain an ITP pursuant to Fish and Game Code section 2081, subdivision (b) (See cal. Code Regs., tit. 14, §§ 783.4 & 786.9). Information on the ITP process is available at <https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits>. In addition, CDFW recommends continued coordination to develop additional measures.

COMMENT 5: Tricolored Blackbird

Issue: Tricolored blackbirds (*Agelaius tricolor*) have the potential to occur within or near the Project site with the development of new residential units and non-residential units in the ULL and tricolored blackbird have been documented to occur near the Project area at the Highway 1 Gateway Area (CNDDDB, 2011 & 2014). Without appropriate avoidance and minimization measures for tricolored blackbirds, potential significant impacts include nest and/or colony abandonment, reduced reproductive success, and reduced health and vigor of eggs and/or young.

Evidence impact would be significant: Tricolored blackbirds aggregate and nest colonially, forming colonies of up to 100,000 nests (Meese et al. 2014). Increasingly, tricolored blackbirds are forming larger colonies that contain progressively larger proportions of the species' total population (Kelsey 2008). In 2008, for example, 55 percent of the species' global population nested in only two colonies, which were located in silage fields (Kelsey 2008). In 2017, approximately 30,000 tricolored blackbirds were distributed among only 16 colonies in Merced County (Meese 2017). Nesting can occur synchronously, with all eggs laid within one week (Orians 1961). For these reasons, depending on timing, disturbance to nesting colonies can cause abandonment, significantly impacting tricolored blackbirds populations (Meese et al. 2014)

Recommended Mitigation Measure 4 – Tricolored Blackbird Habitat Assessment:

CDFW recommends that a qualified biologist conduct a habitat assessment of the Project site in advance of Project implementation, to determine if the Project site or its vicinity contains suitable habitat for tricolored blackbirds.

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Recommended Mitigation Measure 5 - Tricolored Blackbird Surveys: CDFW recommends that Project activities be timed to avoid the typical bird breeding season (February 1 through September 15). However, if Project activities must take place during that time, CDFW recommends that a qualified wildlife biologist conduct surveys for nesting tricolored blackbirds no more than 10 days prior to the start of implementation to evaluate presence/absence of tricolored blackbirds nesting colonies in proximity to Project activities and to evaluate potential Project-related impacts.

Recommended Mitigation Measure 6 – Tricolored Blackbird Avoidance and Mitigation: If an active tricolored blackbirds nesting colony is found during pre-activity surveys, CDFW recommends implementation of a minimum 300-foot no-disturbance buffer in accordance with CDFW's "*Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015*," <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=99310&inline>" (CDFW 2015b). CDFW advises that this buffer remain in place until the breeding season has ended or until a qualified biologist has determined that nesting has ceased, the birds have fledged, and are no longer reliant upon the colony or parental care for survival. It is important to note that tricolored blackbirds colonies can expand over time and for this reason, the colony may need to be reassessed to determine the extent of the breeding colony within 10 days prior to Project initiation. In the event that a tricolored blackbirds nesting colony is detected during surveys, consultation with CDFW is warranted to discuss how to implement the Project and avoid take, or if avoidance is not feasible, to acquire an ITP, pursuant to Fish and Game Code Section 2081(b), prior to any ground-disturbing activities.

COMMENT 6: California Red-Legged Frog

Issue: California red-legged frog (*Rana draytonii*) primarily inhabit ponds but can also be found in other waterways including marshes, streams, and lagoons, and the species will also breed in ephemeral waters (Thomson et al. 2016). The Project site contains habitat and California red-legged frog have the potential to occur in the vicinity of the Project site. Avoidance and minimization measures are necessary to reduce impacts to California red-legged frog to a level that is less-than-significant. Without appropriate avoidance and minimization measures for California red-legged frog, potentially significant impacts associated with the Project's activities include burrow collapse, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, larvae and/or young, and direct mortality of individuals.

Evidence impact would be significant: California red-legged frog populations throughout the State have experienced ongoing and drastic declines and many have been extirpated. Habitat loss from growth of cities and suburbs, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control,

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degraded water quality, and introduced predators, such as bullfrogs are the primary threats to California red-legged frog (Thomson et al. 2016, USFWS 2017).

Recommended Mitigation Measure 7 – California Red-Legged Frog Surveys:

CDFW recommends that a qualified wildlife biologist conduct surveys for California red-legged frog in accordance with the USFWS “*Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog*,” <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83914&inline>” (USFWS 2005) to determine if California red-legged frog are within or adjacent to the Project area.

Recommended Mitigation Measure 8 – California Red-Legged Frog Avoidance: If any California red-legged frog are found during pre-construction surveys or at any time during construction, consultation with CDFW is warranted to determine if the Project can avoid take. CDFW recommends that initial ground-disturbing activities be timed to avoid the period when California red-legged frog are most likely to be moving through upland areas (November 1 and March 31). When ground-disturbing activities must take place between November 1 and March 31, CDFW recommends a qualified biologist monitor construction activity daily for California red-legged frog.

COMMENT 7: State Fully Protected Species within the Project Area

Issue: Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) is a fully protected species that have the potential to occur within and in the vicinity the Project area.

Fully protected species, may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the Project planning process.

Recommendation to minimize significant impacts: CDFW recommends that the Project completely avoid impacts to fully protected species.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to prepare subsequent CEQA documents or to make supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (d) & (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online here: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found here: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

CDFW anticipates that the proposed Project, will have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. 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. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP in order to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alexis Harrison, Environmental Scientist at (707) 815-2779 or Alexis.Harrison@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

Sincerely,

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

ec: Office of Planning and Research, State Clearinghouse, Sacramento

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ATTACHMENT 1: Special-Status Species from the CNDDDB within a 5-mile Radius of the Project Site

Scientific Name	Common Name	Status
Amphibians		
<i>Ambystoma californiense</i> pop. 1	California giant salamander	FT, ST
<i>Ambystoma macrodactylum croceum</i>	Santa Cruz long-toed salamander	FT, FP
<i>Aneides niger</i>	Santa Cruz black salamander	SSC
<i>Rana boyllii</i> pop. 4	foothill yellow-legged frog - central coast DPS	FT, SE
<i>Rana draytonii</i>	California red-legged frog	FT
Birds		
<i>Agelaius tricolor</i>	Tricolored blackbird	ST
<i>Charadrius nivosus nivosus</i>	Western snowy plover	FT, SCC
<i>Riparia riparia</i>	Bank swallow	ST
Fish		
<i>Eucyclogobius newberryi</i>	Tidewater goby	FT
Mammals		
<i>Taxidea taxus</i>	American badger	SSC
Plants		
<i>Arctostaphylos hookeri</i> ssp. <i>hookeri</i>	Anderson's manzanita	CRPR 1B.2
<i>Arctostaphylos hookeri</i> ssp. <i>Hookeri</i>	Hooker's manzanita	CRPR 1B.2
<i>Arctostaphylos pajaroensis</i>	Pajaro manzanita	CRPR 1B.2
<i>Centromadia parryi</i> ssp. <i>congdonii</i>	Congdon's tarplant	CRPR 1B.1
<i>Chorizanthe pungens</i> var. <i>pungens</i>	Monterey spineflower	FT, CRPR 1B.2
<i>Chorizanthe robusta</i> var. <i>robusta</i>	robust spineflower	FT, CRPR 1B.1

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<i>Holocarpha macradenia</i>	Santa Cruz tarplant	FE, CRPR 1B.1
<i>Plagiobothrys diffusus</i>	San Francisco popcornflower	CRPR 1B.2
	Reptiles	
<i>Anniella pulchra</i>	Northern California legless lizard	SSC
<i>Emys marmorata pallida</i>	Southwestern pond turtle	SSC
	Insects	
<i>Bombus crotchii</i>	Bombus crotchii	CE
<i>Danaus plexippus plexippus</i> pop. 1	monarch - California overwintering population	FC

FE = federally listed as endangered under the Endangered Species Act (ESA); FT = federally listed as threatened under ESA; FC = candidate for federal listing under ESA; SE = state listed as endangered under CESA; ST = state listed as threatened under CESA; CE= candidate for state listing as threatened or endangered; FP = state fully protected under Fish and Game Code; SSC = state species of special concern; CRPR = California rare plant rank