

August 20, 2018

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Subject: Results of Reconnaissance-Level Biological Resources Evaluation for the Soquel Avenue Property (APN 029-021-47), Santa Cruz, California

Dear Ms. Bigley:

This report presents the results of a reconnaissance-level biological resources evaluation conducted by Dudek on the above-referenced property. The purpose of the survey was to identify and describe existing biological resources, evaluate the site's potential to support special-status plant and/or animal species, and determine if any other sensitive resources are present. This letter report includes the following: (1) a description of the methods used to conduct the evaluation; (2) a brief description of existing habitat conditions on the property; and (3) an analysis of special-status plant and animal species and other sensitive biological resources potentially present.

The property consists of an approximately 4.98-acre parcel located between Chanticleer Avenue and Mattison Lane in the City of Santa Cruz. The property is specifically located in Section 9 of Township 11 South, Range 1 West of the Soquel California 7.5-minute USGS quadrangle (see Figure 1).

Methods

Dudek searched the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB; CDFW 2018) and the U.S. Fish and Wildlife Service (USFWS) Inventory for Planning and Conservation (IPaC) database (USFWS 2018) for records of special-status species occurrences in the vicinity of the property. After reviewing the database results, Dudek biologist Lidia D'Amico visited the site on August 7, 2018, to assess current habitat conditions and evaluate the site's potential to support special-status plant and/or animal species and sensitive communities. For the purposes of this report, special-status species are defined as follows:

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- Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act
- Species that are listed or designated as candidates for listing as rare, threatened, or endangered under the California Endangered Species Act
- Plant species assigned to California Rare Plant Ranks 1A, 1B, and 2
- Animal species designated as Species of Special Concern or Fully Protected by CDFW
- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the California Environmental Quality Act guidelines
- Species that are considered to be a taxon of special concern by local agencies

The field survey also served to identify potential jurisdictional aquatic resources and other sensitive natural communities that occur on the project site. Jurisdictional aquatic resources include wetlands, streams, and creeks, among other aquatic features, that are subject to regulation under state and federal statutes and regulations. Sensitive natural communities are those communities (vegetation types) that are of limited distribution statewide or within a region and considered by CDFW to be a high priority for conservation based on their rarity and degree of threat.

Existing Conditions

The property consists of a highly disturbed and previously developed parcel in an urbanized setting. The surrounding area is substantially developed and is dominated by commercial land uses, streets, and parking lots. The property is characterized by a paved and graveled surface surrounded by chain-link fencing. The parcel is used for storage of vehicles, machinery, equipment, and other miscellaneous residential and landscaping items. Existing vegetation on the property is scattered and composed of ruderal and ornamental plant species including black acacia (*Acacia melanoxylon*), pampas grass (*Cortaderia selloana*), fennel (*Foeniculum vulgare*), Himalayan blackberry (*Rubus armeniacus*), and various non-native annual grasses and forbs commonly found in heavily disturbed areas.

Wildlife species detected on or in the immediate vicinity of the site included the following: mourning dove (*Zenaidura macroura*), western gull (*Larus occidentalis*), California towhee (*Melospiza crissalis*), black phoebe (*Sayornis nigricans*), and house finch (*Carpodacus mexicanus*). All of these species are generalists that are adapted to human-modified landscapes. The property also provides habitat for other urban-adapted wildlife species such as fox squirrel (*Sciurus niger*), northern raccoon (*Procyon lotor*), and striped skunk (*Mephitis mephitis*).

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The site lacked drainage or other hydrological features and no hydrophytic plant species were observed during the site visit.

Results

Based on the results of the CNDDDB and IPaC database searches (Appendix A) and observations during the site visit, 31 special-status species (11 plants and 20 animals) have the potential to occur in the vicinity of the property. However, due to the extent of disturbance/degraded habitat conditions on the property and its on-going use, the lack of suitable native habitats and substrates, and the highly developed/urbanized nature of the surrounding lands, the potential occurrence of special-status plant and animal species on or in the vicinity of the property is considered highly unlikely.

In addition, no sensitive natural communities or aquatic resources/features were identified during the field survey. No drainage features are present on the property and the property does not have any hydrologic connection to, or continuity with, other aquatic features in the vicinity of the site, such as Rodeo Creek Gulch.

Potential Biological Constraints & Recommendations

The only potential biological resources constraint to future development of the property is the potential presence of nesting birds. Nests of all native bird species are protected under the federal Migratory Bird Treaty Act (MBTA) and Section 3503 of the California Fish and Game Code, which prohibits the take, possession, or needless destruction of the nest or eggs of any bird. Existing trees and patches of vegetation (e.g., blackberry thickets, weed growth) provide nesting habitat for native bird species such as California towhee, song sparrow (*Melospiza melodia*), and house finch, among others. Native bird species adapted to the urban environment (e.g., black phoebe) may use human-made structures for nesting in lieu of natural features. Removal or trimming of trees and other vegetation during the nesting season (typically defined by CDFW as February 1 to August 31) could result in the destruction of active nests, including eggs, nestlings, or juveniles, and construction-related disturbance (e.g., equipment noise, presence of workers) could disrupt normal nesting behavior, resulting in nest abandonment and reproductive failure.

If conducted during the nesting season, vegetation removal could directly impact nesting birds by destroying active nests. Potential project impacts on nesting birds are typically avoided by conducting work outside of the nesting season. If project construction activities cannot be conducted outside of the nesting season, the following measures are recommended:

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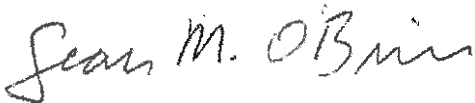
- Prior to any construction activities scheduled during the bird nesting season (February 1 to August 31), a preconstruction survey for nesting birds will be conducted by a qualified biologist. The survey will occur no more than 7 days prior to the initiation of ground-disturbing activities (including clearing, grubbing, and staging).
- If active nests are found during the survey, the biologist will establish exclusion zones around each nest in which no work will be allowed until the young have fledged or the nest is no longer active. The size of the exclusion zones will be based on the species' sensitivity to disturbance and planned work activities in the vicinity; typical buffer sizes are 250 feet for raptors and 50 feet for other birds.
- If a lapse in project-related activities of 15 days or longer occurs, another preconstruction survey will be conducted.
- Following the preconstruction survey, the biologist will prepare a memorandum summarizing the results of the survey effort and any recommendations to protect nesting birds.

Conclusions

In summary, the only potential biological resources constraint identified on the property is the potential occurrence of nesting birds. If project construction activities are scheduled during the nesting season, the recommendations described above will function to avoid impacts on nesting birds and ensure compliance with the MBTA and applicable provisions of the California Fish and Game Code.

Please contact me if you have any questions or require further information.

Sincerely,



Sean M. O'Brien
Principal/Senior Biologist
(510) 601-2517

Att.: Appendix A – CNDDDB and IPaC Database Search Results

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References

CDFW (California Department of Fish and Wildlife). 2018. California Natural Diversity Database (CNDDDB), Commercial Version dated August 7, 2018. Biogeographic Data Branch, California Department of Fish and Wildlife, Sacramento.

USFWS (U.S. Fish and Wildlife Service). 2018. Information, Planning and Conservation (IPaC). Accessed August 2018. <https://ecos.fws.gov/ipac/>.