



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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Governor's Office of Planning & Research

Dec 30 2021

December 29, 2021

STATE CLEARING HOUSE

Mr. Danny DeBrito

City of Santa Cruz, Water Development Department

212 Locust Street, Suite C

Santa Cruz, CA 95060

ddebrito@cityofsantacruz.com

Subject: Newell Creek Pipeline Improvement Project, Draft Environmental Impact Report, SCH No. 2021010166, Santa Cruz County

Dear Mr. DeBrito:

The California Department of Fish and Wildlife (CDFW) has reviewed the Draft Environmental Impact Report (DEIR) prepared by the City of Santa Cruz Water Development Department (City) for the Newell Creek Pipeline Improvement (Project), located in Santa Cruz County. CDFW is submitting comments on the DEIR regarding potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines § 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological resources). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Pub. Resources Code, §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated

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Mr. Danny DeBrito
City of Santa Cruz
December 29, 2021
Page 2 of 5

to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code, § 2080.

Lake and Streambed Alteration Program

The Project has the potential to impact resources including but not limited to Newell Creek, Zayante Creek, Eagle Creek, Powder Hill Creek, and unnamed ephemeral streams in the San Lorenzo River watershed. Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code, § 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. CDFW considers work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute a final LSA Agreement until it has complied with CEQA (Public Resources Code § 21000 et seq.) as the responsible agency.

PROJECT DESCRIPTION

The Newell Creek Pipeline (NCP) conveys untreated water to and from the Loch Lomond Reservoir and serves as a critical component of the City's water supply infrastructure. The Project consists of the replacement of 8.75 miles of the existing NCP with a new 24-inch ductile iron or polyvinyl chloride (PVC) pipeline. The Project is separated into two segments, a northern segment and a southern segment. The alignment of the Northern NCP segment, which extends from the Newell Creek Access Road Bridge just south of Newell Creek Dam to the Felton Booster Pump Station (FBPS), would primarily follow the existing NCP alignment. The alignment of the southern NCP segment, which extends from the FBPS to the Graham Hill Water Treatment Plant (GHWTP), would include a new pipeline alignment along Graham Hill Road, to replace the existing pipe located in Henry Cowell Redwoods State Park. Construction methods would include both open cut trench and trenchless methods.

ENVIRONMENTAL SETTING AND LOCATION

The Project is located in the Santa Cruz Mountains, primarily in the unincorporated San Lorenzo Valley area of Santa Cruz County. The proposed Project extends approximately 9 miles from the City's Graham Hill Water Treatment Plant on the south to the Newell Creek Dam on the north.

The biological study area (BSA) consists of approximately 983 acres. Prominent vegetation communities include redwood forest and woodland, ponderosa pine forest

Mr. Danny DeBrito
 City of Santa Cruz
 December 29, 2021
 Page 3 of 5

and woodland, and coast live oak forest and woodland. Threatened, endangered, and other special-status wildlife species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

| Common Name | Scientific Name | Status |
|--|---|---------------|
| Mount Hermon June beetle | <i>Polyphylla barbata</i> | FE |
| California giant salamander | <i>Dicamptodon ensatus</i> | SSC |
| Santa Cruz black salamander | <i>Aneides niger</i> | SSC |
| Olive-side flycatcher | <i>Contopus cooperi</i> | SSC |
| White tailed kite | <i>Elanus leucurus</i> | FP |
| Steelhead – Central California coast DPS | <i>Oncorhynchus mykiss irideus</i> | FT |
| Pallid bat | <i>Antrozous pallidus</i> | SSC |
| Townsend's big-eared bat | <i>Corynorhinus townsendii</i> | SSC |
| Santa Cruz kangaroo rat | <i>Dipodomys venustus</i> | S1 |
| San Francisco dusky-footed woodrat | <i>Neotoma fuscipes annectens</i> | SSC |
| Western pond turtle | <i>Emys marmorata</i> | SSC |
| Silverleaf (Bonny Doon) manzanita | <i>Arctostaphylos silvicola</i> | CRPR 1B.2 |
| Ben Lomond spineflower | <i>Chorizanthe pungens</i> var. <i>Hartwegiana</i> | FE |
| Ben Lomond buckwheat | <i>Eriogonum nudum</i> var. <i>Decurrens</i> | CRPR 1B.1 |
| minute pocket moss | <i>Fissidens pauperculus</i> | CRPR 1B.1 |
| Santa Cruz tarplant | <i>Holocarpha macradenia</i> | FT, SE |
| northern curly-leaved monardella | <i>Monardella sinuate</i> <i>ssp. nigrescens</i> | CRPR 1B.2 |

Mr. Danny DeBrito
 City of Santa Cruz
 December 29, 2021
 Page 4 of 5

| | | |
|---|---|--------------|
| woodland woollythreads | <i>Monolopia gracilens</i> | CRPR 1B.2 |
| Chris' popcornflower | <i>Plagiobothrys chorisianus</i> var. <i>chorisianus</i> | CRPR 1B.2 |
| San Francisco popcornflower | <i>Plagiobothrys diffuses</i> | SE |
| <p>Notes:</p> <p>FE = Federally Endangered; FT = Federally Threatened; FP = State Fully Protected; SSC = State Species of Special Concern; S1 = Critically Imperiled; DPS = Distinct Population Segment; CRPR = California Rare Plant Rank; 1B = Plants rare, threatened, or endangered in California</p> | | |

CDFW recommends that prior to Project implementation surveys be conducted at individual Project construction sites for special-status species noted in this comment letter 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-Protocols>.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources.

COMMENT 1: Surveys for special-status plant species

Issue: The DEIR does not specify that surveys at all locations shall occur for two consecutive seasons for rare or special-status plant species. The DEIR on page 4.3-4 of the Biological Resources section states that nine special-status plant species were either observed or determined to have a high potential to occur on-site. Mitigation Measure Bio-2 states that plant surveys will be conducted for areas not covered in 2021 surveys and areas surveyed in 2021 will be revisited. However, the measure does not clarify if surveys will be conducted over two consecutive seasons for all Project locations. Surveys over consecutive seasons may be necessary for annual or short-lived special-status plants to increase the likelihood of detection. Variances in weather and other disturbances from year to year may affect presence or accurate identification of special-status plants on-site.

Mr. Danny DeBrito
City of Santa Cruz
December 29, 2021
Page 5 of 5

Recommendation

CDFW recommends the City update MM Bio-2 to include focused rare plant surveys over a minimum of two consecutive seasons.

Recommended update to MM Bio-2

An experienced botanist, familiar with the native plant communities of Santa Cruz County and north coast coniferous forests shall conduct a minimum of two focused rare plant surveys over two consecutive seasons. The surveys shall occur throughout the entire Project, prior to the initiation of construction and include the results 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>. In the event rare, threatened or endangered plants are discovered, additional measures may be needed, which may include work stoppage, flagging and avoidance of occurrences, collection of propagation material, site restoration and/or obtaining an Incidental Take Permit (Fish and Game Code section 2081, subd., (b).)

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, section 711.4; Pub. Resources Code, section 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

Thank you for the opportunity to comment on the Project's DEIR. 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:



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Stephanie Fong

Acting Regional Manager
Bay Delta Region

ec: State Clearinghouse # 2021010166