

FINDING OF NO SIGNIFICANT IMPACT
FOR
PROPOSED AMENDMENT TO INCIDENTAL TAKE PERMIT
FOR THE SANTA CRUZ LONG-TOED SALAMANDER
AT SEASCAPE UPLANDS
SAN CRUZ COUNTY, CALIFORNIA

The U.S. Fish and Wildlife Service (Service) has prepared an environment assessment (EA) for a habitat conservation plan for the federally endangered Santa Cruz long-toed salamander on the 190-acre Seascape Upland site, located near Aptos, Santa Cruz County, California. The EA evaluates the potential environmental effects of the issuance of a section 10(a)(1)(B) permit, required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (Act), for the incidental take of Santa Cruz long-toed salamanders (*Ambystoma macrodactylum croceum*) during development of 107 lots on approximately 43 acres of the site.

The associated habitat conservation plan establishes mitigation measures to reduce the take of Santa Cruz long-toed salamanders on-site during construction and to enhance and manage 143 acres which would be established as a reserve for this species. The permit allows the take of Santa Cruz long-toed salamanders that may occur within the 43 acres where residential lots would be constructed.

PUBLIC AVAILABILITY AND PUBLIC COMMENT

The Service published Notices of Availability of an environmental assessment for the issuance of an incidental take permit for the proposed action in the Federal Register in October, 1991, and in October, 1992. Publication of the notices initiated 30-day comment periods. The notice, environmental assessment, and supporting documents were mailed to government agencies and private organizations.

The Service received four letters in response to the 1991 notice for the proposed action during the public comment period. Letters from the applicants and the biologist who conducted the survey for the Santa Cruz long-toed salamander on-site requested that the permit be issued. The County of Santa Cruz provided information regarding its review process for the proposed development, and indicated some differences could exist between biological recommendations made by the Service and the County's consultants. The County also requested that the Service defer action on the incidental take permit until the County had completed its review. The habitat conservation plan was subsequently modified to address the County's concerns.

The Service has been contacted by local citizens, the Sierra Club, and an attorney, Deborah A. Malkin, who are opposed to the issuance of an incidental take permit. In general, opponents of permit issuance contend that they did not have an opportunity to provide comments on the permit. The issues raised by opponents and the Service's response to these issues follows:

1. The Service has not designated critical habitat for the Santa Cruz long-toed salamander and incidental take permits cannot be issued absent such designation.

The Santa Cruz long-toed salamander was listed prior to the requirement to designate critical habitat at the time of listing. Service staff working with this species have not believed such a designation would provide any additional benefits to the species and have not initiated any rules to propose critical habitat. The Endangered Species Act does not prohibit the issuance of incidental take permits in the absence of critical habitat.

2. Migration tunnels under roads proposed as movement corridors for the Santa Cruz long-toed salamander may not be effective.

Although the Service initially shared this concern, one road that would have crossed migration routes of the Santa Cruz long-toed salamander has been completely eliminated from the project design. A second road has been designated as an emergency access road only. For mortality to Santa Cruz long-toed salamanders to occur on this route, an emergency would need to occur at night, during a rainstorm, and most likely in the winter, when individuals would be moving above ground. Therefore, migration tunnels under the road would not be needed on the most crucial roads and have been eliminated. Some migration tunnels would be installed in areas that are not currently considered valuable Santa Cruz long-toed salamander habitat, in the event the species becomes more common at these sites in the future.

3. Documents needed to complete a thorough review of the habitat conservation plan were unavailable to the public.

All documents were available to anyone who requested them.

4. The habitat conservation plan does not contain any provisions to ensure that Santa Cruz long-toed salamanders can migrate between the Seascape property and Valencia Lagoon.

Neither the proponents or the Service have the authority to ensure that migration routes for the Santa Cruz long-toed salamanders are secured between these locations. This issue would need to be addressed as a component of a county-wide habitat conservation plan.

5. The Service should prepare an environmental impact statement (EIS) because the project is precedent-setting because it is the first EIS for the Santa Cruz long-toed salamander and conflicts with local land use plans.

Although the habitat conservation plan would be the first for this species, the Service has participated in similar habitat conservation plans for other species. The County of Santa Cruz has approved the proposed development as it is currently designed. When the proposal was appealed to the California Coastal Commission, the Commission declined to accept the appeal. Therefore, the two agencies with local planning authority have approved the proposed action.

In summary, the Service does not believe the proposed issuance of a section 10(a)(1)(B) permit for the take of Santa Cruz long-toed salamanders at the Seascape site will have a significant effect on the human environment, because:

- 1.the loss of habitat associated with the development of 107 residential lots on 43 acres should not jeopardize the survival or recovery of the Santa Cruz long-toed salamander;
- 2.the proposed mitigation measures are adequate to reduce the loss of habitat and individual Santa Cruz long-toed salamanders from the wild population;
- 3.the impact upon populations of native species, including sensitive species, will be minimal; and
- 4.irreversible and irretrievable commitments of resources will be limited to the employee hours, supplies, and funds used to process the application for the section 10(a)(1)(B) permit.

RELATED DOCUMENTS

Thomas Reid Associates. 1994. Seascape Uplands Santa Cruz Long-toed Salamander habitat Conservation Plan, Santa Cruz County, California. Prepared for the Holcomb Corporation.

U.S. Fish and Wildlife Service. 1994. Environmental Assessment for the Seascape Uplands Habitat Conservation Plan for the Santa Cruz Long-toed Salamander. Santa Cruz County, California. Prepared by Thomas Reid Associates, Palo Alto, California. For the Fish and Wildlife Service. Ventura, California.

DETERMINATION

Based upon the information in the environmental assessment and the documents referenced above, the Service has determined that the approval of section 10(a)(1)(B) Permit PRT-749374 for take of the federally threatened Santa Cruz long-toed salamander during development of 107 lots at the Seascape site in Santa Cruz County, California, will not significantly affect the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

Date

Deputy Regional Director