

SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS (revised 8/09/2006)

I. Project Information

- A. Project name:** Tucker Pond Habitat Conservation Plan, Aptos, Santa Cruz County, California
- B. Affected species:** Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) (hereafter, SCLTS) and California red-legged frog (*Rana aurora draytonii*) (hereafter, CRLF)
- C. Project size:** 55.3 acres on a 105-acre property
- D. Brief project description:** The project includes construction of an approximately 5,000 square foot house with associated landscaping, a 3,750 caretaker house over a single level garage, a 2,000 square foot barn, septic systems, a swimming pool, and vineyards or other intensive horticultural areas on 15 acres of the property. The developable portion of the site is located on a 96.1-acre parcel of the property, is composed of mostly grassland that is not considered to provide estivation (defined as summer inactivity, USFWS 1999) habitat for the Santa Cruz long-toed salamander (SCLTS). A separate 8.8-acre parcel of land located off of the main driveway of Freedom Boulevard may also be available for a residential use in the future. Development on the 8.8-acre site would be limited to 1.5 acres with the remaining 7.3 acres left undeveloped. The 8.8-acre site is composed of mixed and annual grassland, and coastal and coyote brush scrub. Approximately 38.8 acres of the site, comprised primarily of coast live oak woodland and including Tucker Pond, will not be developed and will be placed under a Conservation Easement to preserve habitat for the SCLTS.

E. Minimization and Mitigation Plans

The primary minimization measure is to site the development on grassland and other open habitat that does not provide estivation habitat for the SCLTS. Although SCLTS are expected to pass through or around the development after it is built. The following measures will be performed to reduce the possibility of take prior and during construction:

- (1) Vegetation removal will be minimized and restricted to areas needed for the construction of buildings, yard, the driveway and utilities. If the SCLTS and CRLF are observed incidentally during vegetation removal activities, they will be relocated to the nearest appropriate habitat by a qualified biologist.
- (2) The entire construction site, including lay-down and storage areas, shall be enclosed with temporary fencing (high visibility orange fencing or similar material) to define the work area and reduce unnecessary disturbance to native habitat.

(3) Prior to the start of construction, a worker education program will be presented at the project site by a qualified biologist. Onsite construction managers must attend and are responsible for passing on the information to workers. At every seminar, written material will be distributed. It will be the onsite manager's responsibility to ensure that all construction personnel and subcontractors receive a copy of the education program. All personnel must sign and date their program, keep a copy onsite and submit a signed form to document the training they received. The education program will include a description of the SCLTS and CRLF and their habitat, the general provisions of the Endangered Species Act, the necessity of adhering to the Act to avoid penalty, measures implemented to avoid affecting species specific to the project and the work boundaries of the project. If construction personnel observe and SCLTS or CRLF it shall be avoided and a qualified biologist contacted immediately to move it to the nearest appropriate habitat out-of-harm's way.

(4) Existing debris piles within the developable area will be removed by hand with a biological monitor present. Any SCLTS will be relocated to the nearest appropriate habitat.

(5) Surface disturbing activities (site preparation and grading) will be restricted to the dry season which generally runs from April 15 through October 15. This is in accordance with the County of Santa Cruz grading ordinance.

Long-term Conservation Strategy: The landowner shall establish a permanent Conservation Easement on approximately 38.8 acres of the property, which includes the breeding pond and surrounding upland refugia for the SCLTS and CRLF. The easement area will be managed in perpetuity for the long-term protection of the breeding pond and adjacent upland habitat. Measures to be carried out in the easement include population monitoring and exotic pest species control, primarily bullfrog and pest plant removal. To enhance the quality of the breeding pond, bullfrogs will be managed primarily by draining the pond in the fall to break the bullfrog reproductive cycle. Eradication of sub-adult and adult bullfrogs will also be performed initially and incidentally during species monitoring studies. Annual pest plant removal will target pampas grass and French broom and will contain existing eucalyptus such that they will not spread. These efforts will ensure that the upland provides appropriate estivation habitat for the SCLTS in perpetuity. Funding for all mitigation and monitoring will be provided by the landowner and long-term funding will be guaranteed with a letter-of-credit.

II. Does the HCP fit the low-effect criteria in the HCP Handbook?

- A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the mitigation plan?**

Yes. Wildlife biologist Dana Bland conducted a SCLTS trapping survey on the property in the winter 2001-02 season and at that time assessed the value of the habitats found on the property. In her report she stated, "The purpose of this study was to determine the presence or absence of Santa Cruz long-toed salamanders at the Tucker-Madigan pond. The study showed that there is a robust population of salamanders breeding at this pond during winter 2001-02. The high quality of upland habitat immediately adjacent to the pond and the integrity of the upland and dispersal corridor habitats throughout the property certainly contribute to the success of this population. There are also large areas on this property that are not critical to the continued success of this population. These areas are dry grassland, orchard, and coyote brush scrub, which do not provide suitable upland refugia for the salamander" (Bland, 2002). The proposed construction project lies entirely within these dry grassland, orchard, and coyote brush scrub vegetation types, where Santa Cruz long-toed salamanders are not expected to shelter. Biologists do not know how many SCLTS may pass through the proposed building area to reach appropriate upland further east and northeast. However, the proposed building site occurs approximately 800 feet away from Tucker Pond, and while this is within dispersal distance of Santa Cruz long-toed salamanders utilizing the pond, approximately 38.8 acres of suitable upland sheltering habitat (i.e., oak woodland) occurs in the immediate vicinity of the pond; it is likely that a substantial proportion of Santa Cruz long-toed salamanders from Tucker Pond utilize these woodland areas. Therefore, effects of the project on the SCLTS are minor and negligible because no sheltering habitat for Santa Cruz long-toed salamanders will be removed, there is abundant oak woodland in the vicinity of Tucker Pond, and the proposed project site is located at least 800 feet from Tucker Pond.

Locally, very few CRLF breeding ponds are known. CRLFs breed at the Millsap Pond located approximately 1 mile to the southeast and inhabit portions of Harkins Slough near the Calabasas Pond in Larkin Valley (Allaback and Laabs, pers. observ.; Amelia Orton-Palmer 2001). CRLFs were not found during the Bland study, although a focused study for CRLFs was not performed. The presence of bullfrogs reduces habitat quality but does not necessarily preclude use of the site by CRLFs (Allaback, 2002). No project impacts to CRLFs are expected because the frogs are not expected to be present in dry grasslands where the project will be built (Bland, May 2002). It is unlikely that the project will affect movements of CRLFs, if they are present or colonize the site in the future, because the project site does not occur between Millsap Pond, where CRLF are known to occur, and Tucker Pond, where CRLF have not been documented. In addition, the project will not remove suitable sheltering habitat for the CRLF. For these reasons effects are expected to be minor or negligible.

- B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity,**

socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the mitigation plan?

Air Quality. No impacts on air quality are expected due to the nature of the project, the construction of a single-family home. The proposed project does not contain any features that would alter air movement, moisture, temperature, or cause any change in climate. No odors would be created. Any dust generated during construction of the project would be suppressed by wetting the dry soil to prevent airborne dispersal. Grading activities are expected to last only a few weeks during summer months. The project will be subject to review by the County of Santa Cruz during permit review. The project must comply with all County and State guidelines pertaining to the protection of air and other resources. Effects of the proposed project on air quality are expected to be minor and negligible because of its rural setting, small scope, and short-term impacts.

Geology and Soils. Impacts on geology and soils are expected to be minor as a result of the strict requirements of the County of Santa Cruz Planning and Building Department. As part of the processing of a grading permit from the County of Santa Cruz, the applicant (Doug Ross) must submit details grading plans and supporting reports that show that the project will:

- Comply with design standards contained in the County grading ordinance. These technical standards cover slope angles, fill placement, road standards and related issues.
- Be designed to maintain the natural contours of the site and minimize grading to the greatest degree possible.
- Be in conformance with the County Erosion Control Ordinance. This ordinance contains standards which prohibit obstruction of natural drainage courses and which generally prohibit the construction of new roads over 30 percent. This ordinance also requires erosion to be controlled at all times and requires preparation of a specific erosion control plan. Grading is not generally approved during the rainy season, October 15 to April 15.

In addition to following this criteria, the footprint of the project is relatively small (16.5 acres on the 99-acre property), therefore the effects of the project on geology and soils is expected to be small.

Water Quality and Quantity. As mentioned above, the County of Santa Cruz has strict requirements for controlling erosion and preventing impacts to waterways during development. The County requires development projects to:

- Retain runoff on site by filtering it back onto the soil whenever possible and always where percolation rates are 2" per hour or more. If retention is not possible the runoff should be collected using water collection devices and then released in a controlled fashion into pipes or lined ditches.

- Use energy dissipators to prevent heavy flow of runoff.
- Never pile soil where it may wash into streams or drainage ways.
- Use berms or swales to divert runoff away from sensitive areas such as unstable soils or water features (such as ponds, streams, rivers).
- Revegetate areas quickly to protect exposed soil.

The Ross residence will be subject to careful review by the County of Santa Cruz during processing of the County grading and building permits. The fact that the project is located in a County designated sensitive habitat area will heighten the review process especially as it pertains to the potential for degrading onsite and nearby waters and wetlands

The Ross residence will include a small vineyard and ornamental landscaped areas which will be located well away from the pond (over 1,000 feet) and will be buffered from the pond by natural vegetation. Although the vineyard will not be a true organic vineyard, the Ross family will minimize the use of pesticides and other chemicals to only those needed to manage a particular problem and only when no other "non chemical" option has worked or is available. The vineyard will be maintained using standard best management practices (BMPs) for agricultural and horticultural uses. Such BMPs include:

- Make sure that the right varieties are being planted for the climate and the area.
- Choose pest and disease resistant varieties.
- Prepare the soil properly before planting-adding nutrients as needed.
- Irrigate slowly to prevent runoff or remove pests before resorting to chemicals.
- Physically or mechanically prevent or remove pests before resorting to chemicals.
- Be realistic about achieving an insect and weed-free landscape. Some amount of pests may be tolerable.
- Consider the use of predators or beneficials. The most common natural enemies of various insects are spiders, ladybugs, lacewings, larvae of syrphid flies and parasitic wasps. All of these predators can occur naturally in the landscape when pesticides sprays are not used or are kept to a minimum.

If pesticides must be used, the following Best Management Practices will be implemented to assure that off-site resources are not affected by their use:

- Read the label carefully to make sure that the pesticides is the appropriate product for the job and the site.
- Select the least hazardous pesticide that will do the job.
- Use the lowest effective rate of application.
- Only apply pesticides when wind speeds are low.
- Use the lowest operating pressures and largest nozzles practical to help reduce possibility of drift.
- Consider the weather predictions for heavy rainfall and do not treat within 24

hours of rain.

- Be aware of the potential for contamination of waterways and storm drains. Leave at least a 500-foot buffer zone between the area being treated and any sensitive sites, such as the pond.

The Ross family plans to have horses on the property for personal recreational use only. There will be a barn, small pasture and vaulting arena within the 15-acre residential site. The Ross family intends to follow BMPs to manage the horses and associated horse facilities, including:

- Wastewater from animal washing can contain soap, surfactants, pesticides, and other chemicals, as well as urine and organic matter. Animal wash water should not be allowed to drain directly into watercourses. If animal wash water is commingled with clean run-off water, the water should not drain directly into watercourses. The preferred method to dispose of animal wash water is to drain it into a septic system or dry well. The Ross Family intends to use a dry well.
- Arenas and riding rings are fenced or unfenced broad, flat areas for exercising and training horses. Typically they are not vegetated and their surface is sand or mulched soil that is periodically raked or tilled to keep smooth and soft. Arenas and riding rings do not need to be cleaned of manure provided the manure is periodically incorporated into the soil and at no time could wash into a watercourse. Arenas and riding rings should be located at least 50 feet from any watercourse. This minimum distance is a buffer to protect the water quality of the watercourses. The Ross family horse facilities are more than 500 feet from the pond.
- Because heavily used feeding areas lack vegetation and manure is likely to accumulate, animals shall not be fed within 50 feet of a watercourse.
- Bins and stockpiles are containers and piles used to collect animal waste. Bins may include but not be limited to a covered box, a concrete shed, and trash containers. Stockpiles include but are not limited to piles of animal waste, compost, wood shavings, sand, and soil.
- Bins and stockpiles should be located as far as possible and feasible from watercourses, but not less than 150 feet. Distances may vary site by site due to topography, vegetated buffers, physical barriers, and diversions that may exist. Bins and stockpiles should not be located in areas subject to frequent flooding regardless of distance from watercourses.
- Removal of animal waste from the property is in most cases the best disposal option. Stockpiles and bins should be removed or emptied before the containment

capacity is exceeded or before offensive, obnoxious, or unsanitary conditions develop.

- Animal manure and compost can be applied on pastures, reused as a crop nutrient or soil amendment, and reused as a base for trails, courses, and arenas except within 50 feet of watercourses. In all cases the applied materials should not move into watercourses and water should not run off the applied areas into watercourses. Vegetated buffer strips between the applied area and the watercourse is the most reliable method to assure water quality is protected.
- If manure or compost is to be spread on crop fields it should be incorporated into the soil immediately to avoid impacts on rain and/or irrigation water that may run off the applied fields. Under no circumstances should manure or compost be spread where the area is subject to frequent flooding regardless of distance from watercourses.

The requirements of the County of Santa Cruz for preventing erosion and maintaining good water quality as well as the use of BMPs for maintenance of the vineyard, ornamental landscaping, and for horse management will assure that the pond water quality and the surrounding uplands will not be impacted by the development and ongoing use of the Ross residence.

Before 1976, a small seasonal pond existed on the property due to natural drainage and topography. In 1976, the Tucker family drilled a well, installed a water system, raised the outlet barrier with an earthen berm, and the small pond expanded to its current size and became perennial. The well is certified by the State of California as the Freedom Mutual Water Company, pumps at a rate of 350 gallons of water per minute, and serves Jim Tucker's property on 1150 Redwood Heights Road, a private residence located at 5805 Freedom Blvd. The well will also serve the Ross residence. The project effects on water quantity are expected to be minor and negligible because this source of water contains sufficient water, the well requires periodic State certification, the Ross's have proposed Best Management Practices to conserve water use, and water drains and collects naturally in the swale on the western portion of the Ross Property, which forms Tucker Pond.

Cultural Resources. There are no known cultural resources present on the project site, therefore, impacts to cultural resources are not anticipated to occur. If, during the course of development, any archeological, historical, or paleontological resources are uncovered, discovered, or otherwise detected or observed, construction activities in the affected area shall cease and a qualified archeologist shall be contacted to review the site and advise the applicants and the County of Santa Cruz as to significance of the site.

Land Use. The established land use on the project and in the project vicinity is low density residential. The Ross residence will be consistent with the zoning and general plan designation for the site and as such will have negligible effects on land uses and the

socio-economic environment of the area. Effects of the project on land use are negligible because the applicant will follow building permit requirements of County of Santa Cruz, the County, which include:

- Be consistent with the Zoning Plan, General Plan, and all County ordinances.
- Will not be detrimental to the public or to property in the neighborhood.
- Will not generate too much traffic, overload utilities, or waste energy.
- Will harmonize with existing land uses and densities of the neighborhood.

C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?

It is likely that this HCP would result in net benefits to environmental resources through the establishment of a 38.8-acre conservation easement and management of the easement for the biotic resources, in particular the SCLTS and CRLF. The species will benefit by having a long-term privately funded management plan in place for the pond and surrounding upland refugia and for continued monitoring and management of the species and their habitat. No significant cumulative effects are expected to result from the proposed project given the limited extent of vegetation that would be affected. Development would only occur on as much as 16.5 acres of the 105-acre site which comprises grassland, orchard and coyote-bush scrub vegetation. The remaining 88.5 acres of the property consists primarily of oak woodland and coastal scrub vegetation, supports a pond; approximately 38.8 acres, including oak woodland, coastal scrub, and a pond, would be protected through a conservation easement.

Considered alone or together with other projects, this development is not expected to result in significant cumulative environmental effects. The proposed project is a single-home development project and conservation easement established within an area zoned for development. The surrounding area is already in existing, permitted development and development of the project site would be a minor addition to any perceivable environmental effect of the total development, and would not remove any oak woodland or affect the SCLTS breeding pond.

Historically, habitat for the SCLTS has been lost as a result of conversion of ponds and upland habitat during urbanization, in the form of road, highway, and housing development, and agriculture. Historically, the highest quality habitat for the Santa Cruz long-toed salamander occurred in areas in south coastal Santa Cruz and north coastal Monterey counties with oak woodland upland and ephemeral ponds. Likewise, habitat for the California red-legged frog has been lost due to urbanization and agriculture. Today, many of these areas of suitable breeding and upland habitat for both species are interspersed with human residential and

agricultural development. At present, populations of both listed species continue to persist in and among rural residential development and agriculture.

This HCP would not cumulatively contribute negative effects to resources that may be affected by other existing HCP's. The Seascope Uplands HCP, which includes approximately 130 acres as a SCLTS preserve (Seascope Uplands Preserve), is situated 3 miles to the southwest on the west side of Highway 1. The proposed Willow Canyon HCP for the SCLTS is a 65-acre property situated immediately north and adjacent to the Seascope Preserve.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (from 516 DM 2.3, Appendix 2)

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety?

No. The public will not be allowed access to the easement area. As described above, impacts to air quality would be negligible and no impacts to water quality are expected, resulting in no impacts to public health or safety.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

As mentioned in previous sections above, the Applicant (Doug Ross) will implement all of the necessary measures to protect the pond from any adverse impacts resulting from the development of the Ross residence, as well as from the ongoing use of the property by the Ross family. The County will require detailed grading plans and erosion control plans of the site before approving County permits. Management of the vineyard will incorporate the use of best management practices as listed above, and the establishment of the conservation easement will maintain the viability of the pond and important surrounding oak woodland uplands. The oak woodlands on the property will not be impacted because none will be removed as a result of the proposed project. No adverse effects are expected to Tucker Pond, located on the property. Tucker pond will not be used as a water source for the Ross residence, vineyard, horse facility, or any other facility or activity on the property. Erosion will not be a factor due to the distance of the pond from the development footprint. The applicant plans to preserve and manage the pond in its natural state.

All grading and construction pertaining to the Ross residence will be contained in a well-defined area onsite and thus no off-site unique geographic resources will be affected.

C. Have highly controversial environmental effects?

No. The landowner plans to set aside approximately 38.8 acres of the site and maintain it as habitat through a conservation easement. The construction of the residence is being done in accordance with planning laws and regulations of the County of Santa Cruz. The project site is zoned for the use proposed.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. There are no significant environmental risks associated with development of the residence and ancillary facilities. The vineyard will be managed without the use of pesticides and fertilizers that could impact the adjacent conservation easement areas. The drainage and septic systems will be constructed and operated in accordance with building codes and regulations of the County of Santa Cruz.

The management of the site for biotic resources will be done using environmentally safe methods such as the safe use of legal herbicides for weed control, and using hand labor.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. Future actions would be reviewed on their own merits. Implementation of the HCP is expected to involve the use of routine management methods to protect and maintain habitat for the biotic resources, particularly the SCLTS and CRLF. Biotic resources on the site are expected to benefit from the HCP.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. Implementation of the HCP is not directly related to other actions with significant cumulative environmental effects. This project will not contribute to cumulative environmental impacts and in fact is intended to protect and manage breeding and upland habitat of the SCLTS. Without the active management associated with the approval of the project and HCP, the SCLTS habitat may remain static or be reduced. See I. C. above.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No, none are present on the property.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No. As indicated in Section I.A, the project is expected to have only minor effects on the SCLTS and no impacts on the CRLF. The project will result in a net benefit as a result of the commitment for long-term management for both species.

Critical habitat for the Santa Cruz long-toed salamander was proposed in 1978 (43 Federal Register 26759); the proposal was withdrawn in 1979 (44 Federal Register 12382). Critical habitat for the California red-legged frog was designated April 13, 2006 (71 FR 19244). The proposed project site does not occur within designated critical habitat for the California red-legged frog, and thus will not have adverse effects on critical habitat for the California red-legged frog.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. Wetlands present on the property will be protected and managed under the HCP.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. The Applicant is assuring that the project complies with all Federal, state and local laws and regulations. In particular, the California Department of Fish and Game will be consulted regarding the SCLTS, which is a state listed endangered species and a state designated fully-protected species. The County of Santa Cruz will be assuring that the project complies with the California Environmental Quality Act.

REFERENCES:

- Bland, D. 2001. Biotic Report for the Tucker-Madigan Property, APN 108-011-19, Freedom Boulevard, Santa Cruz County, CA, by Biotic Resources Group with Dana Bland, October 31, 2001.
- Bland, D. 2002. Pitfall Trapping Study For SCLTS at the Tucker-Madigan Property in Aptos, by Dana Bland and Associates, May 2002.

House Agricultural Consultants. 1999. Standard Best Management Practices for Horse and Agricultural Uses, a report prepared for the Stanford Management Company by House Agricultural Consultants, July 1999.

Santa Cruz County Website Planning Department, Grading and Erosion Control Requirements. See URL: www.co.santa-cruz.ca.us/planning/grading.htm and www.co.santa-cruz.ca.us/planning/erosion.htm

Tucker Pond Habitat Conservation Plan, Preliminary Draft, by Thomas Reid Associates and BioSearch Associates, August 9, 2006.

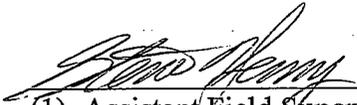
U.S. Fish and Wildlife Service. 1999. Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) draft revised recovery plan. U.S. Fish and Wildlife Service, Portland, Oregon. Vi.+82 pp.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Tucker Pond HCP, Santa Cruz County, California, qualifies as a "Low Effect" HCP as defined in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Therefore this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents (list): Tucker Pond Habitat Conservation Plan and NHPA Section 106 Compliance memo from the U.S. Fish and Wildlife Service Region 1 archaeologist.

Concurrence:



(1) Assistant Field Supervisor

3/2/07
Date



(2) Field Supervisor

3/2/07
Date