



COUNTY OF SANTA CRUZ

FISH AND WILDLIFE ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060
(831) 454-3154 FAX: (831) 454-3128

AGENDA

May 2, 2019

7:00 PM

Fifth Floor Conference Room, Room 520, 701 Ocean Street

PLEASE NOTE: Outside doors will be open 6:45-7:30 and then locked for security.

Please arrive during this time.

Staff can be contacted at 831-227-7404, but may not be available to answer the call during the meeting.

1. CALL TO ORDER
2. ROLL CALL and introduction of new commissioners Hoffman (District 3) and Gómez (District 5)
3. APPROVAL OF MINUTES
4. PUBLIC COMMENTS
5. BUSINESS MATTERS
 - A. Discuss idea of expanding Significant Tree Ordinance outside the Coastal Zone
 - i) Commissioners' Discussion (20 minutes)
 - ii) Public Comments (10 minutes)
 - iii) Summary and Decisions (10 minutes)
 - B. Review 2019 work plan (15 minutes)
 - C. Discuss biennial meeting with the Commission on the Environment and the Water Advisory Commission (5 minutes)
 - D. Elect Chair and Vice-Chair for term starting July 1, 2019 (10 minutes)
 - E. Update on Fish and Game Propagation Fund (5 minutes)
 - F. Discuss June agenda (5 minutes)
6. STAFF REPORTS/ANNOUNCEMENTS (10 minutes)
7. PRESENTATIONS AND ANNOUNCEMENTS BY COMMISSIONERS (15 minutes) – *start 8:45 pm*
8. CORRESPONDENCE
 - A. Comments from David Kossack regarding City of Santa Cruz Watershed Property
 - B. Comment from David Kossack regarding CEMEX property re-use
 - C. Notice of proposed regulatory actions regarding Mammal Hunting Regulations
 - D. Notice of receipt of petition to list San Bernadino kangaroo rat as endangered
9. ADJOURNMENT

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Planning Department Conference Room is located in an accessible facility. If you are a person with a disability and require special assistance in order to participate in the meeting, please contact Kristen Kittleson at (831)454-3154 or TDD number (454-2123) at least 72 hours in advance of the meeting in order to make arrangements. Persons with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those affected, please attend the meeting smoke and scent free.



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Meeting Minutes March 7, 2019

1. CALL TO ORDER – 7:03 pm
2. ROLL CALL

Staff announced that Commissioner Johnson resigned today.

Present: Commissioners Berry, Robin, Baron, Lee, Wise, Freeman

Excused: Frediani, Cooley

Absent: none

Guests included David Kossack, San Andreas Land Conservancy, Becky Steinbruner, Aptos citizen, Paul Norcutt, Valley Womens Club and Jane Mio, Sierra Club;

3. APPROVAL OF MINUTES – Commissioner Wise made a motion to approve the minutes; Commissioner Lee seconded the motion. All aye; minutes approved

4. PUBLIC COMMENTS

Becky Steinbruner stated that she is continuing to pursue legal action against Pure Water Soquel for environmental concerns.

5. BUSINESS MATTERS

- A. John Ricker, Water Resources Division Director gave a presentation on the County Strategic Plan. The County is creating a 6-year strategic plan that will coincide with three 2-year operational budgets. The Strategic Plan will be constructed with tiers that include 16 Focus Areas, each with 4 goals, then objectives and specific projects and initiatives. One of the goals is to align spending with strategic plan priorities. Staff will notify commissioners when the objectives are completed and they can comment at vision@santacruzcounty.us.
- B. Discuss 2019 work plan. Commissioners had a constructive discussion about a 2019 work plan that would reflect priorities and interests while allowing flexibility for new topics. The Commission reviewed a list of topics compiled from recent topics and discussions from Fall 2018. There was interest in creating “buckets” for topics such as high, medium, low priority or Action, Monitor, Education or Report. For the May agenda, the commission will discuss expanding the Significant Tree Ordinance outside the coastal zone, the Public Grants Program including 2019 process and guidelines for accepting urgent requests. Public Comments included recommending wildfire safety and the Cemex re-use plan. Staff will prepare a revised list of topics.
- C. Discuss biennial meeting with the Commission on the Environment and the Water Advisory Commission. Commission representatives had a phone conference and have tentatively selected riparian corridor conservation as the topic for a 2019 meeting. Commissioner Robin suggested homeless encampments near waterbodies as an alternative topic. There was interest in more discussion about identifying the specific goals of the meeting and how to structure the meeting to meet those goals. Commissioner Lee proposed creating a facilitated workshop to boost productivity of the meeting and offered to join the tri-commission committee with Chair Berry.
- D. Monterey Bay Salmon and Trout Project Request for Funding. Commissioner Lee made a motion to approve the \$400 in funding for the MBSTP; Commissioner Baron seconded the motion. All aye; the motion passed. Commissioner Wise may be able to help the MBSTP secure some of the equipment through West Marine. Commissioner Freeman suggested that funding outside of the Public Grants

Program could be reserved for time-constrained actions necessary for rare, threatened or endangered species.

- E. Update and discussion of PG & E's Community Wildfire Safety Program. Staff did not have new information to present. Paul Norcutt, Valley Women's Club, provided information about pushing PG & E to spend more on installing insulated lines and fault interrupters instead of using tree cutting for managing fire risk. PG & E's approach assumes that trees are the problem, where there is evidence that dry grasses below the lines create more risk. Vegetation management that eliminates trees in favor of dry grasses does not make sense as a long-term strategy for controlling wildfire risk.
6. **PRESENTATIONS AND ANNOUNCEMENTS BY COMMISSIONERS**. Commissioner Freeman reported that UCSC will have their annual free Climate Change forum on April 11 at the Rio. There was interest in acknowledging Commissioner Rogers contribution to the commission over many years.
7. **STAFF REPORTS/ANNOUNCEMENTS**. none
8. **ADJOURNMENT**. Commissioner Robin made a motion to adjourn; Commissioner Wise seconded the motion. All aye; motion passed.

Chapter 16.34
SIGNIFICANT TREES PROTECTION

Sections:

16.34.010 Purpose.

16.34.015 Scope.

16.34.020 Amendment.

16.34.030 Definitions.

16.34.040 Permit required.

16.34.050 Application and fee.

16.34.060 Required findings.

16.34.065 Approvals.

16.34.070 Conditions of approval.

16.34.080 Emergencies.

16.34.090 Exemptions.

16.34.100 *Repealed.*

16.34.105 Violations.

16.34.110 Enforcement penalties, remedies and procedures for violations.

16.34.120 Appeals.

16.34.130 Expiration.

16.34.140 Amendment.

16.34.010 Purpose.

(A) The Board of Supervisors of Santa Cruz County finds that the trees and forest communities located within the County's Coastal Zone are a valuable resource. Removal of significant trees could reduce scenic beauty and the attractiveness of the area to residents and visitors.

(B) The Board of Supervisors further finds that the preservation of significant trees and forest communities on private and public property is necessary to protect and enhance the County's natural beauty, property values, and tourist industry. The enactment of this chapter is necessary to promote the public health, safety, and general welfare of the County, while recognizing individual rights to develop, maintain, and enjoy the use of private property to the fullest possible extent. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.015 Scope.

This chapter regulates the removal of trees in the Coastal Zone when not included in the provisions of a discretionary permit. This chapter establishes the type of trees to be protected, the circumstances under which they may be removed, and the procedures for obtaining a permit for their removal. The provisions of this chapter apply to all persons as defined herein; they also establish standards applicable to tree cutting activities of public agencies required to obtain a Coastal Zone permit pursuant to Chapter [13.20](#) SCCC. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.020 Amendment.

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When an ordinance revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of Chapter [13.03](#) SCCC and shall be subject to approval by the California Coastal Commission. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.030 Definitions.

All terms used in this chapter shall be as defined in the General Plan and Local Coastal Program Land Use Plan glossaries and as follows:

“Coastal Zone” means that unincorporated area of the County of Santa Cruz as defined by the California Coastal Act of 1976, Division 20 of the California Public Resources Code. This area is identified on the General Plan and Local Coastal Program Land Use Plan maps.

“Diameter at breast height (d.b.h.)” means the average diameter of a tree outside the bark at a point four and one-half feet above the highest level ground.

“Person” means any individual, group, firm, organization, association, limited liability company, or other business association, corporation, including any utility, partnership, business, trust company, special district or public agency thereof, or other party, or as specified in Section [53090](#) of the California Government Code; or the State or a State agency or city when not engaged in a sovereign activity.

Where a coastal development permit is required pursuant to Chapter [13.20](#) SCCC, State and Federal agencies may be required to comply with various provisions of this chapter as a condition of the coastal development permit.

“Planning Director” means the Director of the Planning Department or his or her authorized designee charged with the administration and enforcement of this chapter.

“Significant tree,” for the purposes of this chapter, shall include any tree, sprout clump, or group of trees, as follows:

(A) Within the urban services line or rural services line, any tree which is equal to or greater than 20 inches d.b.h. (approximately five feet in circumference); any sprout clump of five or more stems each of which is greater than 12 inches d.b.h. (approximately three feet in circumference); or any group consisting of five or more trees on one parcel, each of which is greater than 12 inches d.b.h. (approximately three feet in circumference).

(B) Outside the urban services line or rural services line, where visible from a scenic road, any beach, or within a designated scenic resource area, any tree which is equal to or greater than 40 inches d.b.h. (approximately 10 feet in circumference); any sprout clump of five or more stems, each of which is greater than 20 inches d.b.h. (approximately five feet in circumference); or, any group consisting of 10 or more trees on one parcel, each greater than 20 inches d.b.h. (approximately five feet in circumference).

(C) Any tree located in a sensitive habitat as defined in Chapter [16.32](#) SCCC. Also see SCCC [16.34.090\(C\)](#), exemption of projects with other permits.

“Significant tree removal permit” means a permit issued pursuant to the provisions of this chapter.

“Sprout clump” means individual stems arising from one root collar and sharing a common root system. [Ord. 5182 § 14, 2014; Ord. 4346 §§ 73, 74, 1994; Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.040 Permit required.

Except for those exempt activities as enumerated in SCCC [16.34.090](#), no person shall do, cause, permit, aid, abet, suffer, or furnish equipment or labor to remove, cut down, or trim more than one-third of the green foliage of, poison, or otherwise kill or destroy any significant tree as defined in this chapter within the Coastal Zone until a significant tree removal approval for the project has been obtained pursuant to Chapter [18.10](#) SCCC, Level II. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.050 Application and fee.

Applications for significant tree removal approvals granted pursuant to this chapter shall be made in accordance with the requirements of Chapter [18.10](#) SCCC, Level II, and shall include the following:

- (A) Applicant's or authorized representative's name, address, and telephone number.
- (B) Property Description. The description of the site(s) involved, including the street address, if any, and the assessor's parcel number.
- (C) Required Information. The following information shall be provided in writing:
 - (1) A site plan sufficient to identify and locate the trees to be removed, other trees, buildings, proposed buildings, and other improvements.
 - (2) A description of the species, circumference or diameter at breast height, estimated height, and general health of the tree(s) to be removed.
 - (3) A description of the method to be used in removing the tree(s).
 - (4) Reason(s) for removal of the tree(s).
 - (5) Proposed visual impact mitigation measures as appropriate. Size, location, and species of replacement trees, if any, shall be indicated on the site plan.
- (D) Applicant's Property Interest. Evidence that the applicant is the owner or purchaser under contract of the premises involved, is the owner of a leasehold interest, or has written permission of the owner to make the application.
- (E) Further Information. Such further information as may be required by the Planning Director, including but not limited to the opinion of a registered professional forester, tree surgeon, or other qualified expert.
- (F) Filing Fee. A filing fee, set by resolution of the Board of Supervisors, shall accompany the application. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.060 Required findings.

One or more of the following findings shall be made prior to granting approvals pursuant to this chapter in addition to the findings required for the issuance of a development permit in accordance with Chapter [18.10](#) SCCC:

- (A) That the significant tree is dead or is likely to promote the spread of insects or disease.

- (B) That removal is necessary to protect health, safety, and welfare.
- (C) That removal of a nonnative tree is part of a plan approved by the County to restore native vegetation and landscaping to an area.
- (D) That removal will not involve a risk of adverse environmental impacts such as degrading scenic resources.
- (E) That removal is necessary for operation of active or passive solar facilities, and that mitigation of visual impacts will be provided.
- (F) That removal is necessary in conjunction with another permit to allow the property owner an economic use of the property consistent with the land use designation of the Local Coastal Program Land Use Plan.
- (G) That removal is part of a project involving selective harvesting for the purpose of enhancing the visual qualities of the landscape or for opening up the display of important views from public places.
- (H) That removal is necessary for new or existing agricultural purposes consistent with other County policies and that mitigation of visual impacts will be provided. Also see SCCC [16.34.090\(D\)](#), exemption of tree crops. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.065 Approvals.

Significant tree removal applications shall be processed according to Chapter [18.10](#) SCCC, Level II. Approvals shall be granted by the Planning Director or his designee. Notices of actions taken pursuant to this chapter shall be in accordance with Chapter [18.10](#) SCCC. [Ord. 3443 § 1, 1983].

16.34.070 Conditions of approval.

In granting any permit as provided herein, the Planning Director may attach reasonable conditions to mitigate visual impacts and ensure compliance with the provisions of this chapter, including but not limited to replacement of trees removed with trees acceptable to the Planning Director. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.080 Emergencies.

In the case of emergency caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions of this article, except that the person responsible for cutting or removal of the tree shall report such action to the Planning Director within 10 working days thereafter. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.090 Exemptions.

The following work is exempted from all provisions of this chapter:

- (A) Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practices Act of 1973 (commencing with Section 4511).
- (B) Any activity done pursuant to a valid timber harvest permit, or a notice of timber harvesting, approved pursuant to Chapter [16.52](#) SCCC.
- (C) Any tree removal authorized pursuant to a valid discretionary permit approved pursuant to Chapter [13.10](#) (Zoning Regulations), Chapter [13.20](#) (Coastal Zone Regulations), Chapter [14.01](#) (Subdivision Regulations), Chapter [16.20](#) (Grading Regulations), Chapter [16.22](#) (Erosion Control), Chapter [16.30](#) (Riparian Corridor and Wetlands Protection), Chapter [16.32](#) (Sensitive Habitat Protection), or Chapter [16.54](#) SCCC (Mining Regulations).
- (D) Removal of tree crops pursuant to agricultural operations. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.100 Inspection.

Repealed by Ord. 4392A. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.105 Violations.

- (A) It shall be unlawful for any person to do, cause, permit, aid, abet or furnish equipment or labor to remove, cut down, trim more than one-third of the foliage of, poison, or otherwise kill or destroy any significant tree as defined in SCCC [16.34.030](#) within the Coastal Zone unless: (1) a development permit has been obtained and is in effect which authorizes such activity; or (2) the activity is exempt from the requirement for such a permit by reason of the provisions of SCCC [16.34.090](#); or (3) there was an emergency caused by the hazardous or dangerous condition of the tree which required the action to be taken immediately for the safety of life or property.
- (B) It shall be unlawful for any person to exercise any development permit which authorizes actions affecting significant trees without complying with all of the conditions of such permit. [Ord. 3451-A § 24, 1983].

16.34.110 Enforcement penalties, remedies and procedures for violations.

Any violation of any provision of this chapter shall be subject to the enforcement penalties, remedies, and procedures set forth in SCCC Title [19](#), Enforcement of Land Use Regulations. [Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.120 Appeals.

All appeals of actions taken pursuant to the provisions of this chapter shall be made in conformance with the procedures set forth in Chapter [18.10](#) SCCC; provided, however, that code enforcement actions and decisions are not subject to administrative appeal except for appeals of revocation of permits pursuant to SCCC [18.10.136](#)(C). [Ord. 4392A § 13, 1996; Ord. 3443 § 1, 1983; Ord. 3341 § 1, 1982].

16.34.130 Expiration.

Unless otherwise specified, approvals issued pursuant to this chapter shall expire one year from the date of issuance if not exercised. Where approvals are issued in conjunction with a development permit granted pursuant to Chapter [18.10](#) SCCC, the approval shall expire in accordance with the provisions of Chapter [18.10](#) SCCC. [Ord. 3443 § 1, 1983].

16.34.140 Amendment.

Amendments to approvals granted pursuant to this chapter, whether for change of project, conditions, or expiration date or other time limits, shall be processed in accordance with the provisions of Chapter [18.10](#) SCCC. [Ord. 3443 § 1, 1983].

Fish and Wildlife Advisory Commission

2019 Work Plan Ideas – from March 7 meeting - DRAFT

HIGH PRIORITY

Public Grants Program – (all, especially Wise, Lee).

Action – Discuss Public Grants process and release RFP sooner to allow more time to distribute

Action - Create criteria for considering urgent funding requests

Monitor code enforcement and Fish and Game Propagation Fund

Expand Significant Tree Ordinance outside Coastal Zone

Action - Discuss at May 2019 to consider including this topic in work plan

Land and open space conservation and management – (Wise, Freeman)

Learn about Cotoni-Coast Dairies and San Vicente Redwoods public access

Monitor Cotoni-Coast Dairies and San Vicente Redwoods public access process

Learn about Cotoni-Coast Dairies and San Vicente Redwoods forestry management

Learn about how conservation easements are being used in County

Learn about how much open space is in the County

PG & E's Community Wildlife Safety Program

Monitor Program, County and public response

Riparian corridor enhancement

Monitor progress on County efforts to develop a Riparian Corridor Enhancement Program

Action support riparian corridor enhancement when appropriate

Monarch butterfly conservation

Learn more about monarch butterfly conservation and planting milkweed in coastal areas

Action – consider including this topic as focus for grants program

Vision Santa Cruz Wild (Baron)

Action – Create a strategic plan for habitat and wildlife

MODERATE PRIORITY

Coho salmon and steelhead recovery planning

Monitor low-flow fishing closure studies and outreach

Learn about current status and research

Monitor progress for new coho salmon conservation hatchery

Action – support new coho salmon conservation hatchery when appropriate

40 years of San Lorenzo watershed management

Learn about accomplishments, successes and failures

Educate public about San Lorenzo and watershed

Cannabis cultivation ordinance

Learn about current status of Cannabis Cultivation

Monitor implementation of Cannabis Cultivation Ordinance

Monitor enforcement

Learn about enforcement of Fish and Game regulations

Impact of crab traps on whales and wildlife (Frediani)

Monitor new legislation and actions

Provide a forum for public input regarding fish and wildlife issues

Learn about what community considers important fish and wildlife topics

Pajaro River Flood Control Project and Natural Resources Protection

Learn about current conditions with bench excavation

Learn about recent effort to construct levees

**Public Comments
for the March 7, 2019 meeting of the Fish and Wildlife Advisory Commission**

City of Santa Cruz Habitat Conservation Plan

On Mon, Mar 4, 2019 at 12:34 AM David S. Kossack, Ph. D. <dkossack@san-andreas-land-conservancy.org> wrote:

Chris Berry, Chair
SCz Co. Fish & Wildlife
Advisory Commission

I enjoyed your presentation of City of Santa Cruz Water Department's environmental work at the December 07, 2018 SCz FWAC meeting. While it was a nice presentation it really didn't address the issue of the Water Department's HCPs in any kind of substantive manner or the opportunity to include 'Conservation' in the Habitat Conservation Plans the City has been preparing since 2006 with NMFS and USFWS.

I would like to request a FWAC agenda item specifically to discuss the NMFS's and USFWS's HCP process, the City of Santa Cruz Water Department's HCPs progress and content, and the opportunity to include a conservation easement (CE) on City watersheds. The intent of the CE includes the restoration of Marbled Murrelet nesting habitat on the USFWS side and providing watershed scale conservation for the restoration of coho, steelhead *et al* on the NMFS side, in perpetuity (see FWAC_20190206_MaMu-CE.pdf).

Jacob Martin, USFWS, offered to attend such a meeting (see attached email thread) with respect to USFWS/MaMu restoration side (see JM-CB_MaMu-1808.pdf, page 3). It would be useful if Darren Howe could attend as well to discuss adding conservation to the City's proposed NMFS HCP (see [DraftHabitatConservationPI-2011.pdf](#)).

Thank you
David Kossack

On behalf of
San Andreas Land Conservancy

On Mon, Mar 4, 2019 at 1:43 PM Martin, Jacob <jacob_martin@fws.gov> wrote:
David,

If the City wishes to have a meeting to discuss its HCP during business hours, I will make myself available to attend. I have very limited after-hours availability and did not commit myself to attend the FWAC meeting. I am not aware of any proposal by the City for any action that would affect MAMU. The City is free to propose actions in its HCP to benefit any species it wishes, but is under no obligation to address species for which they are not requesting an incidental take permit.

Jacob M. (Jake) Martin
Senior Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Ventura Fish and Wildlife Office-Santa Cruz Sub-office
1100 Fiesta Way
Watsonville, CA 95076

(805) 677-3327

jacob_martin@fws.gov

On Mar 4, 2019, at 4:01 PM, Darren Howe - NOAA Federal <darren.howe@noaa.gov> wrote:

David, Chris, all,

We generally support watershed protections and can consider such easements if the applicant (the City in this case) wishes to include them and they fit into the overall conservation strategy for the HCP. I'm happy to participate in discussions regarding this, if this is something the City is considering. Similar to Jake's sentiment regarding meeting timing, my availability to travel to evening meetings, like the FWAC, is limited and reserved for necessity. However, I do believe this item can adequately be covered either through our current consultation process, or via a focused call or meeting (if warranted) during regular hours.

Regards,

Darren

Public Comments
for the December 6, 2018 meeting of the Fish and Wildlife Advisory Commission

From: **David S. Kossack, Ph. D.** <dkossack@san-andreas-land-conservancy.org>

Date: Wed, Dec 5, 2018 at 6:24 PM

Subject: Fish and Wildlife Advisory Commission Dec. 6 meeting

Public Comment on Agenda Item 5. B. December 6 meeting, SCz Co. FWAC.
20 Years of Habitat Conservation Planning for the City of Santa Cruz Water Department,
Chris Berry Watershed Compliance Manager (40 minutes)

The City of Santa Cruz has a number of water projects in motion. These include [City of Santa Cruz's Newell Creek Dam Inlet/Outlet Replacement Project](#), [CITY OF SANTA CRUZ'S WATER RIGHT RELIABILITY PROJECT](#), development a HCP with USFWS and development of a separate HCP with NMFS. Depending on who you talk to these projects range from out for CEQA public comment (Newell Dam Project), to fast-track to back-burner: this is a dangerous situation if you are concerned about the environment, conservation and/or habitat protection.

The City has been having discussions with NMFS and FWS since at least 2006, 12 years, but apparently neither of these HCPs have gotten beyond the planning stage. It is important that we have an opportunity to hear about the intent of the HCPs (e.g., what projects, what impacts, how does it fit in with the UCSC expansion), and get an update on their status. It would also be useful to have some input into the protection and restoration of the City's watersheds for public trust resources (fish and wildlife and the ecosystems they depend upon...). It would be a shame to let this opportunity slip away.

The title of Item 5.B. skirts the issue a bit since the City has been spending that time "developing" HCP(s) rather than implementing a plan that provides permanent habitat protection but the subject is timely. We are glad that the City is engaging the agencies that are responsible for providing stewardship in these areas. As an perspective we offer that while none of the previous political administrations that "guide" our Federal agencies have been particularly benign when it comes to fish and wildlife we should keep in mind that Donald is driving these days. Everyone complains about Donald but we also see lot of user groups (e.g., the City) heading to our Federal agencies hoping to get their best deal... Needless to say It is very important to pay attention to these processes, and we need to look at enforceable protections in perpetuity.

Here's the setup:

Before the first cut marbled murrelets (MaMu), spotted owls and martens were on every lamp post. Martens are gone, so are spotted owls but there are a few MaMu still around. MaMu feed on fish off the coast and nest in the trees of the coastal forests (e.g., coast redwood, Doug. fir). MaMu prefer the broader branches and other morphologic features of the "late seral" trees that made up the mature forest ecology of Santa Cruz County. There aren't many "late seral" trees around these days... to the point that the number of

"late seral" trees determines the number of MaMu nesting sites, which defines the number MaMu offspring that can be produced in any given year. MaMu are listed under the ESA and the CESA.

The Coastal Zone provides some protection for what has been referred to as Heritage, or Significant, Trees, trees that are larger and older than the trees that have grown back since the first cut, these trees likely represent "late seral" trees. The ESA/CESA also affords some protection for trees capable of providing nesting sites for MaMu, again existing "late seral" trees. Protecting existing/remaining "late seral" trees is important as is any effort to expand these protections to "late seral" trees outside the Coastal Zone. It's important to recognize that the number of "late seral" trees still vertical is really only a handful, either inside or outside of the Coastal Zone, and given the experience in Redwood Nat'l Park, their long term survival is probably tenuous. If MaMu populations are to recover they will need additional nesting sites. Unfortunately there is no mechanism (e.g., CEQA) capable of promoting the growth "young" trees into "late seral" trees, that is increasing the number of "late seral" trees, let alone moving "young" forests into "late seral" forests, increasing the extent of a mature forest ecology. Without a mechanism to protect "young" forests so that they can grow into "late seral" forests the 8-20 year harvest cycles of the logging industry assures that no tree escapes.

I hold up the recovery of MaMu populations in Santa Cruz County (aka SCz Mts.) by the scruff of the neck and offer it as a poster-child for the level of habitat protection and restoration that needs to be put in place by any Habitat Conservation Planning whether it is defined by a Federal agency (i.e., USFWS and/or NMFS) or otherwise.

The City of Santa Cruz's "Watershed Planning Process" (circa 2000-2003) was to address the impacts of commercial logging in the City Water Department's watershed properties. The Watershed Planning Process was particularly concerned with impacts to fish and wildlife but it was also concerned with the impacts of erosion and sediment on water quality. One of the motivations among many that supported the Process was to eliminate commercial logging in City watersheds all together, one of the tools capable effecting this goal is a Conservation Easement (CE). The Process Committee was aware of CEs, because I told members of the Committee about CEs. A CE dedicated to a qualified entity that takes the timber rights off the table could protect existing "late seral" trees and allow existing logged forest to grow through to "late seral" age class. It could protect the City's watersheds in perpetuity. It is unfortunate that the management goals of other land owners that should be considered capable of providing "habitat protection and restoration" of our poster-child don't seem to have the grip (e.g., State Parks, CDL, Rancho San Vicente).

A conservation easement on City watersheds that promotes a mature forest ecology would be good for fish, too, a denser canopy means more shade; more fog drip; cooler water temperatures; and more stream complexity. A mature forest ecology provides more carbon storage particularly beyond 100 - 1000 years with the accumulation of root mass and large/course woody debris. With respect to the proposed NMFS HCP, in addition to the San Lorenzo River the City takes water from Laguna and Liddell Creek

watersheds, the Big Basin Hydrologic Unit. A City/NMFS HCP could contribute to of managing the Hydrologic Unit as a single watershed including listed CCC coho and steelhead.

Requested Motion:

- We ask that the SCz Co. FWAC pass a motion advising the Sups. to support a Conservation Easement on City of Santa Cruz watersheds capable of protecting and restoring MaMu populations and the mature forest ecologies that they depend upon.

Thank You

David Kossack
On behalf of
San Andreas Land Conservancy

From: Chris Berry <cberry@cityofsantacruz.com>
Subject: RE: [EXTERNAL] Marbled Murrelets and City of SCz HCP...
Date: August 22, 2018 at 3:36:32 PM PDT
To: "David S. Kossack, Ph. D." <dkossack@san-andreas-land-conservancy.org>
Cc: "Martin, Jacob" <jacob_martin@fws.gov>

Hi David - A conservation easement was never discussed for the properties, nor was the issue ever raised (I was staff to the group and attended every meeting). Regarding the maintenance at Loch Lomond Reservoir that is being required by the Division of Safety of Dams, there is no "upgrade" being installed per se. The current deluge valve is not reliable and we have state-mandated requirements for how quickly we can drain the lake that we need to abide by. I'm sorry if you were misled by Gary Griggs' recent story about this work in the Sentinel, but he got some of his facts mixed up. I'm not sure how the forestry issue is related to the potential for UCSC growth and the valve fix is certainly completely unrelated to it, but I certainly understand your concerns about growth in general. That said, all of our analyses for the HCPs is based on the demand curves that have been vetted by various advisory bodies, included in our Urban Water Management Plan and related regulatory documents. These demand curves anticipate a modicum of university growth, but - surprisingly - our demand over time is relatively flat due to all the good work of our customers and Conservation staff at helping us achieve one of the lowest per capita water use rates in the state.

I would be happy to sit down with you and whomever you'd like to round up to also participate if you'd be willing to coordinate a meeting. I get back on 9/17 and could do a meeting sometime thereafter.

Thanks.

-Chris Berry

From: David S. Kossack, Ph. D. [<mailto:dkossack@san-andreas-land-conservancy.org>]
Sent: Wednesday, August 22, 2018 2:51 PM
To: Chris Berry <cberry@cityofsantacruz.com>
Cc: Martin, Jacob <jacob_martin@fws.gov>
Subject: Re: [EXTERNAL] Marbled Murrelets and City of SCz HCP...

Hi Chris -

I do remember the planning, I think that Don Alley was in there, too, at least for a while.

My understanding was/is that an intent of the watershed planning process was to get a conservation easement on the City's watershed properties. The CE would allow the trees/forest to grow out to the point that they could restore MAMU nesting opportunities, which we feel is reasonable to assume were present before previous logging operations in the City's watersheds, and other values of a mature forest ecology. This restoration(s) does require ongoing protection that extends beyond the 'foreseeable future'. Unfortunately I don't believe

that a formal, binding, CE was ever put in place (was it?) and as it is it would only take a majority on the City Council (if that) to log and eliminate this opportunity for another 100+ years...

I am looking at the HCP process(es), the plumbing upgrade on Loch Lomond and an additional 10,000 new students + infrastructure that the City will provide water to... that will have some pretty serious growth inducing and cumulative impacts on the region in addition to their immediate direct impacts. This a about securing some boundaries that the Planning Process and City acknowledged were needed 15 years ago, and the leverage is on the table and a CE should be too.

I believe that it would be good, important, to have Betsy Herbert involved to implement her watershed planning process and Jodi Frediani, too. I am available now through the second half of September when it is my turn to fall off the map for a while... If there is a time either right now, or in mid-Sept. when you return that would be fine. I don't know about Jake, Betsy or Jodi's schedule...

Thanks
David Kossack

On Aug 22, 2018, at 1:44 PM, Chris Berry
<cberry@cityofsantacruz.com> wrote:

Hi David - Just to be clear, the City hasn't had an active timber harvest since the early 2000's and has no plans to do so now or in the foreseeable future. Furthermore, we have very limited stands of forest in our ownership that would support MAMU. Finally, we have a heritage tree ordinance that would protect older/bigger trees that would support MAMU. I know Betsy fairly well and she was a part of all of our planning for our watershed lands (as was Jodi Frediani, John Ricker, Ross Clark, Donna Meyers, Al Haynes, Dennis Jackson and many other folks who are intimately familiar with forestry, watershed protection and related issues). I'm happy to discuss this further with you if you're so inclined. That said, I'm getting ready to go out of the country and won't have much availability until mid-September. Please let me know if you'd like to get a time to talk on the books then and I will put it on my calendar now.

Thanks.

-Chris Berry

From: Martin, Jacob
[mailto:jacob_martin@fws.gov]
Sent: Tuesday, August 21, 2018 4:49 PM
To: David S. Kossack, Ph. D. <dkossack@sandreas-land-conservancy.org>
Cc: Chris Berry <cberry@cityofsantacruz.com>

From: Martin, Jacob jacob_martin@fws.gov
Subject: Re: [EXTERNAL] Marbled Murrelets and City of SCz HCP...
Date: August 21, 2018 at 4:49 PM
To: David S. Kossack, Ph. D. dkossack@san-andreas-land-conservancy.org
Cc: Chris Berry cberry@cityofsantacruz.com



Hi David,

If you'd like to have a discussion with the City about the HCP, I will make myself available to participate. I don't know Betsy Herbert, but it would be fine with me to include her. The current draft HCP does not address timber harvest and I don't think any is proposed. I'm cc'ing Chris Berry, who is my primary contact at the City, for his information.

Jacob M. (Jake) Martin
Senior Fish and Wildlife Biologist
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jacob_martin@fws.gov

On Fri, Aug 17, 2018 at 3:42 PM, David S. Kossack, Ph. D. <dkossack@san-andreas-land-conservancy.org> wrote:

The City has done some serious logging on their watersheds in the past, they were using it as a revenue generator. The City of Watsonville has also done some very serious logging on their watershed lands, reprehensible. A decade (?) ago Betsy Herbert put together a Watershed Committee to look at SCz City watersheds and impacts. The intent was to get the City to put conservation easements on their watersheds to protect trees, fish and birds. This was a big deal. While the City acknowledged the issue, and everyone was told what a great job they did, I do not believe that a conservation easement was put in place, certainly nothing enforceable.

The HCP(s) seem like the opportunity to make a move on this, both in substance and in timing, for MAMU *et al.*

Does the City have a THP out there presently? I was not aware of one but it could slip by me, hope not...

I haven't talked to Betsy Herbert for a while. I don't know whether you are in a position to reach out to her. It seems like she should have the opportunity to be involved if she wants as well after all of the work that she put into the committee.

I will take a look at the link...

Thanks
David

On Aug 17, 2018, at 3:08 PM, Martin, Jacob <jacob_martin@fws.gov> wrote:

David,

Please take a look at the definitions of "take" and "harm" at the path below.

The City has not proposed logging as a covered activity in their HCP. Are you concerned about currently proposed logging, or just hoping for them to adopt easements that would prevent it in the future?

I'm willing to discuss this further if you like, but the City should be included in the discussion. The HCP is their document.

https://www.fws.gov/endangered/esa-library/pdf/HCP_Handbook-Glossary.pdf

Jake

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On Thu, Aug 16, 2018 at 3:50 PM, David S. Kossack, Ph. D. <dkossack@san-andreas-land-conservancy.org> wrote:
If the City's logging operations prevents the otherwise predictable recovery of late seral tree/forest characteristics, which are necessary for additional MAMU nesting sites, and 'recovery', why would that not be an issue of 'take'?

On Aug 16, 2018, at 3:32 PM, Martin, Jacob <jacob_martin@fws.gov> wrote:

Hello David,

A HCP is prepared by an Applicant as a part of their application to the Service for an Incidental Take Permit (ITP). I am not aware of any actions by the City that would result in incidental take of MAMU. The City would be free, but not required, to include voluntary conservation measures for any species they like. More information on the HCP process is available at the link below.

<https://www.fws.gov/endangered/permits/index.html>

thanks,

Jacob M. (Jake) Martin
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On Mon, Aug 13, 2018 at 6:11 PM, David S. Kossack, Ph. D. <dkossack@san-andreas-land-conservancy.org> wrote:
Hi Jacob Martin -

There is presently a USFWS HCP being prepared for the City of Santa Cruz Water District's watersheds and waterworks.

We request that the HCP includes a conservation easement on all City of Santa Cruz watersheds to provide for the grow out of their forests lands through late seral stage. The intent is to provide additional nesting opportunities for Marbled murrelets and increase their population on the Central Coast. The conservation easements will contribute to the recovery of Marbled murrelets under the ESA.

Please keep us informed about this important HCP.

Thank you
David Kossack
On behalf of
San Andreas Land Conservancy

On Aug 9, 2016, at 3:02 PM, Martin, Jacob <jacob_martin@fws.gov> wrote:

Hello David,

I am the new marbled murrelet species lead for the Ventura Fish and Wildlife Office. Lena Chang has taken a promotion and moved to our South Coast Division. Deanna Lynch indicated that you have an interest in critical habitat for the species. A link to the new critical habitat rule is below. Ms. Lynch also indicated that you are concerned about BLM's management of the Coast Dairies property. I would suggest that you discuss your concerns directly with BLM, but if you need to discuss murrelet issues in Santa Cruz County with the U.S. Fish and Wildlife Service, then I would be the appropriate contact.

<http://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=B08C>

thanks,

Jacob M. (Jake) Martin
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jacob_martin@fws.gov

CEMEX Plant Reuse Plan

From: "David S. Kossack, Ph. D." <dkossack@san-andreas-land-conservancy.org>
Subject: Re: Cement Plant Reuse Plan goes to Board of Supervisors 2/26 at 10:30am
Date: February 26, 2019 at 2:08:05 AM PST
To: ryan.coonerty@santacruzcounty.us, bruce.mcpherson@santacruzcounty.us,
greg.caput@santacruzcounty.us, John Leopold <john.leopold@santacruzcounty.us>,
zach.friend@santacruzcounty.us
Cc: Allison Endert <Allison.Endert@santacruzcounty.us>

Supervisors -

There was a vertical displacement at Waddell Bluffs associated with the Loma Prieta earthquake in 1989. This event was captured in an intriguing series of photos that are on display at the Santa Cruz Museum of Natural History.

The propagation of Loma Prieta's seismic impacts along the San Gregorio Fault through Waddell Bluffs is an interesting subplot to the investigations that followed the earthquake (e.g., USGS's The Loma Prieta, California, Earthquake of October 17, 1989). Unfortunately outside of changes to water availability and the vertical displacement at Waddell Bluffs events like surface ruptures that might have occurred elsewhere along this path received little or no coverage. Just like every place else these seismic events can provide insight into geologic processes, seismic cycles and certainly in the present case, earthquake/building safety evaluations.

I was informed some time ago that there was a surface rupture associated with the Loma Prieta Earthquake that showed up in the middle of the Davenport cement plant. Apparently Lonestar decided, when they were informed what it was, to simply pave over the parking lot and that was that*. This information was provided to me as part of an ad hoc professional 'due diligence'. A subsequent conversation with Karen McNally revealed that she had also been informed about the surface rupture.

I do not know how deeply the surface rupture sunk into the Lonestar institutional memory, whether there are any records, photos or personal from that time that survived the various transitions (e.g., Louis Schipper (?)). Certainly anyone that might have observed the surface rupture should be contacted to confirm its location and visible extent at that time. In addition, we don't know if anyone has ever followed up on the surface rupture in terms of geo-hazard or such, but we don't see any reference to a surface rupture or other seismic related issue for this region in the cement plant reuse documents.

We feel that this is a big deal. If this surface rupture starts moving for whatever reason and gets into any of the existing structures, seismic retrofit or not, or even proposed project structures, it could rip them to shreds. If something fell on someone's little darling it would then be a big mess.

We ask that a geologic trench investigation be carried out to confirm the presence of a surface rupture at the Davenport cement plant and to map its extent before the County invests any more public funds into this project. A geologist from USGS probably has a package deal, with easy access and no traffic there could be preliminary results in a couple of days.

Thank you

David Kossack
On behalf of

San Andreas Land Conservancy

* Roberta Smith, Personal Communications