

9/13/2022

Dear Santa Clara County Department of Planning & Development,

I am writing to comment on the Draft EIR for the Sargent Ranch Quarry. I am a Santa Cruz resident and I work as an Assistant Research Specialist for the University of California, where my expertise is in intertidal ecology and long-term monitoring of rocky intertidal along the US west coast.

I applaud the thorough assessment shown in this document, as well as its clarity that the proposed project would irrevocably alter the Juristac Cultural Landscape and that the No Project alternative is the Environmentally Superior Alternative. The unavoidable impacts to the Juristac Cultural Landscape are reason alone for the EIR to advise for the No Project alternative.

However, I also have several concerns with details of the EIR. These are the following:

- **The wetland delineation survey occurred in October, when central California is typically very dry. This could result in an inadequate assessment of wetland impacts from the project. I feel that another wetland assessment is needed during the winter or spring, especially given that the site contains intermittent wetlands.**

Specifically, Appendix E describes the methods used for wetlands delineation for this EIR, including hydrophytic vegetation, hydric soils, and wetland hydrology (i.e surface inundation or saturated soils). While methods do exist to identify hydric soil characteristics when those soils are dry, and some hydrophytic vegetation may persist during the dry season, I am skeptical that a survey in October is likely to produce the same results as one in January or April, given the climate of the Santa Clara Valley.

For example, annual hydrophytic vegetation may be dormant or unidentifiable in the dry season (including October). Appendix E states, "Evidence of wetland hydrology consists of primary indicators including, but not limited to, the presence of surface water, saturation, water marks in non-riverine systems, water-stained leaves, and a biotic crust." Clearly, surface inundation of water and saturated soils are less likely to be present during October than during winter or spring in this region. It seems entirely reasonable that another wetland delineation survey should occur at a time of year when the ground is more likely to be wet! This is an important oversight that could substantially alter the extent of wetlands identified on the project site, and the impact assessment.

- **Plant surveys were likewise mainly conducted during the dry part of the year, outside of the flowering season of some of the rare plants that may occur on the project site. Greater survey effort is needed to adequately identify the impacts to rare plants.**

The draft EIR identifies the probable occurrence of ten special status plants on the Sargent Quarry project site. However, it does not appear that targeted surveys have occurred on the actual project site, only in the greater Sargent Ranch area. Also, nearly all of the plant surveys conducted fell outside of the prime spring bloom period of many of the species. Table 3.4-2 lists the bloom periods of the species identified as special concern; for many the bloom period is March-June. Of 19 survey days from 2004-2016, only two occurred in March or April (both were in March in a single year).

Anyone familiar with the climate of the Santa Clara Valley will know that how dry it is in May or June depends strongly on the variable amount of winter precipitation we receive. While bloom periods of

these species may extend to June in some years or locations, the best season to survey for wildflowers is in the earlier spring. Thus, I believe that the assessment of rare plants in the area may be inadequate, because insufficient effort has been made to survey the specific project location for plants, or to do so at the correct blooming season to identify those plants.

As page 3.4-4 states, the California Native Plant Protection Act states that “During CEQA review, public agencies must evaluate and disclose impacts to the 220 plant species protected under CESA and the NPPA, and in most cases must mitigate for significant impacts to these species.” I do not believe this has been sufficiently accomplished in this draft EIR, because the impacts to those plant species have not been fully evaluated (the project site was not adequately surveyed for their presence) and impacts to them cannot be mitigated without their presence being known. Specifically, I feel that plant surveys should be conducted on the project site, during the spring, in a variety of annual precipitation conditions.

- **It is unclear when and how birds were surveyed on the project site or the greater Sargent Ranch area. Survey effort should be better described and if it was inadequate, new surveys may be needed.**

Despite extensive searching for dates and methods of bird surveys conducted to inform this EIR, I could not find them in the main document or Appendix E on Biological Resources. Given the lack of clarity about whether burrowing owls, tricolored blackbirds and other bird species of concern use the project site and how, I feel that the EIR needs to include the dates and methods of bird surveys, and that possibly new surveys should be conducted during appropriate times of year for nesting birds (i.e., spring).

- **Similarly, it appears that Burrowing Owls have not been adequately surveyed and that the finding that impacts would not be significant after mitigation may be incorrect, because birds may be nesting on the site.**

Burrowing Owls have been documented breeding on the Sargent Quarry area, in 2015, but it is not clear that adequate surveys were conducted.

The EIR states (page 3.4-77): “No burrowing owls have been recorded within the Sargent Quarry Project area. However, burrowing owls have been observed foraging on the greater Sargent Ranch property, and a pair nested as recently as 2015 on the northern portion of the property, outside of the Project area. The Project area is likely used primarily or solely by wintering owls. This species is not listed under FESA or CESA, but it is a regionally scarce species. **The significance threshold for habitat modification of special-status species is any measurable alteration of the habitat that would result in a drop in the population of the species.**” (my bolding)

Appendix E states: “The prior resident rancher also reports seeing burrowing owls during the summer perched on serpentine rock outcrops in the northern portion of the ranch. Since this latter area does not support ground squirrel burrows, it is likely the owls were only foraging, and not roosting or nesting, in this location. However, burrowing owls were observed in 2015 to be nesting in fields on the northern portion of the greater Sargent Ranch property (pers. comm. Verne Freeman), and the grasslands of the project site would appear to provide good potential breeding habitat for this species.”

I am concerned that the conclusion that the project area is unlikely to be a burrowing owl breeding site is not based on clear evidence for the following reasons:

-the prior resident rancher reported seeing burrowing owls during the summer. It seems likely that these owls would be breeders, given page 3.4-32 states "Their breeding season ranges from February 1 and continues through August 31."

I also am unconvinced at the statement that because the area where the owls were observed roosting does not contain ground squirrel burrows, the owls were probably only roosting. If they were only roosting, during the breeding season, then where were they nesting? It seems reasonable to conclude they could be nesting nearby, especially given documentation of them nesting nearby (in 2015) and Appendix E stating that the project site "would appear to provide good potential breeding habitat for this species."

-Burrowing owls did nest nearby, on the Sargent Ranch property, in 2015, according to Verne Freeman. It is unclear from the EIR that adequate surveys were conducted to determine that they were *not* at any point nesting on the project site, since no specific dates or survey methods are provided.

-Finally, I am skeptical because the evidence provided for burrowing owls is mainly based on personal communications and anecdotes from previous residents. Furthermore, the anecdotes and personal communications provided support the notion that burrowing owls do use the site and may breed there. Despite this evidence, the EIR concludes that these birds are not breeding, based on apparently nothing but subjective opinion.

If burrowing owls do nest on the site, it would change the conclusion of the EIR that impacts would be non-significant after mitigation given, as the EIR states, "The significance threshold for habitat modification of special-status species is any measurable alteration of the habitat that would result in a drop in the population of the species." The current mitigation proposed, including surveying the site before groundbreaking on the project, and delaying (but not completely halting) if burrowing owls are found, appears inadequate to mitigate the impacts if there are breeding owls.

I feel that the EIR needs more adequate documentation of any surveys that did occur for Burrowing Owls, and if those are lacking, then new surveys should be completed at the appropriate season.

Thank you,
Lexi Necarsulmer

Assistant Research Specialist, Raimondi Lab

Ecology and Evolutionary Biology Department, University of California, Santa Cruz

---- ----- --, Santa Cruz, CA 95060

Phone: --- --- ----