

**Finding of No Significant Impact Pursuant  
to the National Environmental Policy Act for the  
Issuance of Section 10(a)(1)(B) Incidental Take Permits (TE43708A and TE44928A)  
Associated with Implementation of the Interim Programmatic Habitat Conservation Plan  
for the Endangered Mount Hermon June Beetle and Ben Lomond Spineflower  
in Santa Cruz County, California**

This document includes a concise summary of the *Environmental Assessment for the Interim Programmatic Habitat Conservation Plan for the Endangered Mount Hermon June Beetle and Ben Lomond Spineflower* (EA) conducted pursuant to the regulations of the National Environmental Policy Act (NEPA) of 1969 (40 CFR 1506.6). It briefly presents why the EA (and other documents made available during the public comment period) supports our Finding of No Significant Impact (FONSI) and the reasons why the proposed action will not have a significant effect on the human environment. Parts I, II, and VII of this document are relevant to this FONSI. The proposed IPHCP and EA describe the Applicant's proposed project and our proposed action in detail, together with the conservation measures that would be implemented to avoid, minimize, and mitigate take of Mount Hermon June beetle (*Polyphylla barbata*) that is expected to occur as a result of the project.

**I. DESCRIPTION OF THE PROPEDED ACTION**

The Service proposes to issue incidental take permits (ITPs or Permits) to the County of Santa Cruz (County) and the City of Scotts Valley (City)(Applicants) in Santa Cruz County, California, under the authority of section 10(a)(1)(B) and section 10(a)(2) of the ESA pursuant to the IPHCP (Proposed Action). The Applicants seek ITPs for Mount Hermon June beetles in association with the implementation of the IPHCP (their proposed project). The Mount Hermon June beetle is the "Covered Species" under the Permit.

Upon the issuance of the ITPs, the Applicants will receive incidental take authorization and extend that coverage through certificates of inclusion to qualifying landowners for the Mount Hermon June beetle on 139 acres (within the 10 designated Project Units) as a result of certain activities identified in the Interim Programmatic *Habitat Conservation Plan for the Endangered Mount Hermon June Beetle and Ben Lomond Spineflower* (IPHCP) submitted by the applicants as part of the permit application. The ITPs would authorize take of the Mount Hermon June beetle in association with covered activities for the remainder of the 5-year permit term, subject to renewal.

**Alternatives Considered**

The Service considered three alternatives in the EA: (1) the Proposed Action Alternative; (2) the Reduced Take Project Alternative; and (3) the No Action Alternative. Alternatives (2) and (3) were analyzed with equal weight in Chapter 4 of the EA. .

Reduced Take Alternative

Under the Reduced Take Alternative, the total amount of development that would be covered under the IPHCP would be reduced to 100 acres. While this alternative would reduce impacts to the Mount Hermon June beetle, this alternative was eliminated as it would reduce opportunities for landowners to participate in this streamlined permitting process and would reduce the number of credits sold at the conservation bank, thus limiting the amount of conservation that may be achieved for the Mount Hermon June beetle.

#### No Action Alternative

Under the No-Action Alternative, the IPHCP would not be implemented, ITPs would not be issued, no take of the Mount Hermon June beetle would occur, and the proposed project would not be implemented. Individual landowners would have to acquire an individual ITP to implement projects within Mount Hermon June beetle habitat.

#### Proposed Action (Covered Activities)

The Service, the County, and the City have developed the IPHCP which is intended to cover small development projects proposed in areas with existing, dense residential development that are likely occupied by the Mount Hermon June beetle and Ben Lomond spineflower. The Service would issue ITPs to the City and County. The City and County could then extend take coverage under those ITPs to landowners proposing small development projects, provided the landowners follow the application instructions established by the City and County (in accordance with the IPHCP) and sign a Certificate of Inclusion (see Appendix C of the IPHCP).

Under the proposed action and Permit numbers: TE43708A (City) and TE44928A (County), the Permittees would extend take coverage to eligible project proponents on up to 139 acres for projects implemented under the IPHCP. To be considered eligible under the IPHCP, a proposed project must be located within a designated Project Unit and also meet all of the eligibility criteria described below.

- Project is residential.
- Project is located on a parcel that is 1.5 acres or less in size.
- Project would result in ground disturbance of Zayante soils.
- Development envelope for the project, when combined with the development envelope for any project previously implemented on the same parcel using the IPHCP and the ITP, will not exceed 15,000 square feet (0.34 acre). For the purposes of the IPHCP, development envelope is defined as: Any portion of the project site that will undergo ground disturbance such as the following activities: Grading (excavation and/or fill); land clearing; building; paving; installation of landscaping; or deposition of refuse or debris in relation to a discretionary permit.
- Proposed development is one or more of the following project types that requires a City or County discretionary or building permit that involves ground disturbance. Examples include: Single family dwelling, guest cottage (or accessory dwelling unit) attached or detached garage; shed; storage building room addition remodels that involve ground disturbance septic system installations and upgrades that involve new ground disturbance.

To mitigate for incidental take at the project site, project proponents will secure conservation credits for the Mount Hermon June beetle at a ratio of 1:1 in terms of area disturbed to number of credits (e.g., a project with a 0.1-acre disturbance envelope will mitigate by securing 0.1 acre of conservation credits for the Mount Hermon June beetle) at a Service-approved Sandhills conservation bank. Project proponents must also commit to implement avoidance and minimization measures for each project.

Measures required under the IPHCP and proposed by the Applicants that are intended to minimize impacts to covered species include: 1) avoiding native plants to the greatest extent feasible; 2) conducting ground-disturbing activities between August 15 and May 15 (outside of the species flight season) to the greatest extent feasible; 3) if project activities must be conducted between May 15 and August 15, exposed disturbed soils will be covered with appropriate materials each evening at the beginning of the flight season, regardless of when project activities commence within the flight season. This measure will ensure that project activities avoid or minimize adverse impacts to Mount Hermon June beetles that may disperse through the project area; 4) reducing the amount of outdoor lighting, shielding light fixtures to reduce illumination of surrounding areas, or using light bulbs that do not attract insects; and 5) incorporating landscaping elements that do not degrade habitat for the Mount Hermon June beetle, to the greatest extent feasible, as determined by the City and County.

### Impact Topic Areas

Based on both internal and external scoping of the proposed Federal action of permit issuance, the following impact areas were analyzed in the EA:

- Biological Resources
- Geology and Soils
- Water Resources and Water Quality
- Air Quality
- Cultural Resources
- Socioeconomic and Environmental Justice
- Transportation
- Public Services and Utilities

## **II. PUBLIC COMMENT**

The Service published a Notice of Availability for the draft IPHCP, draft EA, draft Implementing Agreements (IAs), and receipt of an application for incidental take permits by the City and County for the proposed action in the *Federal Register* on March 30, 2011 (76 FR 17664). Publication of the notice initiated a 60-day comment period that ended on May 31, 2011. The notice, draft EA, draft IAs, and the draft IPHCP were made available at locations designated by the City and County and were also available on Service, City, and County websites. No comments were received in response to the NOA.

### **III. Effects on the Human Environment**

The attached EA was prepared to analyze and disclose potential environmental impacts pursuant to NEPA. Only the EA and those documents made available during the public comment period were used in this FONSI. The EA supports the following findings:

#### Biological Resources

##### *Covered Species*

The IPHCP would take place within 1693.2 acres, and provides for take on no more than 139 acres of Sandhills habitat during the permit 5-year term which represents approximately 5 percent of the estimated total amount (2,800 acres) of remaining Sandhills habitat with documented occurrences of the species. The degradation and loss of up to 139 acres should not have a significant effect on the persistence of the Mount Hermon June beetle and Ben Lomond spineflower throughout the species ranges because of the small percentage of impact in a population sink area of the species' distribution. Further, the IPHCP includes conservation of higher quality habitat in a contiguous area at a 1:1 ratio. Existing populations of these species persist on and in exposed Zayante soils around existing structures and other infrastructure and in vacant parcels. Habitat losses would also likely be distributed throughout the Project Units in rough proportion to the size of each unit. Each Project Unit would likely provide less habitat, but essentially a similar quality habitat for the species, as currently exists. Effects to covered species resulting from implementation of the IPHCP are not considered significant.

##### *Non-Covered Listed Species*

We determined that there are no non-covered listed species located within the permit areas, however, if any other (non-covered) federally listed species are discovered within any of the Project Units, the Service would evaluate this new information and determine what, if any, IPHCP covered activities may affect these species. If the covered activities would likely result in the incidental take of any other federally listed species, the City and County would coordinate with the Service and either request a permit amendment, or implement activities that would avoid take of such species. IPHCP covered activities would not have an effect on non-covered federally listed species.

##### *Sensitive Habitat – Sandhills*

The degradation or loss of up to 139 acres of Sandhills habitat could occur as a result of the IPHCP. This represents approximately 3.5 percent of the estimated total amount of remaining Sandhills habitat (3,960 acres) as of 2004. The IPHCP requires the implementation of minimization, avoidance and mitigation measures which would minimize and mitigate the loss of Sandhills habitat through reducing the overall amount of ground disturbance and habitat degradation and would compensate for the habitat disturbance through the purchase of conservation credits. Impacts to Sandhills habitat would be minimized below significance with the implementation of required minimization and mitigation measures.

### *Sensitive Habitat – Wetlands*

Tributaries of the San Lorenzo River can be found within the boundaries of the Project Units. County code and Scotts Valley Municipal code requires buffers from wetlands, streams, and riparian corridors to provide for undisturbed protective areas near ground disturbing activities. Implementation of the IPHCP would not result in impacts to wetland habitat.

### Geology and Soils

#### *Geological and Seismic Hazards*

The Project Units are not located within or adjacent to a mapped fault zone and therefore seismic hazards related to fault rupture would not occur. However, in accordance with City and County general plans, covered projects and other cumulative development would be designed using the latest version of the California Building Code, minimizing potential hazards of seismic shaking and liquefaction. Implementation of the IPHCP would not result in significant geological or seismic hazards.

#### *Erosion and Siltation*

Some potential for erosion and associated siltation exists during the construction phase of future covered activities. The City and County both require erosion control plans, grading, or building permits which sets forth requirements to control excavation, grading, and resulting erosion control regulations. The County General Plan requires that a building permit or discretionary approval maintain runoff at predevelopment rates to prevent erosion and siltation. Implementation of the IPHCP would not result in significant impacts related to soil erosion and siltation.

### Water Resources and Water Quality

#### *Flooding*

Floodplains do sparsely occur within portions of the project units; although, it is unclear whether any eligible parcels specifically lie within floodplains. County General Plan policies and County code identify the need for hazard assessments for all development within 100-year floodplains or floodways, to ensure that development is protected from flood hazards and does not contribute to flood-damage potential. City General Plan policies specify similar requirements for development within flood hazard areas. IPHCP covered activities would not result in significant impacts related to flooding as any covered activities would be required to comply with City and County policies.

#### *Water Quality*

Covered activities related construction could contribute sediment and pollutants to nearby aquatic habitat. However, existing City and County policies and regulations require best management practices and standard erosion control to minimize potential impacts to nearby

aquatic habitat. Implementation of the IPHCP would not result in degraded water quality, as covered activities would be required to comply with City and County policies.

### *Water Supply*

Water suppliers for the County and City have identified existing and/or future water supply issues. County General Plan policies require that written commitments be provided from water service providers indicating adequate water availability and assessment of impacts on municipal water systems prior to project approval. City General Plan policies promote the provision of adequate water service for residents through cooperation with water districts that serve the area and by requiring new service connections for discretionary projects in order to minimize the effects of private well development on groundwater resources. City policies also require protection of watersheds and recharge areas through various programs, mitigation for loss of recharge associated with new development, and that all new construction and remodels over 500 square feet will install only high efficiency water fixtures. Future covered activities may incrementally increase water demand; however, this increase is not expected to be substantial given the nature and extent of the residential projects and the requested 5-year permit term. Implementation of the IPHCP would not result in significant impacts to groundwater supply and recharge.

### Air Quality

#### *Operational Emissions*

Covered activities could result in an incremental increase in traffic on nearby roads and intersections. Given the limited amount of new traffic expected to be generated from these new activities, new emissions are not expected to exceed governmental thresholds. Implementation of the IPHCP would not have a significant impact on air quality related to operational emissions.

#### *Construction Emissions*

Covered activities may result in short-term, localized decrease in air quality; however, grading and excavation would not expose sensitive receptors to substantial pollutant concentration thresholds (2.2 acre developments or larger). Dust from grading operations must be controlled per County and City codes. Therefore, implementation of the IPHCP would not have significant impacts on air quality related to construction emissions.

### Cultural Resources

#### *Historical Resources*

There are no historic resources within the Project Units that have been determined eligible for the National Register of Historic Places. However, there are two known historical buildings in the Project Units that have local historical significance. Any proposed modification of locally-significant resources would have to be conducted in accordance with County and City policies

which requires extensive planning and coordination. Implementation of the IPHCP would not result in significant impacts to historical resources.

### *Archeological Resources*

The potential for archeological resources to occur exists within the Project Units. County policies require archeological surveys for all discretionary projects located in areas with mapped archeological sensitivity. Archeological reports are required prior to the issuance of any project permits when a project site is culturally significant. City code identifies similar requirements for archeological reports when significant resources are present and discovery of previously unidentified resources or human remains during construction. Implementation of the IPHCP would not result in significant impacts to archeological resources.

### Socioeconomic and Environmental Justice

#### *Socioeconomics*

Covered activities would not result in incompatible land uses, given that these activities constitute residential development on land designated for residential uses. The IPHCP does not contemplate land use designation or zoning changes. Implementation of the IPHCP would not result in significant impacts related to socioeconomic conditions.

#### *Environmental Justice*

Covered activities would not result in a reduction in land designated and zoned for residential purposes and it would not otherwise affect existing low-income housing that may be utilized by economically disadvantaged residents in the Project Units. Implementation of the IPHCP would have no effect on conditions related to environmental justice.

### Transportation

Covered activities involving the construction of additional living spaces could result in an incremental increase in traffic on nearby roads and intersections. Given that approximately 90 percent of the qualifying parcels in the Project Units are already developed, it is expected that a limited number of new trips would be generated. Additionally, any new trips would be distributed throughout the Project Units. Implementation of the IPHCP would not have a significant effect on transportation.

### Public Services and Utilities

Covered activities would incrementally contribute to the need for services although this increase would be limited due to the nature of covered activities. Any future covered activities would be constructed in densely developed neighborhoods within existing service areas. Covered activities would incorporate all applicable fire safety code requirements. Applicants seeking coverage under the ITPs would be required by the City or County to pay park, school, and

transportation fees in conformance with County and City code. Implementation of the IPHCP would not result in significant impacts related to public services and utilities.

NEPA Cumulative Impacts

Foreseeable actions that could result in cumulative impacts were analyzed in the EA and determined that, with mitigation, the Proposed Action would not significantly contribute to cumulative impacts.

**IV. Conclusions**

In accordance with the National environmental Policy Act of 1969 (NEPA), as amended, and the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CRF Parts 1500-1508), the Service's Pacific Southwest Region has found that based on the analysis in the EA, the proposed Action would not result in significant impacts to the physical and biological resources in the Interim Programmatic Habitat Conservation Plan area or in the surrounding area and would not significantly affect the quality of the human environment (40 C.F.R. 1501.4 (e), 1508.13). Accordingly, an Environmental Impact Statement on the proposed action is not required.



Deputy Regional Director  
Pacific Southwest Region  
Fish and Wildlife Service



Date