



Santa Cruz Bird Club
P.O. Box 1304
Santa Cruz, CA 95061
santacruzbirdclub.org

May 10, 2018

To: Alisa Klaus
UC Santa Cruz, Physical Planning and Construction
1156 High St, Mailstop: PPDO, Santa Cruz, CA 95064
eircomment@ucsc.edu

Re: Comments on DEIR for Student Housing West Project Volume I /Biological Resources

Dear Ms. Klaus,

The Santa Cruz Bird Club (SCBC) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Student Housing West Project (SHW).

The Santa Cruz Bird Club is a long-standing community-based organization which was established in 1956 with a mission to unite those who have a common interest in wild birds, that they may better study and conserve them. Today the club has more than 500 members and the club has provided expert advice on issues affecting birds in the Santa Cruz County to many public and governmental institutions.

Here we would like to provide comment on this DEIR with respect to the treatment of birds and the area of impact as a critical bird nesting and feeding habitat for more than 100 species. We suggest this new development will cause significant biological impacts by fragmenting this important and iconic landscape feature, the “Great Meadow”. There also are several factors we would like to bring to your attention relative to community impacts, including our use of this open space as a birding area, and loss of educational opportunities.

The UCSC campus is biologically rich and diverse in natural communities¹. The East Meadow, in the development proposal, the “Hagar site” is currently home to 82 bird species (+7 other taxa) based on surveys and is considered an eBird “hotspot”, for which there are regular visits by members of the birding community². We are concerned not only with the lack of rigor in the treatment of bird-related impacts, but in lack of understanding of building-related collision risk, and further expansion of non-native predators, such as free-roaming cats (see “Biological Impacts Not Addressed”, below).

Overall we are concerned by the general lack of understanding of cumulative impacts to the landscape,

¹ The Natural History of the UC Santa Cruz Campus. Edited by Tonya M. Haff, Martha T. Brown, W. Breck Tyler. 2008.

² <https://ebird.org/hotspot/L2716357?yr=all&m=&rank=hc>

⁴ [UC Santa Cruz--Great Meadow | eBird Hotspots | eBird](#)

the largest track of continuous Coastal Prairie grassland habitat on campus, which is an important feeding and nesting habitat for native and migratory birds¹.

We also are concerned by the lack of attention given the potential losses of educational opportunities. As a campus that has built its reputation on the field of Natural Sciences, this development is in stark contrast with the educational intentions of the institution to provide intact natural landscapes in which to study the biota (i.e., birds, mammals, insects, plants) in a wild setting. Field natural history and ornithology classes regularly make use of these fields, as do community-based clubs, such as the Santa Cruz Bird Club. We bring our members on trips to see the raptors, burrowing owls and scour the grasslands for meadowlarks, bluebirds, goldfinches, towhees, and sparrows of all kinds.

Specifically, we have many concerns about the adequacy of the plan proposed, including regulatory considerations, impacts to Biological Resources, Biological Impacts Not Addressed and site planning relative to UCSC Long Range Development Plan. Each of these concerns is described below:

ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES [4.0-1 4.1]

Aesthetics

While the text describes the Hagar site as “two-story buildings”, the schematic is not to scale with the landscape, and gives the misleading impression that it will not have a visual impact on the viewscape [Figure 4.1-7]. The proposed project is shown as either an oblique view or hidden behind trees. This makes evaluation for potential bird-glass collision and impacts from outdoor lighting to wildlife impossible (see “Biological Impacts not addressed”, below).

Similarly, the “high-rise” appearance of the proposed buildings at the Heller site is inconsistent with the landscape, and surrounding natural communities. Impacts from bird-glass collision and impacts from outdoor lighting to wildlife need to be considered.

4.4.3 REGULATORY CONSIDERATIONS [pg. 4.3-20]

Migratory Bird Treaty Act & Bald and Golden Eagle Protection Act

These two separate and distinct federal level bird protection acts are treated as one and with little detail. The MBTA covers the majority of species which will be impacted by a loss of habitat by this development and should be applied as necessary to determine the cumulative impacts at both sites. The intention of the MBTA was to protect not only “rare” species, but common species which are threatened by human activities. While the Interior Department’s December 22, 2017 announcement of a new legal memorandum (M-37050) reinterpreting the MBTA, nearly every former Secretary of the Interior are opposed to this interpretation a legal opinion which “is contrary to the long-standing interpretation by every administration (Republican and Democrat) since at least the 1970s”³.

The Bald and Golden Eagle Protection Act should be applied as necessary as the Meadow and UCSC grassland habitats are potential habitat for Golden Eagles. Golden Eagle has been reported at the site as recently as January 12, 2018. East Meadow is critical foraging habitat for Golden Eagles. They almost exclusively forage in the East Meadow when at UCSC (A. Rinkert, pers. obs.). Other meadows on

³ Letter from L. Scarlett et al. to Zinke, January 10, 2018.

campus don't have the expansiveness, lack of woody shrubs, and robust ground-squirrel population that the East Meadow does.

Biological Resources [Table page 2.0-14]

In general, there were very little site-specific biological data collected to determine impacts to biological resources of birds. For example, only one 2-hour survey was conducted for the presence of Burrowing owl, when clearly eBird records indicate there are regular sightings of this species. The Santa Cruz Bird Club and eBird archive bird records for Santa Cruz County and these resources were not consulted in this assessment.

SHW Impact BIO-1: Development of the proposed project would result in a substantial adverse impact on two sensitive natural communities.

We suggest the BIO-1 impact would be “significant”. The proposed development would significantly reduce nesting, roosting and feeding habitat for resident and migratory birds. This will impact the 82+ species in the East Meadow and the 115 bird species documented in the Great Meadow. It is not clear what percent of the meadow habitat would be affected by this action. Clearly this development will create a sizable footprint, displacing habitat of the natural communities. Development and fragmentation of the habitat will also result in increasing the potential of impacts from non-native birds, plants and animals.

Two natural communities: 80+ bird species in each community, food web dependence; specifics on area needed for nesting, roosting and feeding. The MBTA covers all but 3 of these species⁴. Impacts to these species covered by the MBTA should be dealt with in greater detail, particularly with respect to the cumulative impacts of the entire project (both sites) upon the available habitat Coastal Prairie within the UCSC campus.

SHW Mitigation BIO-1A and BIO-2

These mitigation actions fail to address the impact of lost, and disturbed vegetation that birds and wildlife depend upon for food sources, shelter, and ground nests necessary for their survival. There is no specific action to demonstrate how and where they would replace equivalent habitat.

SWH Impact BIO-3: “The proposed project would not introduce or cause the spread of noxious weeds, which could reduce the abundance of native plants and sensitive communities.”

We suggest this BIO-3 Impact is “potentially significant” and needs to be mitigated to reduce impacts to bird feeding and habitat. This finding is based on an assumption and is not scientifically supported. We suggest that scientific findings are in place to prevent spreading of non-native plants which would harm food plants for native and migratory birds. Specific examples would be good. Non-native birds such as European Starling, House sparrow, American Crow and Common Raven often accompany development of urban landscapes and as more aggressive species, and they tend to displace native species. The corvids are particularly voracious nest predators of species such as endangered Marbled Murrelet in the Santa Cruz Mountains.

⁴ <https://www.fws.gov/birds/management/managed-species/migratory-bird-treaty-act-protected-species.php#taxonomic>

SHW Impact BIO-7: “The proposed project would not result in the loss or abandonment of active nests for special-status raptors and other special status and protected birds.”

We suggest the impact of BIO-7 is “significant”. The project will result in long-term loss of nesting habitat and foraging habitat needed by raptors (including special status species) during nesting. Further, the proposed project sites creates fragmentation and segmentation of grassland habitat relative to the wildlife corridors. At the Hagar site connecting eastern UCSC to the Pogonip open space area, and the adjoining ravines and gullies. At the Heller site, the building infrastructure will create a massive barrier to the flow of wildlife to the adjoining Gray Whale Ranch open space.

Many of the recorded 11 raptor species in the East and Great Meadows are nocturnal hunters. The proposed project will impact their foraging, because of the increase of artificial light at night. The loss of land, new light sources, and fragmentation of habitat will diminish food availability for the young, thus endangering their survival.

SHW Impact BIO-8: “The proposed project would not result in a substantial adverse impact on western burrowing owl.”

We suggest the impact of BIO-8 is “significant”. There are regular and recent sightings of Burrowing Owl⁵. According to recent sightings, there are at least two birds observed in the area of the Hagar site. The stated Impact fails to address the fragmentation of the Burrowing Owl habitat. The unavailable baseline data doesn’t allow to evaluate measurable impacts on the Burrowing Owl altered habitat, such as loss of food source and sheltering vegetation. This impact would displace and permanently alter the available potential nesting and foraging habitat for this regular wintering species.

The Burrowing Owl population at UCSC represents about 20% of the known wintering population in Santa Cruz County. They are annually found wintering within the project site. The only breeding record of Burrowing Owl in SCZ was from the East Meadow in 1987, within about 200 meters from the project site.

Historically Burrowing Owl was found on the UC Campus, and it is noteworthy that Warrick⁶ suggest the development of the West Remote Parking Lot (adjacent to the Heller site) resulted in the loss of previously-known nesting pairs (pg. 173).

Owls consume ground squirrels, rodents and provide natural pest control for the UCSC Farm and the Arboretum; disruption of these ecological links will have trophic-level consequences for other UC activities.

SHW Impact BIO-11: “The proposed project could interfere with the movement of wildlife species or with established native resident or migratory wildlife corridors.”

⁵ <https://ebird.org/hotspot/L2716357>

⁶ (First Edition) Natural History of the UC Santa Cruz Campus. Ed. Sheridan F. Warrick. 1982. Environmental Field Program, UC Santa Cruz, 283 p.

We suggest the impact of BIO-11 is “significant”. The lower end of the eastern Great Meadow has critical connectivity with the Pogonip open space and the adjoining ravines in the south end of campus. The proposed site at Heller will create a barrier to dispersal and movement of birds in this area. There are 82+ species in the East Meadow and 115 Great Meadow species which use this habitat and corridor. This impact will also affect the dynamics and movements along this corridor of rodent prey for raptors.

SHW Impact BIO-12: “Outdoor lighting associated with the proposed project could impact wildlife behavior adjacent to the project sites.”

We suggest the impact of BIO-12 is “significant”. The mitigation measures inadequately addresses the new outdoor lighting and excludes light projecting outdoors from excess indoor lighting. The proposed project has not applied any Bird Safe Building Design Standards to the structures, which are in the Pacific Migratory Flyway. The DEIR has not supplied or referenced any research on how nocturnal, or diurnal bird species are compromised by indoor/outdoor lights, nor does the DEIR mention safe bird light spectrums. No surveys were conducted for the occurrence and abundance of nocturnal birds to make this assessment.

Biological Impacts Not Addressed:

1. Bird Collisions with Glass and Infrastructure

Bird collisions with window glass result in the estimated loss of 300 million to 1 billion North American birds each year⁷. Bird collisions with building infrastructure and glass can cause significant mortality and population-level impacts. The proposed Biological Resources mitigated measures do not address any Bird Safe Design (BSD) Standards for the proposed development. Various Bay Area cities have shown their environmental stewardship priority by adopting these BSD Standards into their Planning Departments permits.⁸ Given the importance of birds to the landscape and educational resources at UCSC, we advise minimizing glass, mitigating glass facades, and using these guidelines to the fullest extent possible at each of the sites.

Heller site: This biological impact is “potentially significant” to address. The Heller site [Figure 4.1-11] shows architecture with very tall (seven story) buildings and a large amount of glass, which is a major cause for deadly bird collisions.

Hagar Site: This biological impact is “significant” to address. There is not enough information to assess the potential impacts of the planned architecture and use of glass with respect to bird collisions. The DEIR Vol. I does not show any unobstructed views of the SWH [Figure 4.1-9]. While the text describes “two-story buildings”, the schematic is not to scale with the landscape, and gives the wrong impression that it will not have a visual impact on the views-cape [Figure 4.1-7] The proposed project is shown as either a bird's-eye view or hidden behind trees. This makes evaluation for potential bird glass collision impossible.

⁷ Milius, S. 2014. Windows may kill up to 988 million birds a year in the United States. Science News [185 \(6\): 8](#)

⁸ [Bird-friendly_Building_Guide_WEB.pdf](#)

2. Loss of environmental study and field ornithology opportunities

We also are concerned by the lack of attention given the potential losses of ornithology-focused educational opportunities. As a campus that has built its reputation on the field of Natural Sciences, and Environmental Studies⁹ one of the few to offer ornithology, this development is in stark contrast with the educational intentions of the institution to provide intact natural landscapes in which to study the biota (i.e., birds, mammals, insects, plants) in a wild setting. Field natural history and ornithology classes regularly make use of these fields, as do community-based clubs, such as the Santa Cruz Bird Club. We bring our members on trips to see the raptors, burrowing owls and scour the grasslands for meadowlarks, bluebirds, goldfinches, towhees, and sparrows of all kinds.

3. Increase in predation of native birds, lizards and amphibians by free-roaming feral cats

Housing units will inevitably bring non-native house cats, which have a negative impact on bird populations. It is estimated that 1.3 -4 *billion* birds 6.3–22.3 billion native mammals are killed each year by outdoor cats¹⁰. On campus, free-roaming house cats are regularly seen hunting in the Arboretum, presumably from the nearby housing units. Free-roaming and feral cats are particularly destructive to ground foraging and roosting birds such as Burrowing Owls¹¹.

Consistency with the UCSC Long Range Development Plan (LRDP)

We find the proposals for development at both sites are inconsistent with the UCSC LRDP (2006) with respect to maintaining and conserving natural resources and open space. While the LRDP indicates,

“The plan balances development opportunity with **conservation of natural resources and open space** by clustering new potential development areas and recognizing that additional density can be added to existing developed areas.” {pg. 64, 2006 Final Draft}¹²

The Hagar site is completely inconsistent with the planning approach as described in the LRDP. In particular, the site at Hagar will cause significant changes to the wildlife corridor between the East Meadow and the Pogonip open space, and cause significant habitat fragmentation and loss of nesting and feeding habitat for the 80+ bird species which occur on campus and use the two main natural communities. This loss of habitat will result in the degradation of the natural communities and the avian and mammalian species dependent upon them. So the development will not conserve natural resources. Furthermore the Hagar site development will be not be within an existing footprint or cluster of buildings, so it is again not within the approach as described in the LRDP (above).

⁹ Legacies of founding faculty such as Dr. Kenneth Norris and Rachel Carson memorialized in education centers: <https://norriscenter.ucsc.edu/> ; <https://rachelcarson.ucsc.edu/>

¹⁰ Loss, Will and Marra. 2013. [The impact of free-ranging domestic cats on wildlife of the United States](#). Nature.

¹¹ [Impacts of feral and free-ranging cats on Bird Species of Conservation Concern](#). L. Winter and G. Wallace. 2006.

¹² [https://lrpd.ucsc.edu/FinalDraft2005lrpd/2005LRDP\(LRDP,9-7-06draft\).pdf](https://lrpd.ucsc.edu/FinalDraft2005lrpd/2005LRDP(LRDP,9-7-06draft).pdf)

The Heller infrastructure is within an existing footprint of developed land, however, the high rise buildings are inconsistent with wildlife use in the area, will block wildlife corridors with adjacent open space, pose a significant collision and light attraction risk, and therefore do not support conservation of natural resources.

Finally, we hope you will consider that planning at UCSC not only affects the current nesting and wintering species in a localized area, but the cumulative, long-term impacts of the loss of bird and wildlife habitat, and ultimately, loss of birds in our city and county.

Sincerely,

Lisa Sheridan, President and UCSC Alumni (Environmental Studies)

Jane Mio, Conservation Officer

Santa Cruz Bird Club Officers and Members

<http://www.santacruzbirdclub.org/>