

Appendix A. County of Santa Cruz Procedures for Santa Cruz Long-Toed Salamander Violation Resolution

Residents that have violated the County of Santa Cruz Sensitive Habitat Ordinance for the Santa Cruz long-toed salamander (SHO) (Santa Cruz County Code Section 16.32) may utilize mitigation mechanisms described in this GCP to resolve violations. These residents may utilize options below including the of recording a deed restriction, mitigation fees, or a combination thereof. If habitat restoration activities associated with violation resolution may result in take of the Covered Species, landowners may apply for a permit under this GCP. The following is a discussion on various options that can be utilized to achieve mitigation requirements.

Deed Restriction

The majority of parcels in the project area are of a size that facilitates on-site preservation of habitat via recording of a deed restriction. Landowners may choose to record a deed restriction over a portion or all of a project parcel to meet mitigation requirements. Each deed restriction will describe the areal extent of protected habitat and all restrictions and conditions that will be binding in perpetuity to all successors. Please see Appendix B for an example. Restrictions and conditions may vary slightly and will be agreed-upon by the Service, County, and landowner on a case-by-case basis. Ultimately, all deed restricted protected areas must provide at least baseline habitat conditions (at the time of recording) in perpetuity. Landowners may propose to restore habitat within deed restricted areas to meet mitigation requirements. Landowners proposing to restore habitat within deed restricted areas may be required to submit a habitat restoration plan, which will be determined by the Service and County and based on the complexity of proposed restoration. Each recorded deed restriction will allow for the inspection of deed-restricted areas upon request by the Service or County. The Service will review each mitigation proposal to ensure mitigation is commensurate with the level of impacts.

County of Santa Cruz Sensitive Habitat Ordinance Violation Resolution

A violation entails the breaching of any statute of the SHO. If a violation has or is suspected to have occurred, the following process will be followed to ensure resolution of the violation.

- 1) The County will request an on-site meeting, with the landowner present, to assess the violation, or suspected violation. The Service will participate in the on-site meeting if requested. The landowner must respond to this request within 30 calendar days. The purpose of this meeting is to assess and discuss the violation and mutually agree upon an appropriate course of action to ensure resolution of the violation. Resolution must also contain a timeline in which agreed upon milestones (if applicable) are reached. As determined by the County or Service, a habitat restoration plan, drafted by a qualified biologist, may be required based on the level of habitat impacts. If it is determined that a violation has occurred, the County will apply a red-tag notice to the applicable property. If resolution of the violation is not agreed upon during the on-site meeting, or if the landowner does not provide access within 30 days of the County's request, jump to number 4 below.

- 2) Within 30 calendar days after resolution is agreed upon at the on-site meeting, the County will send follow-up correspondence (via electronic mail or formal mail) to the landowner outlining agreed upon resolution, timeline, and any applicable milestones. The landowner must respond in writing (via electronic mail or formal mail) to the agreed-upon resolution, timeline, and applicable milestones. If the landowner fails to confirm agreement within 30 calendar days of this correspondence, jump to number 4 below.
- 3) At least annually or based on the timeline of any applicable milestones, the County or Service will request access for the purpose of inspecting the impacted area to determine if resolution, timeline, and milestones have been met. If the agreed upon resolution has been achieved, the County will remove the red-tag notice and consider the violation resolved. The County will correspond (via electronic mail or formal mail) with the landowner acknowledging violation resolution within 30 calendar days of confirmation. If good-faith efforts to achieve milestones have not been conducted, as determined by the County or Service, see number 4 below.
- 4) If access is not provided within 30 days of the inspection request, if resolution is not agreed upon in writing after the on-site meeting, or if good-faith efforts to achieve agreed upon resolution, timeline, and any applicable milestones have not been conducted, the County will bring action by administrative or judicial proceeding to ensure compliance. Fines associated with non-compliance will be based on estimated costs of the restoration of habitat values that have been impacted by the violation, in addition to any costs accrued by the County to resolve the violation.
 - Fines associated with non-compliance of a violation will be based on estimated costs of restoration of Santa Cruz long-toed salamander habitats. A mitigation ratio of no less than 5:1 (acres restored to acres impacted) will be required for all permanently impacted areas, and a mitigation fee ratio of no less than 2:1 (acres restored to acres impacted) will be required for all temporarily impacted areas. Determination of appropriate mitigation ratios will be determined by the Service and based on the level of impacts as well distance from known or assumed Santa Cruz long-toed salamander breeding locations. At present, the Resource Conservation District of Santa Cruz County administers a Service-approved in-lieu-fee-program in which costs to restore dispersal, upland, and aquatic habitats of the Santa Cruz long-toed salamander have been estimated. The RCD is a special district organized under state law with no enforcement or regulatory functions. The RCD is charged with assisting the people and communities of Santa Cruz County to protect, conserve, and restore natural resources. Please contact the RCD at 831-464-2950 for the ILFP's current cost schedule. Costs are anticipated to change from year to year, and current year ILFP costs (of the violation) will be used as a reference point in terms of establishing fines.

Compliance Fee

Each landowner must provide a Compliance Fee that will be used to support implementation of the GCP or species recovery goals. Compliance Fees will support activities such as deed restriction enforcement and monitoring, land acquisition, management, and restoration, or other activities that the Service has determined supports implementation of the GCP or species recovery goals. Landowners that violate the SHO must deposit a fee of \$500 in the National Fish and Wildlife Foundation's account for the GCP for Amphibians in Southern Santa Cruz County.

Appendix B.

REQUEST FOR CULTURAL RESOURCE COMPLIANCE

U.S. Fish and Wildlife Service, Region 1 and Region 8

Project Name:					FWS Program: (ES, Refuges, Fisheries, Fire...)	Endangered Species	
					Funding Source: (Partners, Refuges, TEA-21, HCP, NAWCA...)		
State: CA, ID, HI, NV, OR, WA	CA	EcoRegion: CBE, IPE, KCE, NCE	Central Coast Ecoregion		FWS Unit: Org Code:	Ventura FWO 81440	
	County	Township	Range	Section	FWS Contact: Name, Tel#, Address	Chad Mitcham	
	Santa Cruz					(831) 768-7794 1100 Fiesta Way, Watsonville, CA 95076	
USGS Quad:	Watsonville West				Date of Request:	Proposed Project Start Date:	
Total project acres/ linear ft/m:		APE Acres / linear ft/m (if different)					
Have you consulted with Tribe(s)?		Have you consulted with other interested parties?		Is there another federal agency involved with this project?	x	No	If yes, provide name:
Yes	No	X	Yes			No	Yes
Maps Attached		Check below		Note: Contact the CRT before making FWS the Lead Agency. If yes, which agency is taking lead for Section 106 compliance?		FWS	x Other Agency
Copy of portion of USGS Quad with project area marked clearly (required)				Project (sketch) map showing Area of Potential Effect with locations of specific ground altering activities (required): See attached figure.			
Photocopy of aerial photo showing location (if available)				Any other project plans, photographs, or drawings that may help CRT in making determination (if available)			
Directions to Project: (if not obvious)							
Description of Undertaking:							

Area of Potential Effects (APE):	
Environmental and Cultural Setting:	<p>Briefly describe the environmental setting of the APE. A) What was the natural habitat prior to modifications, reclamation, agriculture, settlement? B) What is land-use history? When was it first settled, modified? How deep has it been cultivated, grazed, etc.? C) What is land use and habitat today? What natural agents (e.g., sedimentation, vegetation, inundation) or cultural agents (e.g., cultivation) might affect the ability to discover cultural resources? D) Do you (or does anybody else) know of cultural resources in or near the project area?</p>
<p>Please return this RCRC and map showing APE digitally, if possible, to virginia_parks@fws.gov. Questions, call 503-625-4377</p>	

RECORDED AT REQUEST OF:
County of Santa Cruz

WHEN RECORDED MAIL TO:
Santa Cruz County Planning
701 Ocean St.
Santa Cruz, CA 95060

(Space above this line for Recorder's use only)

This is an example document and should be used as a guide. The draft deed restriction document submitted with your building permit application must include details specific to your project. This form must be reviewed and approved by County Planning Staff prior to recording.

- Text highlighted in blue = (Sample text) – sample text that should be replaced with project specific details.
- Red text = (guidance text) – guidance text and instructions to be considered and deleted from the final document.

This document, including exhibits, must conform to the 'recording requirements' as outlined on the County Recorder's website:

<https://www.co.santa-cruz.ca.us/rcd/recorders/genrecording/requirements.htm>

DECLARATION OF RESTRICTION REGARDING SANTA CRUZ LONG-TOED SALAMANDER HABITAT

This declaration is made in the County of Santa Cruz, State of California, effective **January 1, 2023** by **John Doe** owner(s) of real property described in Exhibit "A" attached hereto and incorporated herein by reference, also known as Assessor's Parcel Number(s) **000-000-00** (hereinafter "subject property"), who hereby declare(s) that all of the property described below shall be held, transferred, sold, and conveyed subject to the following restrictions and conditions, which are for the purpose of compliance with the County Code of the County of Santa Cruz, and which shall run with the title to the property and be binding on all parties having any right, title or interest in the property or any part thereof, their heirs, assigns, and any other transferees and successors and shall apply to each owner thereafter.

RECITALS

WHEREAS, Declarants have proposed to construct **a 2,000 sq. ft. 2- story SFD with 500 sq.ft. attached garage** (hereafter referred to as the "project") as described in Exhibit B attached hereto and incorporated herein by reference;

WHEREAS, the Sensitive Habitat Protection Ordinance of the County of Santa Cruz (Chapter 16.32 of the County Code, hereinafter "the Ordinance") requires that any development approved by the County of Santa Cruz (hereinafter the "County") shall mitigate significant environmental impacts;

WHEREAS, the County has found that the portion(s) of the subject property are sensitive habitat as defined in Chapter 16.32 of the County Code in that the project is located within habitat for Santa Cruz long-toed salamander;

WHEREAS, Grantors have made application for a permit to develop on project site (hereinafter "said permit"), and such development, if inappropriately sited, designed or utilized could have a significant adverse impact in the sensitive habitat described above;

WHEREAS, The County has found that to issue an approval or permit consistent with said Sensitive Habitat Protection Ordinance the County must be assured that the development will be sited, designed and utilized so as to not significantly adversely impact the sensitive habitat;

WHEREAS, the County has found that the restrictions enumerated hereinafter will confine the development to a limited area, prevent expansion of the development, and otherwise constrain the development, and will thus adequately mitigate the adverse impacts set forth above; and

WHEREAS, it is intended that the restrictions contained herein shall be and shall continue to be, to the end of the term of said restrictions, enforceable restrictions within the meaning of Article XIII, Section 8 of the California Constitution and that said revisions shall thereby qualify as an enforceable restriction under the provisions of the California revenue and Taxation Code Section 402.1.

RESTRICTIONS

NOW THEREFORE, in consideration of the mutual benefits and covenants hereby acknowledged by the parties and the substantial public benefits for the protection of the sensitive habitat, Declarant(s) hereby declare(s) that they are subject to the following restrictions and conditions.

1. **USE OF PARCEL**. Development as defined in Chapter 16.32 of the County Code (including, without limitation, removal of trees and other vegetation, grading, paving, installation of structures such as signs, buildings, or other structures of similar impact) shall be subject to the following restrictions:

Additional project specific restrictions required by the Biotic Conditions of Approval must be incorporated into the restrictions below.

- a. Total site disturbance shall not exceed that area identified on **Exhibit 'B'** for which mitigation has been accepted.
- b. To date, property owner commits to protection of **4.5 acres of project parcel as identified on Exhibit 'B' as "protected habitat"** via recording of this deed restriction.
- c. Activities that involve grading or surface disturbance or construction or installation of any above ground structures of any kind are prohibited within the protected habitat areas designated in **Exhibit B**.

- d. Removal of any native plant species within protected habitat areas is prohibited. Restoration activities that involve invasive plant control and planting of native species are allowed. Revegetation shall be completed by hand and with native plant species that are locally derived, if possible.
 - e. Vegetation management associated with fire protection of dwellings must be implemented in accordance with, and not exceed, the CalFire 100-foot protection perimeter.
 - f. Ground disturbing activities (e.g. vegetation clearing, grading, digging etc.) must be minimized on the entire property during the winter season (October 31 – April 1).
 - g. Curbing associated with access roads must be non-existent, sloped, or slanted to allow for unhindered passage by the Santa Cruz long-toed salamander. Acceptable drainage facilities are those (such as French drains) that do not allow entrance/entrapment of Santa Cruz long-toed salamanders.
 - h. Gardens and orchards must commit to the non-use of chemical herbicides and pesticides and must allow unimpeded access, through the garden or orchard, by the Santa Cruz long-toed salamander. Planter boxes and raised gardens must be elevated such that salamanders are not impeded.
2. **TERM**. This Declaration of Restrictions shall be in effect for a period beginning on the effective date stated above and continuing for the life of the development approved by said approval and/or permit, and so long as any development rights whatsoever remain or are claimed under said approval and/or permit.
 3. **RECORDATION OF DOCUMENTS**. This Declaration of Restrictions shall be duly recorded on the Office of the Recorder for the County of Santa Cruz. In the event that under the terms and conditions of this document, or any subsequent mutual written agreement, these restrictions are terminated with respect to all or any part of the subject property, the County shall, upon written request, execute and record with the Recorder of the County of Santa Cruz any documents necessary to evidence such termination.
 4. **SUCCESSORS IN INTEREST**. This declaration of Restrictions shall be appurtenant to the land described herein, for the term described herein, and all obligation hereby imposed shall be deemed to be covenants and restrictions running with the land, and shall bind any person having at any time any interest or estate in the subject property and as such shall be binding upon and inure to the benefit of all successors, transferees and assigns of the Declarants.
 5. **CONSTRUCTION OF VALIDITY/SEVERABILITY**. If any provisions of these restrictions shall be held to be invalid, or for any reason become unenforceable no other provision shall be thereby affected or impaired, but rather shall be deemed severable.
 6. **ENFORCEMENT OF DECLARATION**. Any conveyance, contract, or authorization (whether written or oral) by the Declarants or their successors on interest which would permit use of the subject property contrary to the term of this Declaration of Restrictions shall be deemed a breach of this Declaration. County or its successors may bring any action by administrative or judicial proceeding when County deems necessary of convenient to enforce this Declaration of Restrictions including, but not limited to, an action to enforce the Declaration as described in the General Conservation Plan for

Amphibians in Southern Santa Cruz County. Grantors understand and agree that the enforcement proceedings provided in this paragraph are not exclusive and that County may pursue any appropriate legal and equitable remedies.

DECLARATION OF RESTRICTIONS

This Declaration shall run with the land and shall be binding upon the undersigned, any future owners, encumbrances, their successors, heirs or assignees. This document shall be disclosed to the foregoing individuals. This Declaration may not be altered or removed from the records of the County Recorder without the prior consent of the Planning Director of the County of Santa Cruz.

IN WITNESS WHEREOF, Declarants have executed this Declaration of Restrictions on the

_____ day of _____, 20____.

Declarant

Declarant

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Santa Cruz

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

Signature

EXHIBIT "A"

Exhibit "A" shall be the legal description of the parcel

All that real property situated in the County of Santa Cruz, State of California, conveyed from John Doe by deed recorded on Document number 2024-000000 Official Records on 1/1/2024. Assessor's Parcel No. 000-000-00

EXAMPLE

EXHIBIT "B"

Exhibit "B" shall include a description of the project and associated protected areas, and a figure plan-view page showing these areas.

This Exhibit must be reviewed and approved by County Planning Staff after notarization and prior to recordation.

Project includes construction of a 2,000 sq. ft. 2- story SFD with 500 sq.ft. attached garage. 4.5 acres of project parcel identified as "protected habitat" shall be protected from future development.

Dated: _____

COUNTY OF SANTA CRUZ

By: _____
Planning Department Staff

EXAMPLE