



SANTA CRUZ COUNTY GROUP

Of The Ventana Chapter

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Mark Dettle
Director of Santa Cruz City Public Works Department
809 Center Street, Rm. 201
Santa Cruz, California 95060

May 21st. 2018

Dear Mark,

As you know, the October 14, 2014 'Final Lake or Streambed Alteration Agreement' expires on December 31, 2018. Santa Cruz is a biodiversity hotspot and a critical migratory, local corridor for hundreds of bird species. Our waterways provide essential habitat for these birds, as well as for many other sensitive plants and animals. The current Agreement has not adequately protected native habitat in our waterways. The Sierra Club is writing to request nine changes in the new Agreement to ensure that environmental damage is prevented and sensitive habitat is preserved. The requests are numbered and in *italics*, the findings on which they are based are alphabetized.

The Sierra Club requests that:

- 1) *The California Department of Fish & Wildlife (CDFW) and the city of Santa Cruz Public Works (PW) coordinate and synchronize the required working dates of the new Agreement to correspond with bird breeding/nesting season dates and extend nesting surveys until September 1st.*
- 2) *All disruptive work permitted in the Agreement should be prohibited between February 1st. and September 1st. in order to protect the bird populations in our City limits.*
- 3) *All City staff and contractors are trained and informed of the Agreement requirements in advance of any work done.*
- 4) *The Public Works Department (PW) conveys explicit instructions to the City staff, Supervisors and Contractors of the Agreement's Vegetation Removal*

Requirements.

- 5) *PW records the work of the trained and informed personnel to obtain the required results.*
- 6) *The CDFW and PW create a clear, systematic, accountable strategy to evaluate effective preservation achievements.*
- 7) *An updated accounting of all activities conducted under the Agreement (vegetation removal and re-vegetation activities) is posted monthly on the City website.*
- 8) *Public Works keeps a public document on their website that lists the locations of applied tree replacement ratio.*
- 9) *Public Works addresses vegetation replacement consistent with the Agreement's measurable goals and monitoring requirements two weeks after construction completion.*

Requests 1-3 are based on the findings A-C:

A. Page 2 of 29

The current Agreement states: "To prevent overlap in activities authorized under two Routine Maintenance Agreements, this Agreement (1600-2013-0176-3) does not include any routine maintenance activities located in the San Lorenzo River and its tributaries upstream of Highway 1."

- We notice that this Routine Maintenance Agreement (RMA) (1600- 201 0-0271) is not addressing disruptive work during breeding/nesting season.

B. Page 7 of 29 2.1 Seasonal Work Periods.

Current Agreement quote: "Dredging activities in the San Lorenzo River and its tributaries shall only be performed after June 15 and before October 15 and when the San Lorenzo Lagoon is open to the Pacific Ocean to allow for fish to move from turbid waters due to project activities. Work within and around creeks that do not provide habitat for salmonids and other special-status species, and which do not discharge directly into such drainages, shall be limited to April 15 to October 31. Re-vegetation activities performed using hand tools only are not confined to a seasonal work period."

- We note that the stated dates (after June 15 and before October 15/ April 15 to October 31) are in conflict with the nesting season (February 1 through August 15) and exclude documented nests between August 15th and September 1st.

C. Page 16 of 29 2.41 Bird Nest Surveys.

Current Agreement quote: “If equipment staging, site preparation, mowing, excavation or other project-related construction activities are scheduled during the nesting season **(February 1 through August 15)** of protected raptors and other avian species, a focused survey for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning of project-related activities. “

- Bird nests have been documented by the Sierra Club, Santa Cruz Bird Club and qualified Biologists along shorelines, in tule and bank vegetation until September. This situation requires that the Bird Nest Surveys requirement be extended to September 1st.
- The different timetables create confusion since they overlap with the protected bird breeding/nesting season.

Requests 4-7 are based on findings D-F

D. Page 11 of 29 2.25 Limitations on Vegetation Removal.

- The vegetation, pruning work has not adhered to the Agreement requirements.

E. Page 11 of 29 2.63-2.66 Riparian topics

- The requirements to meet the goals of the current Agreement have not been achieved.
- Failed plants have not been replaced.
- Pre-project habitat baselines are not available to measure end results.

F. Throughout the Agreement

- The Agreement lacks requirements to protect removal of existing, established native plants as vegetation removal work is carried out.

Request 8 is based on finding G

G. Page 21 of 29 2.61 Tree Replacement.

- Due to drought, winter storms and bark beetle disease, a large number of trees have been lost in the locations that the current Agreement covers.
- There is no documentation available that the lost trees have been replaced.

Request 9 is based on finding H

H. Page 21 of 29 2.62 Vegetation Replacement.

- Replacement of vegetation after ending construction has been slow and/or lacking. This creates erosion and further negative habitat impact.

The Sierra Club thanks you for considering these nine requests and looks forward to seeing them integrated into the new Agreement. We would appreciate an update as the

new Agreement is developed, with specific reference to the requests outlined in this letter.

Sincerely,

Gillian

Gillian Greensite, Chair
Sierra Club, Santa Cruz County Group

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