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Nathan Nguyen  
City of Santa Cruz  
809 Center Street, Room 201  
Santa Cruz, CA 95060  
February 4<sup>th</sup>. 2019

**Re: Santa Cruz Rail Trail Segment 7 (Phase II) Project: Negative Declaration with Mitigations**

The Sierra Club appreciates the recirculation of the Initial Study/Mitigated Negative Declaration for this project given that the original IS/MND failed to reference the monarch butterfly habitat within the project site. We continue to support the purposes of the project.

We are writing to express our opposition to numerous aspects of the CEQA Re-circulated Initial Study/Mitigated Negative Declaration for the project referenced above, as well as to a CEQA Negative Declaration granted on the basis of the Initial Study.

We reiterate our position that the environmental assessment and mitigations for Santa Cruz Rail Trail Segment 7 (Phase II) remain inadequate. Limited recirculation of the IS/MND is not responsive to our earlier comment letter. The proposed added mitigation, exemption of five of the eucalypts from removal, is not sufficient to reduce project impacts to less-than-significant.

The project as described requires millions of dollars for earthwork to excavate the width of the chute and build retaining walls, removing many large trees, channelizing year-round springs, removing riparian vegetation, and displacing birds, butterflies, amphibians, reptiles and mammals.

We take specific issue with the impact determinations of the following items:

- Section I Aesthetics
- Section IV Biological Resources
- Section IX Hydrology and Water Quality
- Section XVIII Mandatory Findings of Significance (a) and (b)

*City Initial Study:*

I. AESTHETICS.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the Project:</i>				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Our Comments:*

**Aesthetics:**

Mitigation Measure AES-2 requires that any site features and landscaping affected during construction be replaced. The statement that the impact would be “less than significant after mitigation (page 3-5)” is inadequate. Mitigation Measure AES-1 requires the use of native grass and wildflower species in erosion control grassland seed mix (page 3-4). Mitigation Measure AES-2 does not replace the site features or landscaping, but changes the area into a new habitat type by applying Mitigation Measures AES-1. These conflicting aspects present a situation where the project does not comply with its own proposed mitigation measures.

City Initial Study:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES.</b>				
Would the Project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Our Comments:

**Biological Resources:**

**Vegetation**

Six land cover types are identified in the biological survey area (page 3-13 revised initial study): ruderal, landscaped, Central Coast riparian scrub, perennial drainage (Neary Lagoon outlet), lagoon (Neary Lagoon), and developed. None of these habitat types features native grasses; native grasses are not adequate for onsite mitigation replanting. Replacement planting must replace a mature riparian ecosystem, not

grassland. Replacing existing land covers with grasses changes the ecosystem, degrading wildlife habitats and threatening local plant and animal communities.

Therefore, impacts on Biological Resources a, b, c and d, above, remain significant even after replanting as described in Mitigation Measure AES-1 and BIO-7 in the document:

**Mitigation Measure BIO-7-6: Plant Willow Trees**

To compensate for the removal of willow trees, the City or its construction contractor will plant willow trees within the City at a 3:1 ratio. For each willow tree that is removed, three willow trees would be planted. At a minimum, the following performance standards will be met.

The tree mitigation areas will be monitored during years 1–5. Monitoring surveys will be performed in August or September. Monitoring surveys will record tree survival and vigor and invasive plant species relative cover. Monitoring results from years 1–4 will be used to determine if the mitigation site is likely to meet the success criteria. Year 5 monitoring results will be used to determine if the mitigation site has indeed met the success criteria. If the year 5 success criteria are not met, monitoring will continue annually until those criteria are met, at which time performance monitoring can be discontinued. The success criterion for the tree plantings is 60% survival rate at the end of the 5-year monitoring period. If the mitigation sites do not achieve the success criteria, remedial actions will be implemented as necessary. These remedial actions could include but would not be limited to replanting or installing tree protection cages.

The methodology used for assessment of willow vegetation loss in particular, counting individual large trees, is inappropriate. Most willows do not grow as independent individual large trees in riparian corridors, but as multi-stemmed shrubs. Willow and other riparian scrub vegetation loss should be estimated using number of stems and canopy volume, in addition to individual counts of large specimens. If this methodology were followed, substantially greater volumes of mitigation would be required for loss of this habitat. Furthermore, the planting location and varietal identity of replacement willow trees/bushes must be specified. Several different species and subspecies of willows could be affected. Willows require riparian conditions. Willows planted elsewhere in the City will not be ecologically comparable to existing willows contiguous to Neary Lagoon. Loss of the dense willow vegetation remains a significant impact that could be avoided through alternative project designs.

**Vertebrates**

Mitigation measures propose to survey for sensitive vertebrate species, avoid them during construction, and implement “awareness programs,” but they do not consider practical avoidance measures for long term loss of habitat, such as alternative alignments of the trail. Where to relocate woodrats, red-legged frogs, black salamanders, bats and other sensitive vertebrates within Neary Lagoon is not specified. Details of range and territory must be specified to evaluate relocation proposals. Native and migratory bird habitat and populations will be reduced by the loss of 3,500 cubic yards of cut material, 42 trees, and an unspecified volume of riparian scrub. Replacement trees take 30 to 50 years to reach the height of the current trees in the proposed trail area. Replacement offsite is not comparable to retaining and avoiding existing mature riparian habitat. No evidence is presented to justify the assertion that Neary Lagoon will absorb the displaced vertebrate populations. Existing Neary Lagoon bird and mammal populations must be assessed to evaluate current densities and how

these populations would be impacted by increased densities of birds, woodrats, bats reptiles and amphibians and loss of upland habitat due to this project. Mitigations BIO-1 and BIO-7 do not adequately reduce significant impacts of the proposed project on vertebrates.

### **Monarch Butterfly**

The recirculated Study acknowledges that the Project site is a potential habitat for monarch butterflies. However, the Study fails to properly evaluate the current habitat value by means of “multi-year surveys during the winter roosting season.” as required under the 2030 General Plan p. 127. The claim that “the current habitat suitability is low due to the lack of low branches and nearby nectar sources” although it was “historically used as a wintering site for monarch butterflies in the 1980’s and 1990’s” is not supported by data. This grove has always been characterized by tall trunks lacking lower branches and nearby nectar sources have not changed. The Study has to provide proper documentation over multiple years on which to base any conclusion about the habitat value of this grove for monarch butterflies.

The recirculated study gives a misleading evaluation of the impact of removing one blue gum eucalyptus from the monarch habitat area by stating that it is only 1 out of a total of 42 trees and therefore not significant. Most of the 42 trees in these groves are small. The one slated for removal is one of the few larger trees that comprise the western grove’s canopy, and its canopy is one of the tallest in the grove. Rather than stating that the removal of one tree equals 4.6% of the total, the Study should assess the impact of removing one of the few large trees that comprise the canopy of the grove, both visually and in terms of habitat integrity.

The Study omits any reference to the impact on the trees of a retaining wall, which will abut the grove. This wall will impact drainage. Such impact has not been acknowledged, or studied. Standing water can kill eucalyptus roots as evidenced by the death of the blue gums from standing water after Caltrans grading on the southern side of Highway 1 just before the railway crossing prior to River Street

The Study claims correctly that blue gums can self-propagate. However, the Study fails to acknowledge that it will take 30 to 40+ years for a sapling to grow to the size of the tree slated for removal. The conclusion that there will be no significant impact is not based on data, fact or science but on opinion.

The Study fails to present accurate data on which to draw conclusions about the status of this monarch habitat and the significance of removing a major tree canopy in the monarch grove. Nor does it assess the impact of change in gradient and drainage on the grove. Therefore, the mitigations proposed are inadequate to respond to the impacts since the impacts are not properly evaluated.

**Riparian habitat**

The riparian scrub habitat is not separate from Neary Lagoon. It is important adjacent and connected upland for the lagoon. The railroad tracks do not “physically” separate the two in the way removing the soil, rock and vegetation would eliminate the habitat. This impact is underestimated. The long-term impact of loss of this habitat must be evaluated. Construction impacts are mitigated in the MND, but loss of riparian habitat for amphibians, reptiles and birds, as well as increase in flooding and reduction of water quality downstream at Cowell Beach due to increased impervious surfaces and channelization must also be avoided or mitigated offsite.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. HYDROLOGY AND WATER QUALITY.</b>				
Would the Project:				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which will result in flooding on-or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*Our Comments:*

### **Hydrology:**

The RIS should acknowledge that Cowell beach is already an impaired water body. Channelizing the running stream will reduce water quality runoff into Neary Lagoon and/or Cowell beach, ultimately reducing water quality of the Monterey Bay Sanctuary during storms. Alternative alignments would avoid adding unfiltered water load to the

Bay. Mitigation measure HYD-1, an unspecified drainage plan is **inadequate** mitigation for this impact, as described in the document:

**Mitigation Measure HYD-1: Drainage Plan.** A drainage plan for the site shall be prepared to ensure that proposed storm drainage systems are adequate to channel runoff from the proposed Project.

Hydrology and Water Quality Section c, above is a significant impact of the project that could be avoided by adopting an alternative alignment.

*City Initial Study:*

<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Unless Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
Would the Project:				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Other Sections:**

**Climate change**

The Recirculated Initial Study and its new technical appendices fail to evaluate the effects of the loss of the mature vegetation on climate change through loss of evapotranspiration, CO2 sequestration, and increase in heat absorbing surfaces. These impacts would be avoided by following alternative alignments.

**Cumulative impacts**



Assessment of cumulative impacts should include and integrate adjacent projects proposed for the intersection of West Cliff with Bay and for the Dream Inn parking lot area.

### **Summary**

The Sierra Club's position is that this project can only properly be evaluated based on an Environmental Impact Report (EIR), given the complex flora, fauna and habitat value of the site and the environmental impacts of the project, which are considerable and significant.

An EIR would consider alternative alignments of the trail that would create a bike/ped trail that is separate from roadway vehicle traffic while better achieving the purposes of the project, especially connectivity to start/end points in neighborhoods, protection of the sanctuary, closing gaps in the trail network, and reducing transportation-related energy use and greenhouse gas generation, while avoiding undesirable biological, hydrological and geological impacts.

The proposed project allows only two access points to the trail, at the top and bottom of a long three-quarter mile chute running from California Street to the base of the trestle bridge.

The purpose of this trail segment is not fully met by placing the trail in the ravine alongside a retaining wall, which is not readily accessed by the adjacent neighborhoods. This alignment fails to provide connectivity to other existing local and regional bicycle and pedestrian facilities from residential neighborhoods and commercial and industrial areas. Furthermore, the width of the proposed trail is compromised due to the geological constraints, as noted on page 1-3 under Project Description. Trails within the Project alignment would be approximately 12 feet wide. The edge of the alignment would range from 8.5 feet (in constrained areas) to a maximum of 65 feet from the rail centerline.

The Sierra Club thanks you for considering these comments and looks forward to a further assessment of this project based on an EIR.

Sincerely,  
Gillian

Gillian Greensite, Chair  
Sierra Club, Santa Cruz County Group



