



**SANTA CRUZ COUNTY  
GROUP**

**Of The Ventana Chapter  
P.O. Box 604, Santa Cruz, CA 95061**

<https://www.sierraclub.org/ventana/santa-cruz>

email: [sierraclubsantacruz@gmail.com](mailto:sierraclubsantacruz@gmail.com)

October 14, 2020

**City of Santa Cruz Planning Commission**

City Hall

809 Center Street

Santa Cruz, CA 95060

**Re: Santa Cruz Wharf Master Plan Final Environmental Impact Report (FEIR) Certification  
October 15, 2020 Regular Meeting, Agenda Item 2**

The Sierra Club urges you to deny certification of the Final Environmental Impact Report (FEIR) for the Santa Cruz Wharf Master Plan (WMP) at this time. The lack of clarity in the FEIR responses to the Sierra Club DEIR comments have made it impossible for the Sierra Club to support the FEIR certification at this time.

It is not uncommon to encounter dismissive and evasive responses to comments submitted for Draft Environmental Impact Reports, and unfortunately these days some EIR consultancy firms market themselves on their ability to avoid or minimize mitigations that might otherwise be required on projects which undergo full and fair environmental review.

However, in this circumstance, we are dealing with a public project (The Wharf Master Plan), a project funded with public monies, and an Environmental Impact Report also funded with public monies. The DEIR was reviewed by community members and groups, and is now before a public body, the City of Santa Cruz Planning Commission. In this circumstance we expect, and in fact demand, that clear and specific comments to the DEIR be fully and fairly addressed in the FEIR responses. Unfortunately, concerns which were raised with specificity, and which were clearly understood (as evidenced in the response), received answers which were either sloppily imprecise or purposefully evasive. In either case these are non-responsive answers, contrary to the requirements of CEQA and absolutely inappropriate in the context of a publicly funded environmental review of a publicly funded project.

It is for this reason that we find ourselves urging you not to certify the FEIR on the Wharf Master Plan until these concerns are properly, responsively, and compliantly addressed. Given the inadequate response in the FEIR to the environmental impact concerns raised by the Sierra Club, there is no basis for a determination that there are not significant impacts with this Project.

## **Our Primary Concern: BIO-1c Special Status Species – Coastal Birds**

The Sierra Club, in its DEIR comment letter of May 25, 2020, raised the concern with great specificity, about unsupported conclusions with regard to bird habitat issues. Although the DEIR included baseline studies of bird counts done by qualified personnel, there was no evidence in the record that any of the conclusions in the document were made by or supported by qualified wildlife and marine biologists. The entire comment is seen here:

We take special exception to the assertion that “the project would result in an overall increase in suitable nesting habitat for the pigeon guillemot ... as this overall expansion of suitable habitat would offset any indirect effects from human presence.” No assertion of expansion of suitable habitat can be made without direct support from a qualified biologist. The Biological Resources section of the DEIR, at page 4.2-32, states that the “impact analysis is based on review by Dudek wildlife and marine biologists and supplemented by local biologists, Gary Kittleson and Bryan Mori, regarding nesting birds.” The DEIR does not make clear that the bird biologists were involved in anything other than the bird surveys they performed, which are referred to. If these biologists were involved in the assessments of impacts, and support the numerous assertions referred to in this paragraph, this work should be referred to specifically, and appropriate references should be cited. The analysis section begins with the bald conclusion that “the proposed Master Plan improvements would result in expansion of the Wharf and would not result in removal of habitat.” This conflation of the size of the Wharf with functional habitat is not supported by any full analysis of what factors combine to make a functional habitat. Such factors may certainly include access to nesting sites and privacy of both the nesting sites and the access flight paths. The phrasing in the DEIR that because the pigeon guillemots currently nest in both western and eastern locations, that this “suggests that pigeon guillemots do not prefer the undisturbed western side of the Wharf over other areas, and the introduction of human disturbance here may not affect their preference for nesting locations” is explicitly conjecture, and not tied to any input by a qualified biologist. The impacts to the overall habitat area appear to be significant, and no statement to the contrary can be made without the input of qualified (with regard to this species) personnel. As discussed further below, it appears that the proposed western walkway is best removed from this proposal.

We posed a clear question about whether any qualified biologist made or supported the suspect conclusion that “the project would result in an overall increase in suitable nesting habitat for the pigeon guillemot ... as this overall expansion of suitable habitat would offset any indirect

effects from human presence.” This presented an easy opportunity for the FEIR response to state, for example, that Dr. (XXX) had made this conclusion, as evidenced by his letter/study/response attached herein.

In contrast, the FEIR response does not say that the unsupported, challenged, conclusion was in any way made by, or supported by, a qualified biologist. The FEIR states:

The DEIR Biological Resources section was prepared by and reviewed by five biologists as identified in section 6.3 of the DEIR, and the cited conclusion is based upon the biologists’ contributions to and review of the DEIR Biological Resources section. (emphasis added)

One can clearly see that a conclusion “based upon the biologists’ contributions” does not state the conclusion has been made by a biologist, and in fact such a construction intimates that the conclusion was not made by a biologist. As we stated above, we view this response to our comment as purposefully evasive. The conclusion in question is around an issue of utmost importance to this Project, this Environmental Impact Report, and the general public. We expect better, and challenge the citation above as non-responsive to our DEIR comments.

Therefore, given the above, the conclusion of the FEIR that this Project, beyond construction, will have no significant environmental impacts is invalid.

Thank you for the opportunity to submit our comments. Should you have any questions or wish to discuss these matters in more detail, please contact the undersigned.

Michael Guth,  
Conservation Committee Chair

Micah Posner,  
Executive Committee Chair

Sierra Club, Santa Cruz County Group Of the Ventana Chapter