To: City of Santa Cruz

Public Works Department

Attn: Nathan Nguyen

From: The Sierra Club

Re: CEQA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

SANTA CRUZ RAIL TRAIL SEGMENT 7 PROJECT (PHASE II)

While the Sierra Club supports the rail/trail in general, the environmental impacts from the construction of Segment 7 Phase 2 of the bicycle/pedestrian trail are significant and warrant a more thorough, scientific evaluation than is contained in the Mitigated Negative Declaration (MND). The suggested mitigations are inadequate to reduce the impacts to less than significant and alternatives to the project should be explored.

**Of specific concern:**

The MND cites Segment 7 Phase 2 as habitat for a variety of wildlife species:

**Special-Status Wildlife Species.** Page 3-16 MND. “Based on the CNDDB search results and the USFWS list for the biological survey area and based on the existing land cover near the project, the following 11 special-status wildlife species were found to have the potential to occur in the biological survey area: Santa Cruz black salamander (Aneides niger), California red-legged frog (CRLF) (Ranadraytonii); western pond turtle (Emys marmorata); great blue heron (Ardea herodias), osprey (Pandion haliateus), Cooper’s hawk (Accipiter cooperii); white-tailed kite (Elanus leucurus); southwestern willow flycatcher (Empidonax traillii extimus), hoary bat (Lasiurus cinereus), pallid bat (Antrozous pallidus), and San Francisco dusky-footed woodrat (Neotoma fuscipes annectens).Migratory Birds and Raptors. Migratory birds and raptors have the potential to nest in trees, shrubs, and existing infrastructure in and adjacent to the biological survey area.”

Page 3-21 MND. “Great blue heron, osprey, Cooper’s hawk, white-tailed kite, southwestern willow flycatcher, and migratory birds. Great blue heron could nest at Neary Lagoon and were observed at both locations in 2018 (eBird 2018). Osprey, Cooper’s hawk, and white-tailed kite could nest in suitable trees within or adjacent to the biological survey area, particularly around Neary Lagoon. Osprey, Cooper’s hawk, and white-tailed kite were recently (2017 or 2018) observed at Neary Lagoon (eBird 2018). Southwestern willow flycatcher is not known or expected to breed in the biological survey area but could occur as a migrant and forage in the biological survey area. None of these species were observed during the June 29, 2015 field survey.” *The Sierra Club notes that the total surveys for the MND were two one- day events.*

The project proposes the removal of 47 trees, 21 of which may be of heritage size and includes 15 willows from Neary Lagoon. While the MND suggests the actual total tree removal may be less than expected, combined with the projected removal of dense vegetation, the removal of 3,500 cubic yards of soil, compacted soil from grading, such loss of habitat is significant for many of the above species. While replanting with 15- gallon saplings is required under the city’s Heritage Tree Ordinance and the Local Coastal Program as mitigation for the heritage tree loss, not only will much of this replanting be off-site but also none will provide habitat for the raptors described above for the next 50 to 70 years. Nor does the planting of grasses and wildflowers mitigate the tree canopy loss: as carbon sink, as habitat, as aesthetic value.

The MND asks the question: *“Would the project 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?”* The answer is “yes” and the mitigations offered cannot reduce this to a less than significant level since the habitat for the above species will have been removed or forever changed.

**Additional concerns:**

1. Lighting: While the proposal to use IDA- approved lighting and avoid BRWL (bright white lights) along the trail is positive, the claim in the MND that, *“The area surrounding the Project corridor is well-lit due to the presence of lighting associated with residential, commercial interior and exterior lighting, street lighting, and lighting from vehicle headlights at night*” is not an accurate observation. After the pole lights at the entrance on Bay/California Streets and with the exception of the Wastewater Treatment Plant (whose lights should be updated to IDA standards), this area is dark at night, important for a variety of nocturnal animals as well as diurnal species’ ability to sleep at night. These impacts are left unexamined in the MND. Why are lights even needed along a trail, which is open only from dawn to dusk?
2. Air Quality: This is addressed only in the context of construction since the trail is for bicycles and pedestrians. However the long-term project is to activate the rail line since it is called a rail/trail project. CEQA Air Quality Guidelines have specific recommendations for tree plantings along rail lines in order to remove very fine particles at low wind velocities. The MND should have addressed this mitigation in the context of cumulative impacts.
3. Fragmentation: The stated purpose of the project is to, “provide connectivity to other existing local and regional bicycle and pedestrian facilities.” That same attention to connectivity is not applied to the diverse habitats within this segment nor its relationship to the entire 32-mile rail/trail. This fragmentation avoids assessing cumulative impacts, an important aspect of any environmental review. The National Sierra Club ‘Wildlife and Native Plants’ Habitat policy, states: *“ Habitat simplification, fragmentation, degradation, and elimination pose the greatest threats to natural ecosystems and biodiversity and must be counteracted by reasonable and effective measures for the long-term preservation of intact ecosystems. Such measures should be incorporated into decisions made by all levels of government.”*

In sum, the MND is inadequate in its assessment of environmental impacts for Segment 7 Phase 2 of the rail/trail. The mitigations demonstrably do not reduce these impacts to less than significant. An EIR should be prepared since the project *may* have significant effects on the environment, a conclusion that triggers the need for an EIR. Such a document would examine alternatives. In this segment, an alternative exists that would avoid all environmental impacts while providing a safe bike/pedestrian trail connecting with the Beach St. bike trail at Bay and West Cliff. The Sierra Club requests that the city pursue such an alternative to maximize the interests of both trail users and wildlife inhabitants.

Yours,