



PUBLIC WORKS DEPARTMENT

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July 1, 2014

Mr. Greg McPheeters  
Chair, Executive Committee  
Sierra Club - Santa Cruz County Group  
P.O. Box 604  
Santa Cruz, CA 95061

Dear Mr. McPheeters:

Thank you for your input and concern on behalf of the Santa Cruz Sierra Club regarding the schedule of the annual required river maintenance work for the San Lorenzo River. I appreciate your concern about the impact on the nesting bird population; we take this issue seriously.

As you may know, the annual maintenance of the river is governed by very specific permit requirements from the California Fish and Wildlife Department and the US Army Corps of Engineers (COE). The City has worked very hard to enhance the habitat value of the river with additional plantings and thoughtful maintenance. The City worked with the COE during the design process to increase the plantings on the levee and successfully fought the COE new maintenance guidelines to remove all vegetation from the levee. We realize that the river that runs through the center of Downtown is an asset and 95% of the time it is a great habitat for fish and wildlife. However, we realize it also provides critical flood protection to our city.

The San Lorenzo River is a critical infrastructure project that protects a significant portion of the City from flood waters. Many of our residents pay flood insurance that is greatly reduced by the existence of this project. It can be easy to forget that the river serves as a flood protection project, since the last few years there has been significantly less than average rainfall, and it is hard to remember the raging stormwater that can flow between the levees. Actually on December 23, 2012, we had such a storm event, and the levees protected the City from flooding. Next year there seems to be a possibility that an El Nino winter is on the way. If that is the case we can expect large high intensity storms to again come our way. The Public Works Department has the responsibility to manage the flood control project in an environmentally sensitive way, and we take that role very seriously.

When the storms line up, the river levee system is a critical flood protection project and one that needs to be maintained each year, before the storm season begins. Due to permit restrictions, most of the maintenance work that is required can only be performed in the dry area of the river. Adding to this

limiting factor is the nesting season for the birds, which typically limits any work in the river until August 1. Per our permit, work needs to be completed by October 15 or the first rain, whichever comes first, thus we routinely start the maintenance work on Aug 1, to maximize our maintenance period. Within this six week window, it is very difficult to complete all of the COE required tasks. We have tried unsuccessfully to work within the August 1 to October 15 window, but unfortunately the past two years the City has not had adequate time to complete all of the maintenance of the river required by our COE permit. Limited extensions can be applied for and may be granted until early November, depending on the granting agency's discretion, and weather conditions.


The required river maintenance is mostly vegetation removal and loosening of the sediment in the bottom of the channel so that it flows with the high velocity floodwaters and maintains the flood capacity of the levee project. Without this maintenance, the flood protection of this system is significantly reduced. In addition, without required maintenance, FEMA no longer recognizes the project and prices flood insurance policies as if the project did not exist. This could double or triple an existing policy as most properties in the Downtown are in a flood zone even with the flood control project and have greatly reduced flood insurance rates.

Our permit from the Department of Fish and Wildlife allows the work to start before August 1 with a biological survey of the area and avoidance of identified nests. As you may know, this past week we have completed the biological survey. We invited local bird advocates to join our biologist to assist in this effort. Our biologist identified several nests and has identified clear work areas where the work could be safely started. We will be meeting with the contractor next week to discuss the schedule and required work to be completed and the options to complete the work within the standard work period starting August 1. We will be reviewing the survey results with the contractor to see if it is beneficial to start the work before August 1 as our permit allows with proper care to avoid any documented nests. Even if it is decided to start August 1 for this year's required maintenance work, the biological survey will be used to alert the contractor to potentially sensitive areas. Trusting the biologist's report to be as comprehensive as possible, we assure the Sierra Club that every effort will be made to avoid disturbance and displacement of birds and bird habitat.

Although it is typically more expensive, the City supports protecting the environmental enhancements developed over the past decade while preparing the flood control project for the potential floodwaters of the next season. The City considers these efforts worth the extra costs.

We will keep you informed of our progress and hope you understand the limitations we have to complete our required maintenance. I would ask for your understanding and assistance in maintaining the river in a way that balances all interests.

Sincerely,



Mark R. Dettle  
Director of Public Works

cc: Martin Bernal