



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 4, 2020

Governor's Office of Planning & Research

Ms. Jessica Martinez-Mckinney
Associate Planner II
City of Santa Cruz
212 Locust Street, Suite C
Santa Cruz, CA 95060
jmartinezmckinney@cityofsantacruz.com

Nov 05 2020

STATE CLEARINGHOUSE

Dear Ms. Martinez-Mckinney:

Subject: Laguna Creek Diversion Retrofit Project, Draft Environmental Impact Report, SCH No. 2020030456, City and County of Santa Cruz

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (EIR) prepared by the City of Santa Cruz (City) for the Laguna Creek Diversion Retrofit Project (Project) located in the County of Santa Cruz. CDFW is submitting comments on the draft EIR regarding potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological resources). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

The proposed Project will retrofit the existing Laguna Creek diversion structure to provide in-stream sediment transport past the diversion and be deposited downstream.

The proposed Project will include: a new intake structure and a Coanda screen; new valve control vault; installation of riprap at the streambank and at the base of the spillway; installation of grouted riprap at stream bank slopes greater than 1:1; new monitoring and control equipment; and modifications to the existing intake and sediment control bypass valves.

Ms. Jessica Martinez-Mckinney, Associate Planner II
City of Santa Cruz
November 4, 2020
Page 2 of 4

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on biological resources.

COMMENT 1: Grouted Riprap

Issue: The draft EIR Project Description identifies that the grouted riprap will be installed where the stream bank reaches slopes greater than 1:1. Incorporation of bio-technical engineering design is not appropriate for slopes greater than 1:1.

Recommendation: CDFW recommends recontouring the slope of the eastern stream bank to decrease the slope of the stream bank and avoid installing grouted riprap. Once the slope is recontoured, bio-technical engineering design elements can be installed and avoid impacts that result in installation of hardscape and creation of stream banks with no habitat value.

COMMENT 2: Riprap

Issue: The draft EIR does not discuss the effects of riprap proposed at the base of the spill way and the eastern streambank nor does the draft EIR include mitigation measures to address the increase in permanent hardscape.

Evidence impact would be significant: The installation of riprap has the potential to alter natural stream processes, natural substrate characteristics, natural habitat structure, and stream flows (Fischenich 2003).

Recommendation: CDFW recommends including an analysis of riprap impacts within the draft EIR and develop mitigation measures to decrease riprap impacts. To potentially decrease riprap impacts, CDFW recommends planting riprap with native vegetation or identifying if riprap can be covered with sediment or installation of stream simulation bed material to provide habitat for fish and wildlife.

REGULATORY REQUIREMENTS

Lake and Streambed Alteration Program

Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code, section 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA

Ms. Jessica Martinez-Mckinney, Associate Planner II
City of Santa Cruz
November 4, 2020
Page 3 of 4

document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

Devices Impeding Fish

Pursuant to Fish and Game Code section 5901, it is unlawful to construct or maintain in any stream any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream.

Passage of Water for Fish Below Dam

Pursuant to Fish and Game Code section 5937, the owner of any dam shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam.

Fish

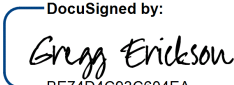
Please note that fish is defined in Fish and Game Code section 45 as a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn, or ovum of any of those animals.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, section 711.4; Pub. Resources Code, section 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

Thank you for the opportunity to comment on the Project's draft EIR. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Monica Oey, Environmental Scientist, at (707) 428-2088 or Monica.Oey@wildlife.ca.gov; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C83C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse #202003456

Ms. Jessica Martinez-Mckinney, Associate Planner II
City of Santa Cruz
November 4, 2020
Page 4 of 4

REFERENCES

Fischenich, C. J. 2003. Effects of Riprap on Riverine and Riparian Ecosystems. U.S. Army Engineering Research and Development Center Wetland Regulatory Assistance Program, Vicksburg, MS. Report No.: ERDC/EL TR-03-4.