



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](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



October 18, 2021

Governor's Office of Planning & Research

**Oct 21 2021**

Nathan Nguyen, P.E.  
City of Santa Cruz Public Works Department  
809 Center Street, Room 201  
Santa Cruz, CA 95060  
[nnguyen@citysantacruz.com](mailto:nnguyen@citysantacruz.com)

**STATE CLEARINGHOUSE**

Subject: Rail Trail Segments 8 and 9, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2021090262, Santa Cruz County

Dear Mr. Nguyen:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) prepared by the City of Santa Cruz (City) for the Rail Trail Segments 8 and 9 (Project), located in Santa Cruz County. CDFW is submitting comments on the NOP 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.

**California Endangered Species Act**

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA section 21001(c), 21083, and CEQA Guidelines section 15380, 15064, 15065). Impacts must be avoided or mitigated to less-

Nathan Nguyen, P.E.  
City of Santa Cruz  
October 18, 2021  
Page 2 of 7

than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code, section 2080.

### **Lake and Streambed Alteration Program**

The Project has the potential to impact resources including mainstems, tributaries and floodplains associated with the San Lorenzo River, Pilkington Creek, Woods Lagoon, Leona Creek, and Schwan Lagoon. 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. CDFW generally considers 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 document for the Project. CDFW may not execute a final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

### **PROJECT DESCRIPTION**

The Proposed Project consists of a 2.2-mile bicycle and pedestrian system, divided into two segments. Segment 8 (0.6 miles) and Segment 9 (1.6 miles) that extend along the Santa Cruz Branch Rail Line (SCBRL) corridor, from the Beach Street/Pacific Avenue Roundabout on the west to the eastern side of 17th Avenue on the east. The Proposed Project, Rail with Trail, includes improvements to the Segment 8 existing Class IV Cycle Track for bicycles and sidewalk for pedestrians. Segment 9 will include construction of a multi-use pedestrian and bicycle trail 10-12 feet wide on the inland side of the tracks. The proposed Alternative 1: Railbank with Trail, will keep the same improvements on Segment 8, but the multi-use trail for Segment 9 will be located along the rail centerline, with the existing tracks and ties removed.

The CEQA Guidelines (§§15124 &15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description:

- Footprints of permanent Project features such as the length and width of the proposed trail and temporarily impacted areas such as staging areas;
- The type of trail base such as asphalt, concrete, gravel, or dirt;
- Introduction of new light sources along the trail;

Nathan Nguyen, P.E.  
 City of Santa Cruz  
 October 18, 2021  
 Page 3 of 7

- Location, type, length, and height of all fencing, including whether it will be permanent or temporary;
- Encroachment by widening the trail into riparian habitat or other sensitive area.

## ENVIRONMENTAL SETTING AND LOCATION

Sufficient information regarding the environmental setting is necessary to understand the Project's, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§15125 & 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

| Common Name   | Scientific Name                           | Status |
|---|---|--------|
| Santa Cruz black salamander   | <i>Aneides niger</i>                      | SSC    |
| Steelhead - central California coast DPS  | <i>Oncorhynchus mykiss irideus</i> pop. 8 | FT     |
| Tidewater goby  | <i>Eucyclogobius newberryi</i>            | FE     |
| Western pond turtle   | <i>Emys marmorata</i>                     | SSC    |
| Monarch butterfly   | <i>Danaus plexippus</i> pop. 1            | FC     |
| Black swift   | <i>Cypseloides niger</i>                  | SSC    |
| Santa Cruz tarplant   | <i>Holocarpha macradenia</i>              | FT, SE |
| Nesting birds   |   |        |
| Notes: FE = Federally Endangered; FT = Federally Threatened; FC = Federal Candidate for listing; SE = State Endangered; SSC = State Species of Special Concern; DPS = Distinct Population Segment |   |        |

Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from "positive occurrence" databases such

Nathan Nguyen, P.E.  
City of Santa Cruz  
October 18, 2021  
Page 4 of 7

as California Natural Diversity Database (CNDDDB). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocol>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: <https://www.wildlife.ca.gov/Conservation/Plants>.

## COMMENTS AND RECOMMENDATIONS

The CEQA Guidelines (§15126.2) necessitate that the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for “take” of special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal and alteration of soils;
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors or access to water sources and other core habitat features.

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: Safety Fencing

**Issue:** The Proposed Project proposes to install safety fencing between the trail and tracks along Segment 9, from the east side of the San Lorenzo River Trestle Bridge to the east side of 17<sup>th</sup> Avenue, to prevent pedestrians from entering the railroad tracks.

Nathan Nguyen, P.E.  
City of Santa Cruz  
October 18, 2021  
Page 5 of 7

**Evidence the impact would be significant:** Fencing can be a hazard to wildlife resulting in entanglement and mortality (van der Ree 1999, Stuart et al. 2001, Harrington and Conover 2006). Fencing can also cause a connectivity barrier by preventing movement resulting in habitat loss and fragmentation (Jakes et al, 2018, Harrington and Conover, 2006).

**Recommendations for fencing to minimize significant impacts:** CDFW recommends that the Project specify proposed fencing plans and identify current wildlife trails throughout the Project Area to install wildlife friendly fencing at these locations that make it easier for wildlife species to traverse. To decrease wildlife entanglement and mortality, CDFW recommends that the top wire of fences are no more than 40 inches above the ground, the space between the top two wires are at least 12 inches apart, the bottom wire of fences are 18 inches above the ground, the fences does not include vertical wires, fence posts are installed at 16.5-foot intervals, and fence wires are visible to animals and birds (see A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind found online at [https://www.nrcs.usda.gov/wps/PA\\_NRCSCconsumption/download/?cid=nrcseprd1080608&ext=pdf](https://www.nrcs.usda.gov/wps/PA_NRCSCconsumption/download/?cid=nrcseprd1080608&ext=pdf)).

#### **COMMENT 2: Impervious Surfaces**

**Issue:** The Project could increase impervious surfaces at the Project site with the widening or creation of a paved trail. Impervious surfaces have the potential to significantly affect fish and wildlife resources by altering runoff hydrograph and natural streamflow patterns.

**Evidence the impact would be significant:** Adding impervious surfaces, through the installation of hardscape materials, can modify natural streamflow patterns by increasing the magnitude and frequency of high flow events and storm flows (Hollis 1975, Konrad and Booth 2005).

**Recommendations to minimize significant impacts:** CDFW recommends mapping areas with creeks, drainages, culverts and where there is potential for concentrated runoff to occur. Permeable surfaces should be incorporated throughout the Project to allow stormwater to percolate in the ground and prevent stream hydromodification (see [Evaluating the potential benefits of permeable pavement on the quantity and quality of stormwater runoff \(usgs.gov\)](#)).

#### **COMMENT 3: Artificial Lighting**

**Issue:** The Project has the potential to increase artificial lighting if new sources of light are installed along the trail. Artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife.

Nathan Nguyen, P.E.  
City of Santa Cruz  
October 18, 2021  
Page 6 of 7

**Evidence the impact would be significant:** Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication such as bird song (Miller, 2006), determining when to begin foraging (Stone et al., 2009), behavior thermoregulation (Beiswenger, 1977), and migration (Longcore and Rich, 2004).

**Recommendations to minimize significant impacts:** CDFW recommends eliminating all non-essential artificial lighting. If artificial lighting is necessary, CDFW recommends avoiding or limiting the use of artificial lights during the hours of dawn and dusk, when many wildlife species are most active. CDFW also recommends that outdoor lighting be shielded, cast downward, and does not spill over onto other properties or upwards into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>) and limited to an output of 2700 kelvin or less from each luminaire.

## 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 NOP. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Serena Stumpf, Environmental Scientist, at (707) 337-1364 or [Serena.Stumpf@wildlife.ca.gov](mailto:Serena.Stumpf@wildlife.ca.gov); or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at [Wesley.Stokes@wildlife.ca.gov](mailto:Wesley.Stokes@wildlife.ca.gov).

Sincerely,

DocuSigned by:

*Stephanie Fong*

CF047D7F8D234E1...

Stephanie Fong  
Acting Regional Manager  
Bay Delta Region

ec: State Clearinghouse # 2021090262

## REFERENCES

Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. Ecology 58:98–108.

Nathan Nguyen, P.E.  
City of Santa Cruz  
October 18, 2021  
Page 7 of 7

Harrington, J. L., and M. R. Conover. 2006. Characteristics of ungulate behavior and mortality associated with fences. *Wildlife Society Bulletin* 34:1295–1305.

Hollis, G. 1975. The effect of urbanization on floods of different recurrence interval. *Water Resources Research* 11:431-435.

Jakes, A. F., Jones, P. F., Paige, C., Sidler, R. G., and M. P. Huijser. 2018. A fence runs through it: A call for greater attention to the influence of fences on wildlife and ecosystems. *Biological Conservation* 227: 310-318.

Konrad, C.P. and D.B. Booth. 2005. Hydrologic changes in urban streams and their ecological significance, paper presented at American Fisheries Society Symposium, American Fisheries Society

Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.

Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.

Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123–1127. Elsevier Ltd.

Stuart, J. N., M. L. Watson, T. L. Brown, and C. Eustice. 2001. Plastic netting: An entanglement hazard to snakes and other wildlife. *Herpetological Review* 32:162–164.

Van der Ree, R. 1999. Barbed wire fencing as a hazard for wildlife. *The Victorian Naturalist* 116:210–217.