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Governor's Office of Planning & Research

Dec 07 2021

STATE CLEARINGHOUSE

December 6, 2021

Rob Tidmore
County of Santa Cruz
701 Ocean Street, Room 410
Santa Cruz, CA 95060
Robert.Tidmore@santacruzcounty.us

Subject: Rail Trail Segments 10 and 11, Notice of Preparation of a Draft
Environmental Impact Report, SCH No. 2021110080, Santa Cruz County

Dear Mr. Tidmore:

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 County of Santa Cruz (County) for the Rail Trail Segments 10 and 11 (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 §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 §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-

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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 § 2080.

Lake and Streambed Alteration Program

The Project has the potential to impact resources including but not limited to Rodeo Gulch Creek, Soquel Creek, Tannery Gulch, and Borregas Creek. Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code, § 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 considers work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are generally 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 § 21000 et seq.) as the responsible agency.

PROJECT DESCRIPTION

The proposed Project consists of an approximately 4.5-mile bicycle and pedestrian system, that generally extends along the Santa Cruz Branch Rail Line (SCBRL) corridor. The two segments, Segment 10 and Segment 11, extend from the eastern side of 17th Avenue to the western side of State Park Drive in unincorporated Santa Cruz County. The proposed Project, Rail with Trail, includes a multi-use trail, approximately 10-12 feet wide, located alongside the railroad tracks. The Project may include shifting of the tracks within the right-of-way as necessary to accommodate the trail. The proposed Alternative 1: Railbank with Trail, would locate the multi-use trail along the rail centerline, and the existing tracks and ties would be removed to enable construction.

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. The draft EIR should include a complete description, with maps and figures as appropriate, of the following Project components:

- Footprints of permanent project features with 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;

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- 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
Santa Cruz long-toed salamander	<i>Ambystoma macrodactylum croceum</i>	FP
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
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC
Pallid bat	<i>Antrozous pallidus</i>	SSC
Santa Cruz tarplant	<i>Holocarpha macradenia</i>	FT, SE
Perennial goldfields	<i>Lasthenia californica</i> ssp. <i>macrantha</i>	CNPS 1B.2
Nesting Birds		
Notes: FE = Federally Endangered; FT = Federally Threatened; FC = Federal Candidate for listing; FP = State Fully Protected; SE = State Endangered; SSC = State Species of Special Concern; DPS = Distinct Population Segment; CNPS = California Native Plant Society Rare Plant Rank		

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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 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 from any of the following :

- Potential for “take” of special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal and alternation 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 County in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct, and indirect impacts on biological resources.

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COMMENT 1: Fencing

Issue: The Project has the potential to disrupt wildlife movement if safety fencing is installed between the trail and tracks to prevent pedestrians from entering the railroad tracks with the Proposed Project, Rail with Trail.

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_NRCSConsumption/download/?cid=nrcseprd1080608&ext=pdf).

COMMENT 2: Impervious Surfaces

Issue: The Project has the potential to create 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 or the potential for runoff to occur and incorporating permeable surfaces throughout the Project to allow stormwater to percolate in the ground and prevent stream hydromodification (see https://www.usgs.gov/science/evaluating-potential-benefits-permeable-pavement-quantity-and-quality-stormwater-runoff?qt-science_center_objects=0#qt-science_center_objects).

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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.

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 warm light colors with an output temperature of 2700 kelvin or less.

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, §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; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Stephanie Fong
Acting Regional Manager
Bay Delta Region

ec: State Clearinghouse # 2021110080

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