INDIVIDUALS

The following subsection includes comments and responses to the following individuals.

I-1	Elizabeth Andrews
I-2	Frank Andrews
I-3	Jeff Arnett
I-4	Robin Bliss-Wagner
I-5	Vince Cheap
I-6	Joe Christy
I-7	Madeleine Clyde
I-8	Tara Cornelisse
I-9	Greg Cotton
I-10	Renwick Curry
I-11	Jodi Fredani
I-12	James Gill
I-13	Grey Hayes
I-14	Hal Levin
I-15	Michael Levy
I-16	Carol Long
I-17	Rick Longinotti
I-18	Bill Malone
I-19	Fred McPherson
I-20	Dustin Mulvaney
I-21	Nell Newman
I-22	Ron Pomerantz
I-23	James Proffitt
I-24	Orly Rabinowiz
I-25	Reed Searle
I-26	Don Stevens, January 7, 2010
I-27	Don Stevens, January 15, 2010

From: elizandrews24@gmail.com [mailto:elizandrews24@gmail.com] **On Behalf Of** Elizabeth Andrews
Sent: Monday, January 18, 2010 7:09 PM
To: Ken Thomas
Subject: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009

Dear Mr. Thomas,

I have been a resident of Santa Cruz my entire life. I am the daughter of a UCSC professor and the wife of a UCSC staff member. In addition, I have a masters degree in field biology. I am signing the attached petition regarding the current failure of UCSC to complete an HCP. I would like to add these personal comments to those in the petition. 1

The failure of UCSC to complete an enforceable HCP, and UCSC's willingness to develop its natural areas bit by bit without comprehensive planning, has already resulted in measurable losses to the biodiversity of our community. Horned lizards, badgers, and ringtails are all species which used to be present at UCSC (I personally observed a horned lizard there in 1992), and which are now gone from the campus. While the responsibility for the loss of any one species from an area can be debated, the trend will clearly continue, with more and more species slowly dwindling to extirpation, unless substantive, deliberate action is taken to reverse the declines. Most of the species that will vanish will not be charismatic or easily observed. Some may never even be described by scientists. But they will vanish nonetheless. As you undoubtedly know, Santa Cruz is a biodiversity hotspot, and all landowners share the responsibility of caring for that biodiversity. It would be consistent with UCSC's values and mission to make an active effort to balance the long-term well-being of the ecosystems and organisms it exists among with the long-term growth required to educate the next generation of students. But it is exactly this balancing act that the HCP/NCCP process is designed to promote. This process will surely require some output of effort and money on the part of UCSC. As a taxpayer, I believe that that effort and money will be well-spent. I am writing to ask you to fully utilize your power to ensure that UCSC joins the many other responsible land owners in our community and takes the steps necessary to plan its land-use to minimize the impact on sensitive areas and species.

Thank you for your consideration of these issues and for your service in the City of Santa Cruz's Planning Department.

Sincerely,
Elizabeth Andrews

I am deeply concerned about protecting rare and endangered species and their habitats on and around the University of California Santa Cruz campus. I am joined by the US Fish and Wildlife Service (USFWS) in believing that the piecemeal approach UCSC has taken over time with regard to planning individual development projects has not adequately accounted for or protected against the cumulative environmental impacts of those projects. I further believe that without an adequate comprehensive conservation plan certified by the USFWS and the California Department of Fish and Game (CDFG), future development will put at increasing risk the rare and sensitive species on UCSC land. Accordingly, I strongly urge UCSC to adopt a campus-wide Habitat Conservation Plan (HCP) as recommended by the USFWS in conjunction with a Natural Community Conservation Plan (NCCP) developed in coordination with the CDFG before any major new development of the North Campus takes place.

At-risk species in need of protection include Golden Eagle, Western Burrowing Owl, Townsend's big-eared bat, Western red bat, long-eared myotis bat, Loggerhead Shrike, Grasshopper Sparrow, California red-legged frog, San Francisco dusky-footed wood rat, Dolloff's cave spider, Santa Cruz telemid spider, Empire Cave pseudoscorpion, MacKenzie's cave amphipod, Ohlone tiger beetle, and a number of plant species including Santa Cruz manzanita and San Francisco popcorn flower.

The new UCSC growth plan includes extending City of Santa Cruz services to the currently undeveloped North Campus, adding over 3 million square feet of new development and logging 120 acres of forest. These actions could result in irreparable harm to sensitive species and their habitat unless a comprehensive protection plan is adopted. Furthermore, the requirements for fire protection will necessitate a large-scale plan for chaparral and Douglas Fir habitats that must be taken into account as those habitats house many sensitive species in addition to presenting considerable risks of wildfire to potential North Campus structures.

Quoting from the December 2, 2008 USFWS letter to the City of Santa Cruz regarding the City's role in conducting an EIR on behalf of North Campus development: "The piecemeal approach that UCSC has taken in terms of implementing individual development projects over time makes it difficult for the Service to adequately assess cumulative impacts... I believe that UCSC, involved agencies, and the Service would benefit from the development of a campus-wide HCP by providing needed protection for listed species. Therefore, I recommend that the City support the development of a campus-wide HCP."

The USFWS also detailed concerns in a January 11, 2006 letter to UCSC about the 2005 Long Range Development Plan DEIR. The cited deficiencies included the following: "1) underestimating the effects of various development projects on federally listed species, 2) [inadequate] UCSC land use designations regarding conservation of federally listed species, and 3) the lack of a comprehensive management plan for listed species at UCSC."

A model management plan for protecting rare species and biological diversity at the UCSC campus is readily at hand in the form of what CDFG calls a Natural Community Conservation Plan (NCCP). The CDFG website describes the plan as "an unprecedented effort by the State of California, and numerous private and public partners that takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. An NCCP identifies and provides for the regional or areawide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity."

Habitat loss is the primary threat to most imperiled species. Without a broad-based ecosystem approach to protection, cumulative habitat loss through piecemeal development can be significant and harmful. An example of the sort of thinking that permits harmful development can be found in the UCSC 2005 LRDP EIR, which concluded that the elimination of 98 acres of habitat for Golden Eagles and Western Burrowing Owls is less-than-significant because other suitable habitat exists. UCSC reached similar conclusions about habit loss for other sensitive species. Justifying a finding of a less-than-significant impact because there is suitable habitat elsewhere is spurious and evasive because it avoids the question of the impacts of the proposed development on a species where it occurs and is contrary to provisions of the

California Environmental Quality Act (CEQA) Guidelines (15065), (15380) and (15382). This is precisely why a campus-wide conservation plan is needed.

CEQA Guideline (15065) calls for “Mandatory Findings of Significance when: (1)… The project has the potential to substantially reduce the habitat of a fish or wildlife species; … (3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” CEQA Guideline (15380) refers to “rare” species that may become endangered if its environment worsens and (15382) says that “significant effect on the environment” means an adverse change in the physical conditions including flora and fauna.

Not only is UCSC in danger of undermining the intent of federal and state statutes, the lack of either a campus-wide HCP or an NCCP appears to ignore fundamental values UCSC supposedly shares with the City of Santa Cruz, for its proposed actions are inconsistent with the campus’s espoused goals of working towards understanding and improving the natural environment and promoting sustainability in the world. UCSC should take full advantage of its unique biological circumstances and faculty expertise to further the study and protection of rare and special-status species and their habitats, rather than harming them through large-scale development without a comprehensive protection plan with enforceable provisions.

Unfortunately, the City of Santa Cruz’s November 2009 draft EIR for a Sphere Of Influence Amendment, which was jointly funded by UCSC and serving a dual purpose as the UCSC EIR for North Campus development, did not support the development of a campus-wide HCP as recommended by the USFWS December 2008 scoping letter or respond to the USFWS concerns in any meaningful way.

Therefore, I strongly urge the City of Santa Cruz in its role as a project proponent for UCSC development in the North Campus to take a protective approach, heed the recommendation of the USFWS, and support the development of a combined campuswide HCP/NCCP at UCSC in its final EIR. Furthermore, we would point out that the Local Agency Formation Commission (LAFCO) has the responsibility to review environmental impacts and jurisdiction over whether to approve development of the North Campus. I hope that LAFCO will see a duty under state law, including CEQA, and require UCSC to develop an HCP/NCCP before approving the proposed development project. Absent a comprehensive HCP/NCCP, the environmental impacts of the proposed development cannot be fully understood, nor can rare and special-status species be protected.

Thank you for your attention

LETTER I-1 – ELIZABETH ANDREWS

I-1-1 Support UCSC Campus HCP/NCCP. The comment expresses support of the U.S. Fish and Wildlife Service request for preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans and responses to particular points raised in the petition.

Ken Thomas
Principal Planner
Planning and Community Development Department
City of Santa Cruz
(831) 420-5148

LETTER I-2

-----Original Message-----
From: Frank Andrews [mailto:andrews@chemistry.ucsc.edu]
Sent: Tuesday, January 19, 2010 5:25 PM
To: Ken Thomas
Subject: UCSC habitat conservation plan

Dear Mr. Thomas:

1 I've been a professor at UCSC since 1967. I love this campus, but at times its behavior seems intolerable. We are long past time for a campus-wide Habitat Conservation Plan. UCSC seems to claim that the mere fact that endangered species actually exist in other locations on the planet justifies our paying no attention to the large number of unique, or nearly unique, habitats on our campus.

UCSC may legally be able to give the finger to the world, but it does have to co-exist with the city indefinitely. Please put as much pressure as you can on the campus to be responsible rather than irresponsible, thereby setting a good example rather than a bad one for the students it claims to teach.

Thanks, sincerely, for your willingness to care about this.

Frank Andrews
Professor of Chemistry, Emeritus

LETTER I-2 – FRANK ANDREWS

I-2-1 Support UCSC Campus HCP/NCCP. The comment expresses support for preparation of a campus-wide Habitat Conservation Plan (HCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans.

From: Jeffrey Arnett [mailto:jarnett@ucsc.edu]
Sent: Monday, January 11, 2010 5:56 PM
To: Ken Thomas
Subject: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR

Dear Mr. Thomas,
I sending this message to ensure that I am counted as a signatory on the attached petition.
Sincerely,
Jeff Arnett

December 1, 2009

Attention:
Ken Thomas, City of Santa Cruz Planning
809 Center Street, Rm. 206
Santa Cruz, CA 95060
KThomas@ci.santa-cruz.ca.us

Chancellor George Blumenthal
UC Santa Cruz, Chancellors Office
1156 High Street
Santa Cruz, CA 95064
chancellor@ucsc.edu

Patrick McCormick, Executive Director
Santa Cruz LAFCO
701 Ocean St. #318D
Santa Cruz, CA 95060
info@santacruzlafco.org

Re: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR
November 2009

1

Protect Biological Diversity At UCSC

We, the undersigned, are deeply concerned about protecting rare and endangered species and their habitats on and around the University of California Santa Cruz campus. We are joined by the US Fish and Wildlife Service (USFWS) in believing that the piecemeal approach UCSC has taken over time with regard to planning individual development projects has not adequately accounted for or protected against the cumulative environmental impacts of those projects. We further believe that without an adequate comprehensive conservation plan certified by the USFWS and the California Department of Fish and Game (CDFG), future development will put at increasing risk the rare and sensitive species on UCSC land. Accordingly, we strongly urge UCSC to adopt a campus-wide Habitat Conservation Plan (HCP) as recommended by the USFWS in conjunction with a Natural Community Conservation Plan (NCCP) developed in coordination with the CDFG before any major new development of the North Campus takes place.

At-risk species in need of protection include Golden Eagle, Western Burrowing Owl, Townsend's big-eared bat, Western red bat, long-eared myotis bat, Loggerhead Shrike, Grasshopper Sparrow, California red-legged frog, San Francisco dusky-footed wood rat, Dolloff's cave spider, Santa Cruz telemid spider, Empire Cave pseudoscorpion, MacKenzie's cave amphipod, Ohlone tiger beetle, and a number of plant species including Santa Cruz manzanita and San Francisco popcorn flower.

The new UCSC growth plan includes extending City of Santa Cruz services to the currently undeveloped North Campus, adding over 3 million square feet of new development and logging 120 acres of forest. These actions could result in irreparable harm to sensitive species and their habitat unless a comprehensive protection plan is adopted. Furthermore, the requirements for fire protection will necessitate a large-scale plan for chaparral and Douglas Fir habitats that must be taken into account as those habitats house many sensitive species in addition to presenting considerable risks of wildfire to potential North Campus structures.

We quote from the December 2, 2008 USFWS letter to the City of Santa Cruz regarding the City's role in conducting an EIR on behalf of North Campus development: "The piecemeal approach that UCSC has taken in terms of implementing individual development projects over time makes it difficult for the Service to adequately assess cumulative impacts... We believe that UCSC, involved agencies, and the Service would benefit from the development of a campus-wide HCP by providing needed protection for listed species. Therefore, we recommend that the City support the development of a campus-wide HCP."

The USFWS also detailed concerns in a January 11, 2006 letter to UCSC about the 2005 Long Range Development Plan DEIR. The cited deficiencies included the following: "1) underestimating the effects of various development projects on federally listed species, 2) [inadequate] UCSC land use designations regarding conservation of federally listed species, and 3) the lack of a comprehensive management plan for listed species at UCSC."

A model management plan for protecting rare species and biological diversity at the UCSC campus is readily at hand in the form of what CDFG calls a Natural Community Conservation Plan (NCCP). The CDFG website describes the plan as "an unprecedented effort by the State of California, and numerous private and public partners that takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. An NCCP identifies and provides for the regional or areawide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity."

Habitat loss is the primary threat to most imperiled species. Without a broad-based ecosystem approach to protection, cumulative habitat loss through piecemeal development can be significant and harmful. An example of the sort of thinking that permits harmful development can be found in the UCSC 2005 LRDP EIR, which concluded that the elimination of 98 acres of habitat for Golden Eagles and Western Burrowing Owls is less-than-significant because other suitable habitat exists. UCSC reached similar conclusions about habit loss for other sensitive species, including that the logging of 120 acres of campus forest was not significant. Justifying a finding of a less-than-significant impact because there is suitable habitat elsewhere is spurious and evasive because it avoids the question of the impacts of the proposed development on a species where it occurs and is contrary to provisions of the California Environmental Quality Act

(CEQA) Guidelines (15065), (15380) and (15382). This is precisely why a campus-wide conservation plan is needed.

CEQA Guideline (15065) calls for "Mandatory Findings of Significance when: (1)… The project has the potential to substantially reduce the habitat of a fish or wildlife species; … (3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guideline (15380) refers to "rare" species that may become endangered if its environment worsens and (15382) says that "significant effect on the environment" means an adverse change in the physical conditions including flora and fauna.

Not only is UCSC in danger of undermining the intent of federal and state statutes, the lack of either a campus-wide HCP or an NCCP appears to ignore fundamental values UCSC supposedly shares with the City of Santa Cruz, for its proposed actions are inconsistent with the campus's espoused goals of working towards understanding and improving the natural environment and promoting sustainability in the world. UCSC should take full advantage of its unique biological circumstances and faculty expertise to further the study and protection of rare and special-status species and their habitats, rather than harming them through large-scale development without a comprehensive protection plan with enforceable provisions.

Unfortunately, we note that the City of Santa Cruz's November 2009 draft EIR for a Sphere Of Influence Amendment, which was jointly funded by UCSC and serving a dual purpose as the UCSC EIR for North Campus development, did not support the development of a campus-wide HCP as recommended by the USFWS December 2008 scoping letter or respond to the USFWS concerns in any meaningful way.

Therefore, we strongly urge the City of Santa Cruz in its role as a project proponent for UCSC development in the North Campus to take a protective approach, heed the recommendation of the USFWS, and support the development of a combined campus-wide HCP/NCCP at UCSC in its final EIR. Furthermore, we would point out that the Local Agency Formation Commission (LAFCO) has the responsibility to review environmental impacts and jurisdiction over whether to approve development of the North Campus. We hope that LAFCO will see a duty under state law, including CEQA, and require UCSC to develop an HCP/NCCP before approving the proposed development project. Absent a comprehensive HCP/NCCP, the environmental impacts of the proposed development cannot be fully understood, nor can rare and special-status species be protected.

Thank you for your attention.

Sincerely,

Jennifer Anderson, UCSC Retired Lecturer and Assistant to the Chair, Environmental Studies

Jeffrey Arnett, UCSC Lecturer in Writing, editor of An Unnatural History of UCSC

Martha Brown, Co-Editor of the Natural History of UCSC, Senior Editor, Center for Agroecology & Sustainable Food Systems.

Ray Collett, UCSC Faculty Member beginning in 1965; Professor Emeritus Division of Natural Sciences; Founding Director, Director Emeritus, UCSC Arboretum

Shelly Errington, UCSC Professor of Anthropology

Margaret Fusari, former Director of the UCSC Natural Reserves

Jodi Frediani, Director, Central Coast Forest Watch

Aldo Giacchino, Chair, on behalf of the Santa Cruz Chapter of the Sierra Club

James Gill, UCSC Professor of Earth and Planetary Science

Steve Gliessman, Ruth and Alfred Heller Professor of Agroecology, Environmental Studies

Tonya Haff, Co-Editor of the Natural History of UCSC and former Curator of the UCSC Museum of Natural History, PhD candidate Evolution, Ecology and Genetics

Brett Hall, President, on behalf of the Santa Cruz Chapter of the California Native Plant Society

Grey Hayes, PhD Environmental Studies, past UCSC Campus Reserve Steward, Endangered Species Act petitioner for the Ohlone tiger beetle

Gordon Hensley, on behalf of Environment in the Public Interest

A. Marm Kilpatrick, UCSC Assistant Professor, Dept. Ecology & Evolutionary Biology

Brian Latta, Executive Director, on behalf of The Bird Group www.birdgroup.org

Janet Linthicum, Assistant Director, The Bird Group www.birdgroup.org

Jeff Miller, Conservation Advocate, on behalf of the Center for Biological Diversity

Nell Newman, President of Newman's Own Organics, past volunteer and supporter of the UCSC Predatory Bird Research Group

Wallace J. Nichols, PhD, Research Associate California Academy of Sciences, Founder/€o-Director OceanRevolution.org

Paul Niebanck, UCSC Professor Emeritus, Environmental Planning

John Pearse, UCSC Professor Emeritus, Department of Ecology and Evolutionary Biology

Carol Shennan, UCSC Professor of Environmental Studies

Matthew Struss-Timmer, Conservation Chair, on behalf of the Santa Cruz Bird Club

Robert Stephens, Owner Elkhorn Native Plant Nursery

Don Stevens, Chair, on behalf of Habitat and Watershed Caretakers

David Suddjian, Ecologist, Historian for the Santa Cruz Bird Club

John Wilkes, UCSC Senior Lecturer Emeritus in Science Writing and founding director of the Science Communication Program

LETTER I-3 – JEFF ARNETT

I-3-1 Support UCSC Campus HCP/NCCP. The comment expresses support of the U.S. Fish and Wildlife Service request for preparation a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans and responses to particular points raised in the petition.

From: Robin Bliss-Wagner [mailto:blisswagner@gmail.com]
Sent: Wednesday, January 13, 2010 3:39 PM
To: Ken Thomas
Subject: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009

Dear Ken Thomas and affiliates:

1 I am deeply concerned about protecting rare and endangered species and their habitats on and around the University of California Santa Cruz campus. I am joined by the US Fish and Wildlife Service (USFWS) in believing that the piecemeal approach UCSC has taken over time with regard to planning individual development projects has not adequately accounted for or protected against the cumulative environmental impacts of those projects. I further believe that without an adequate comprehensive conservation plan certified by the USFWS and the California Department of Fish and Game (CDFG), future development will put at increasing risk the rare and sensitive species on UCSC land. Accordingly, I strongly urge UCSC to adopt a campus-wide Habitat Conservation Plan (HCP) as recommended by the USFWS in conjunction with a Natural Community Conservation Plan (NCCP) developed in coordination with the CDFG before any major new development of the North Campus takes place.

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underestimating the effects of various development projects on federally listed species, 2) [inadequate] UCSC land use designations regarding conservation of federally listed species, and 3) the lack of a comprehensive management plan for listed species at UCSC."

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CEQA Guideline (15065) calls for "Mandatory Findings of Significance when: (1)… The project has the potential to substantially reduce the habitat of a fish or wildlife species; … (3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guideline (15380) refers to "rare" species that may become endangered if its environment worsens and (15382) says that "significant effect on the environment" means an adverse change in the physical conditions including flora and fauna.

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respond to the USFWS concerns in any meaningful way.
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Thank you for your attention

Robin Bliss-Wagner
UCSC Alumni Bioregional Studies,
Author of "Mammals of UCSC Campus" chapter in the Guide to the Natural History of the UC Santa Cruz Campus, T. Haff, and
Quarterly Faculty for nature education classes through Recreation Department

Phone: 530 613-8616

Mailing Address:
23690 N HWY 1
Fort Bragg, CA 95437

LETTER I-4 – ROBIN BLISS-WAGNER

I-4-1 Support UCSC Campus HCP/NCCP. The comment expresses support of the U.S. Fish and Wildlife Service request for preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans.

LETTER I-5

Shelley Randolph

From: Vince Cheap [vince@sasquatch.com]

Sent: Monday, January 18, 2010 11:44 AM

To: Ken Thomas

Cc: Coastalprairie@aol.com; Brett Hall

Subject: "Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009"

Ken Thomas, City of Santa Cruz Planning
809 Center Street, Rm. 206
Santa Cruz, CA 95060

"Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009"

1 It is my firm belief that comprehensive conservation planning is the right thing to do for species recovery and for the University's long-term development interests. As is typical, the University could complete the federal Habitat Conservation Planning (HCP) process alongside the state's Natural Communities Conservation Planning (NCCP) process, granting federal and state permits for decades of campus growth, and lending a level of certainty for future development not otherwise possible. Simultaneously, these planning processes would assist the region as a whole to recover numerous imperiled species that are otherwise increasingly impacting the work of local governments, development proponents, and conservation managers alike. There are as well examples of other effective ways to implement this kind of comprehensive conservation planning such as UC Merced's comprehensive habitat management plan that was developed with the assistance of the California Native Plant Society (CNPS).

Here are some key points further supporting that an HCP/NCCP or some kind of comprehensive conservation planning be required to effectively protect the rare and endangered species and habitats from impacts of UCSC expansion:

- UCSC provides crucial habitat to two federally protected, endangered species: the Ohlone tiger beetle and the California red-legged frog

- Numerous other state- and federally-recognized rare, threatened, and endangered species also reside on campus.

- Comprehensive conservation planning through the federal Habitat Conservation Planning process as is often combined with the state's Natural Communities Conservation Planning process will benefit imperiled species while serving the long-term interests of the University in providing increased assurance and potential cost savings for future development.

LETTER I-5

- Impacts of University development projects often have cascading effects cumulatively and indirectly. Historically, these impacts have been difficult to address due both to the scope of mitigations (typically near development footprints) and limitations of campus funding (also mainly directed very close to developed areas). Comprehensive conservation planning can help solve these issues.

- Comprehensive conservation planning at UCSC can help recover species. But, if imperiled species decline at UCSC, more burden is placed on other agencies and land owners to conserve dwindling populations, and there is less chance for species recovery.

- The US Fish and Wildlife Service has repeatedly suggested that impacts to listed species be addressed through the HCP process.

Thank you for your time and consideration of this very important issue.

Sincerely,

Vince Cheap, Conservation Committee Chair, CNPS

Santa Cruz County Chapter

4160 Jade St. #112

Santa Cruz, CA 95010

LETTER I-5 – VINCE CHEAP

I-5-1 Support UCSC Campus HCP/NCCP. The comment expresses support for preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans.

150 McGivern Way
Santa Cruz, CA 95060

January 19, 2010

Ken Thomas
Planning Department
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

Re: Draft EIR – Sphere of Influence Amendment and Provision Of Extraterritorial Water & Sewer Service to the UCSC North Campus

Dear Mr. Thomas,

1 A central issue in the provision of extraterritorial water service the UCSC North Campus is the adequacy and reliability of the City's water supply. The Draft EIR bases its discussion of this issue on appendix B, the September 2009 ***City of Santa Cruz Water Supply Assessment***. The ***City of Santa Cruz Water Supply Assessment***, in turn, bases its discussion on the City of Santa Cruz 2005 ***Urban Water Management Plan***. When the Draft EIR speaks of *Average*, *Critically Dry*, *Dry*, *Normal*, and *Wet* water years, it is using the data discussed in Chapter 5 of the ***Urban Water Management Plan***, and summarized in Figure 5-1there. Unfortunately, the ***Urban Water Management Plan*** does not cite the source for the raw data, but carefully examining Figure 5-1, it is clear that the data agrees (after unit conversion) with the USGS Water Resources data from the San Lorenzo River at Big Trees,CA [http://waterdata.usgs.gov/ca/nwis/annual?site_no=11160500&agency_cd=USGS&por_11160500_2=2208220,00060,2,1937,2008&year_type=W&referred_module=sw&format=rdb].

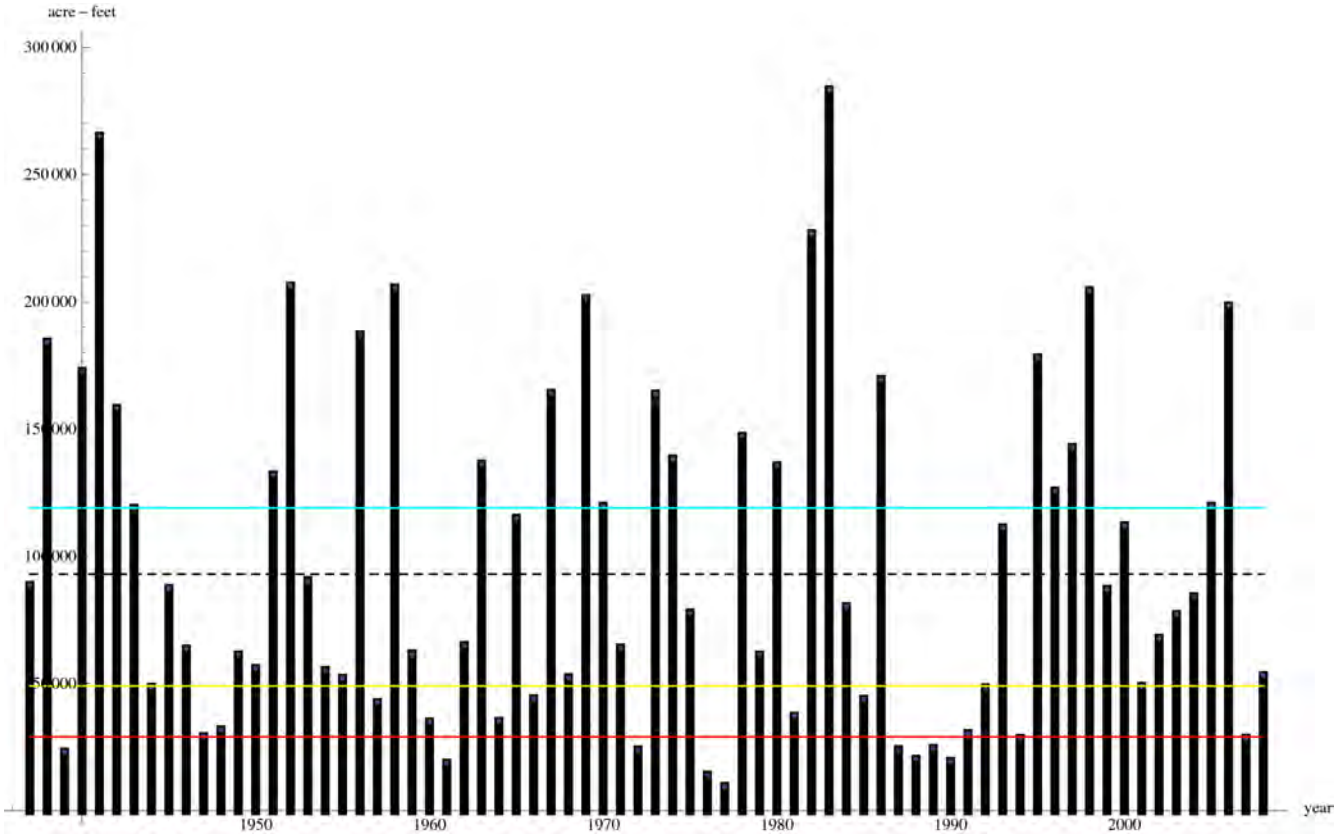
In order to understand the discussion of the City's water supply, I have analyzed both the data presented graphically in Figure 5-1 and the USGS data. This analysis uncovers a fundamental problem with the conclusions drawn in the Draft EIR and the two documents upon which its water discussion is based.

The crucial problem is with the concepts of an *Average* water year and of *Normal*, *Wet*, *Dry* and *Critically Dry* water years. The ***Urban Water Management Plan*** defines the *Average* water year as one where the annual flow of the San Lorenzo River is 93,000 acre-feet in Figure 5-1; in Table5-1, it defines water years as *Critically Dry* when the annual flow is less than 29,000 acre-feet, *Dry* when the flow is between 29,000 and 49,000 acre-feet, *Normal* when it is between 49,000 and 119,000 acre-feet, and *Wet* when it is over 119,000 acre-feet.

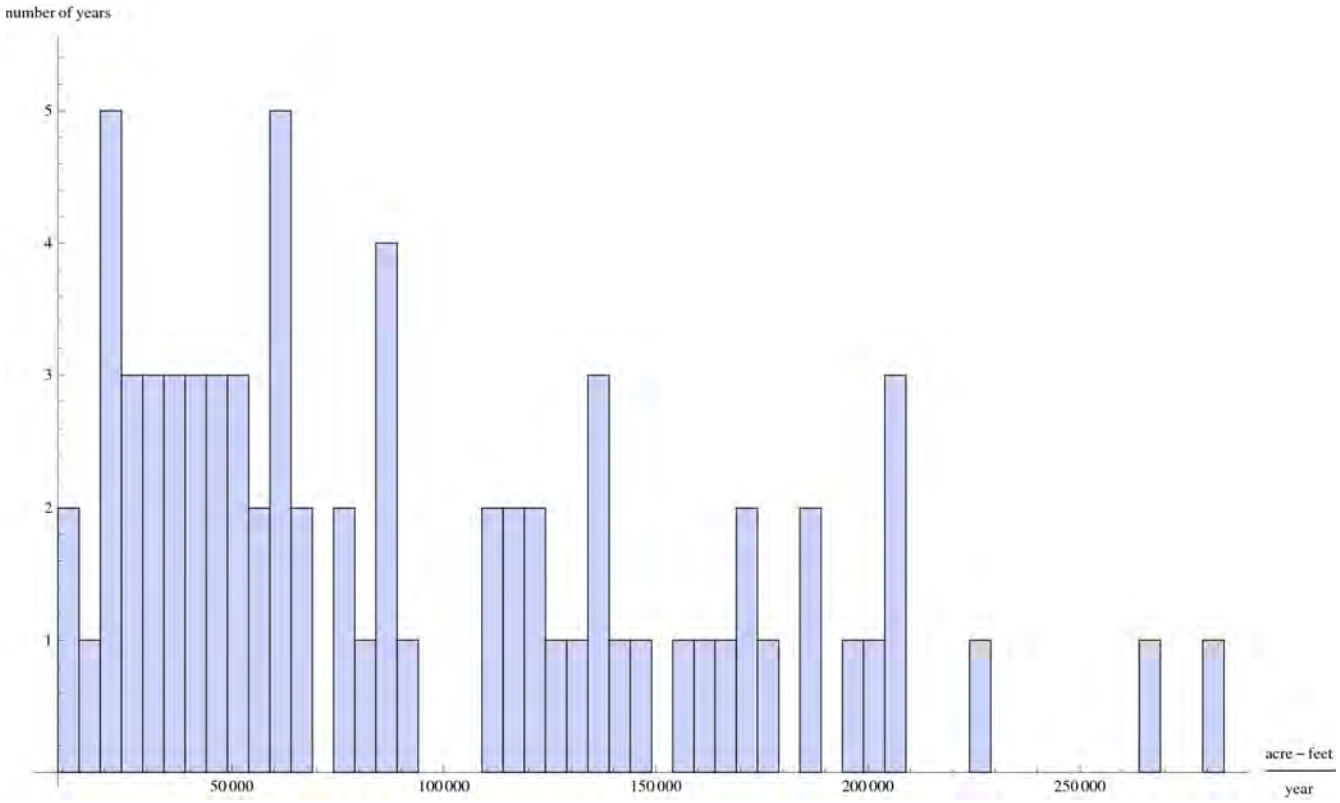
The essence is the problem is the implicit assumption that the distribution of annual flows is something like a normal bell curve where the average is a good indicator of the most likely flow. This is **not** the case, however. In keeping with the common sense observation, validated in personal conversations with meteorologists from the National Weather Service and hydrologists from the California State Department of Water Resources, that Santa Cruz has either wet years or dry years, the distribution is bi-modal. The following two figures illustrate this.

The first shows a re-plotting of the Total Annual Runoff of the San Lorenzo River, the City's primary source of water, in acre-feet based on the latest USGS data; it is the same plot,with slightly different years, as Figure 5-1 from the ***Urban Water Management Plan***. The dashed line is the *Average* runoff, the red, yellow, and

light blue lines mark the upper limits of runoff for a year to be termed *Critically Dry*, *Dry*, *Normal*, and *Wet* respectively.



The second is a histogram of the annual flows in bins of width 5,000 acre-feet/year, from 9,0000 to 284,000 acre-feet/year, so as to align with the water year classifications of the ***Urban Water Management Plan***'s Table 5-1.



As the first plot suggests and the histogram indicates, *Average* water years don't occur; there is a strong hump corresponding to the high range of *Dry* years and the lower range of *Normal* years and another in the *Wet* years with a long tail off to the right. It is the balance between the two humps and the pull of the wet tail that bring the *Average* into a range of flows which has not occurred in the period where there are records of annual flow. Note also that since the City has limited storage in Loch Lomond Reservoir, the high flows cannot be usefully captured, accentuating the distortion from of relying on *Average* water years as a touch stone for water supply considerations.

To quantify the problem I am raising, I refer again to the ***Urban Water Management Plan***'s Figure 5-1. Of the 85 years plotted, 34 years - 60%, are below *Average*; of the 29 *Normal* years, 23, or slightly over 79% are below *Average*.

I believe, based on this evidence, that the normal, single, and multiple dry year scenarios discussed in chapter 5 of the ***Urban Water Management Plan*** and upon which the water supply discussion in the Draft EIR, are based on an inappropriate statistical analysis, leading to faulty assumptions. The Final EIR needs to re-base its discussion from average water years, re-examine the raw data, and take into account the bi-modal distribution of water years.

Sincerely,

Joe Christy
(831)423-7151
joe@eshu.net

LETTER I-6 – JOE CHRISTY

I-6-1 Water Year Data and Classification. The analysis offered by this commenter apparently assumes all of the City's projections are based on this bar graph from the City's UWMP that is included with the comment. This graph summarizes runoff in the San Lorenzo River for different water year classifications. The rain year classifications and graph are merely ways to display the variability of stream flow in the San Lorenzo River. The City utilizes a computer model that shows daily time steps of more than 60 years of hydrology (about 22,000 days) that the City can use to synthesize drought conditions by pairing several years of known below average rainfall, randomly produce data, etc. This is a complex system with many factors and variable affecting likely summer flows and the amount of water that will be available for the summer season.

From: Madeleine Clyde [mailto:mcc@cruzio.com]
Sent: Wednesday, January 13, 2010 7:01 AM
To: Ken Thomas
Subject: Draft EIR: Sphere of Influence Amendment UCSC North Campus

Mr Thomas:

I would like to add my concern about the City's involvement in the expansion of UCSC in the North Campus area. My main concerns are as follows:

1 1. Water: Many more knowledgeable people than I have submitted comments on the specifics of the water issue. I will just add that it doesn't make sense to me that the City feels it can extend itself in this area when it is already struggling to provide water to customers within city limits.

2 2. Traffic: Bay St and especially High St are already so impacted by the University, I don't see how this increase in students and employees will be managed without constructing a new access road, presumably through the lovely Pogonip area. That would be a shame.

3 3. University expansion: This probably isn't really your concern, but it seems that the UC system is already struggling to provide an education to the number of students it has now. UCSC recently laid people off and imposed furloughs on those remaining due to lack of funds. I would guess that the cost of expanding by another 3 million square feet is pretty enormous. I've heard people say that the money for this is already set aside in a special "bucket" for long range development and isn't available to be used for day to day operations. That's all well and good. In my own personal budget I also have money set aside for long term plans. However, if things get tight or an emergency comes up I have to tap into those "long term planning" funds and I think that the University system should as well.

To sum up, I am opposed to the development of the North Campus area. I think it will take too much of a toll on our local resources.

Thank you for providing this forum for public comment.

Madeleine Clyde
60 Pineridge Ct
Santa Cruz, CA 95060

LETTER I-7 – MADELEINE CLYDE

I-7-1 Water Service. The comment does not address analyses contained in the DEIR, but notes that it doesn't make sense for the City to extend water service when it is struggling to provide water to customers within city limits. The comment is acknowledged and so noted and referred to City decision-makers for further consideration.

I-7-2 Traffic. The comment does not address analyses contained in the DEIR, but questions how UCSC-related traffic will be managed without constructing a new access road through Pogonip. Campus plans do not include construction of an eastern access road through campus. Secondary impacts of campus growth on traffic are addressed on pages 5-22 to 5-25 of the DEIR.

I-7-3 University Expansion. The comment does not address analyses contained in the DEIR, but commenter notes her opposition to development of North campus, and the comment is acknowledged.

From: Tara Cornelisse [mailto:tcorneli@ucsc.edu]
Sent: Thursday, January 14, 2010 11:05 PM
To: Ken Thomas
Subject: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009

1 Comprehensive conservation planning is needed for species recovery and for the University's long-term development interests. The University could complete the federal Habitat Conservation Planning process alongside the state's Natural Communities Conservation Planning process, granting federal and state permits for decades of campus growth, and lending a level of certainty for future development not otherwise possible. Simultaneously, these planning processes would assist the region as a whole to recover numerous imperiled species that are otherwise increasingly impacting the work of local governments, development proponents, and conservation managers alike.

UCSC north campus is a unique habitat area and it would be a global loss if this area was "developed" in an unsustainable way. Please do the right thing for the future.

Tara Cornelisse

--
Ph.D. Student
Environmental Studies
UC Santa Cruz

LETTER I-8 – TARA CORNELISSE

I-8-1 Support UCSC Campus HCP/NCCP. The comment expresses support for preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans.

From: Greg Cotten [mailto:openshoreline@gmail.com]
Sent: Tuesday, January 19, 2010 4:45 PM
To: Ken Thomas
Subject: UCSC Expansion Public Comment Submission

Dear Mr. Thomas,

The below letter is intended to be included in the EIR Sphere of Influence package as part of the public comment portion. Please let me know if there is a different place this document should be sent. I understand that the deadline is today. I did leave a voicemail with you this morning asking for a location. The time is getting late so I hope you will submit it to all appropriate parties.

If I can do anything else, please advise.

Many Thanks.

Greg Cotten
831-239-6192

Letter below:

Dear Council,

1 We are writing today to express our concerns about the further development of the UCSC campus. First, we acknowledge the foresight of early leaders to see the many levels of value that UCSC brings to Santa Cruz; however, it is our experience that the University has entered a point of diminishing returns.

It is our perspective that the population of the Santa Cruz area is currently bigger than the carrying capacity of our ecosystem. We the people of a Santa Cruz Climate Action Team have been working together for over a year now scrutinizing our own lives and developing conservation practices. We are doing this to reduce our environmental impact on water use in support of local endangered fisheries and to eliminate the need for an energy intensive desalination plant. We're reducing our energy consumption to prevent dangerous carbon dioxide being released into the atmosphere and are working with our organizations and community to do the same. These actions have been requested by many state and local agencies and our feeling is that our hard work in our own lives and in our community is only making room for others to capitalize on it.

The consideration of incorporating desalinated sea water to mitigate UCSC's impact is unacceptable. We don't want to get into the topic of desalinating ocean water here, but for the record it is our stand that desalination is a dangerous practice that will expand our already unsustainable relationship with the environment. As expressed by one of our UCSC environmental scientist alumni: 'Further removal of the unique wild lands and coastal redwoods of the area is upsetting and has untold effect on the climate and local ecology. Perhaps UCSC as a small college is what has it be distinguished and valuable.'

Global, federal, state, and local concerns based on scientific consensus state that we might not be able to reduce our carbon footprint or mitigate atmospheric CO2 fast enough to prevent ecological collapse. How is it that at the same time UCSC wants to expand their water and energy consumption? It speaks to us as community members that the UC regents feel that their fiscal interests are more important than the ecosystem and the fabric of the local community. It

insults the efforts that our community and it's leaders have taken to reduce our overall environmental impact which through long and thoughtful conversations have determined to be important. This hypocrisy tears at the fabric of our community and the public begins to loose faith in it's ability to determine it's own future or protect itself from environmental collapse.

In Conclusion, we ask that the foresight and leadership used in creating UCSC to be used in seeing that we are at an environmental breaking point. Development would further strain exhausted systems and undo the hard work of the citizens and leaders of Santa Cruz.

Sincerely,

City of Santa Cruz sponsored Climate Action Team

Greg Cotten B.S.; Marine Biologist
Amy Howk B.A.; Environmental Scientist
Katherine Scott; PhD Senior Environmental Scientist
Katie Kriscunas; M.A. Science Teacher
Gregory Bondi; Health services program director
Collette Staight; Climate Program Director
Jeanne Baker; Technical Drafter
Celise Clevenger; Fine Arts

LETTER I-9 – GREG COTTEN

I-9-1 Desalination and Climate Change. The City's proposed desalination project is not proposed to mitigate UCSC growth. See Master Response WS-3 – Desalination Project Purpose & Impacts regarding the purpose of the desalination project, potential impacts, and current status for environmental review, which will include a comprehensive review of emissions and energy. The cumulative contribution to global climate change and greenhouse gas emissions related to indirect growth supported by the project are evaluated on pages 6-15 to 6-26 of the DEIR, which includes tree removal. See also Master Response PD-1 – Project Overview, Purpose & Objectives further clarification of the project description; site-specific development at UCSC is not part the project.

Mr. Ken Thomas
City of Santa Cruz Planning and Community Development Dept.
809 Center Street, Room 107
Santa Cruz, CA 95060

January 15, 2010

VIA EMAIL **kthomas@ci.santa-cruz.ca.us**

RE: Comments on the Draft EIR for City of Santa Cruz Sphere of Influence Amendment (November 2009)

Dear Mr. Thomas:

1 The DEIR should not be adopted in its present form because of a glaring deficiency in the Water Supply Assessment Report (WSA) which is the basis for many of the assessments in the DEIR. These deficiencies cast serious doubt on the projected availability of adequate water supply in both normal or dry years with the proposed Sphere of Influence (SOI) project

Although the City Council approved the WSA report, perhaps due to time constraints, the words of Water Director Bill Kocher highlight the deficiencies of the WSA when responding to public comments on the WSA report (letter to S. Strelow, November 6, 2009).

Here we repeat Mr Kocher's distillation of the public comments in normal typeface, labeled "General Comment", and his response to the "General Comment" in italics [underlining added].

> General Comment: There are unresolved Ongoing Planning Issues identified in the City's 2005 Urban Water Management Plan that threaten the City's current water supplies, i.e. negotiations over a Habitat Conservation Plan; water rights conformance issues; the potential for seawater intrusion in the City's Live Oak Wells. Until all those outstanding issues are resolved, the City should not be making judgments about how much water it will have available in the future. *Response: All of those Planning issues are mentioned in the both the [sic] Urban Water Management Plan and in the WSA and it is true that all of them have the potential to impact the City water supply at some time in the future. <u>It is also true to say that all of them can potentially be resolved without significant dry season loss of supply, making it speculative to try to time the potential impacts, let alone quantify them.</u> All of them have been ongoing issues for some length of time with the water rights matters the subject of discussions with the State Water Resources Control Board as far back as 1995 and the Habitat Conservation Plan discussions underway more than six years ago. The uncertainty of timing, quantification of impact, and even the uncertainty of any impact makes it unreasonable to wait for resolution in the face of State Water Code that stipulates the WSA must be completed within 90 days of the request from the land use agency.*

> General Comment: Climate change could change everything that the WSA concludes and for that reason, estimates of future supply should be very conservative. *Response: It is true that climate change may well impact City water supplies that are largely dependent on surface water flows. To the extent that rain events are more intense but less frequent would likely change the baseflow in streams and rivers the City diverts from. Like the "Ongoing Planning Issues" previously discussed, the timing and quantification of impact make it too speculative to include in this analysis.*

In the first reply above, Mr. Kocher says that all those items "*can potentially be resolved without significant dry season loss of supply*", but gives no support to this assertion.

More importantly, he states in the second reply that "the timing and quantification of impact make it too speculative to include in this analysis".

It is not acceptable in any professional endeavor of this kind to assume a potentially negative impact is zero just because one doesn't know the true values. This situation is normally handled by evaluating several "what if" scenarios, just as was done for demand scenarios in the WSA, and it should be done for these factors as well.

Comment/Question for the DEIR: How can you justify not performing any impact analysis of these factors?

Comment/Question for the DEIR: the impact of these factors should be evaluated with fully documented assumptions of the factor (magnitude, timing, likelihood).

In conclusion, the DEIR can achieve the proper level of professionalism by examining these factors which were ignored by the WSA, and it is your responsibility to do so.

Respectfully Submitted by

Renwick E. Curry
member of the Santa Cruzans for Responsible Planning

LETTER I-10 – RENWICK E. CURRY

I-1-1 Water Supply. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding potential reductions to existing water supply sources due to future implementation of a HCP, water rights issues and groundwater pumping.

From: jodifredi@aol.com [mailto:jodifredi@aol.com]
Sent: Thursday, January 07, 2010 2:12 PM
To: Ken Thomas; chancellor@ucsc.edu; info@santacruzlafco.org
Subject: UCSC HCP Petition

Dear Mr. Thomas, Chancellor Blumenthal and Mr. McCormick,

1 I am writing you directly to ensure that I am counted as a signatory to the attached petition
regarding the protection of biological diversity at UCSC. As a graduate of UCSC and a long-time
neighbor, I am concerned that the University grows in a way that limits adverse environmental impacts
in a comprehensive, scientifically based manner.

To that end, I support the claims in the attached petition and urge you to adhere to the prescriptions proposed.
As an institution of higher learning, UCSC owes it to this community to set an example of environmentally sensitive
growth that addresses and limits potential adverse cumulative impacts responsibly. We urge the City of Santa Cruz to support such a
protective approach. We hope that LAFCO will fulfill its duty under the law by requiring UCSC to develop an HCP/NCCP prior to project approval.

Thank you for your consideration,
Jodi Frediani

Jodi Frediani
Director
Central Coast Forest Watch
ph/fax 831-426-1697
JodiFredi@aol.com

December 1, 2009

Attention:
Ken Thomas, City of Santa Cruz Planning
809 Center Street, Rm. 206
Santa Cruz, CA 95060
KThomas@ci.santa-cruz.ca.us

Chancellor George Blumenthal
UC Santa Cruz, Chancellors Office
1156 High Street
Santa Cruz, CA 95064
chancellor@ucsc.edu

Patrick McCormick, Executive Director
Santa Cruz LAFCO
701 Ocean St. #318D
Santa Cruz, CA 95060
info@santacruzlafco.org

Re: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR
November 2009

Protect Biological Diversity At UCSC

We, the undersigned, are deeply concerned about protecting rare and endangered species and their habitats on and around the University of California Santa Cruz campus. We are joined by the US Fish and Wildlife Service (USFWS) in believing that the piecemeal approach UCSC has taken over time with regard to planning individual development projects has not adequately accounted for or protected against the cumulative environmental impacts of those projects. We further believe that without an adequate comprehensive conservation plan certified by the USFWS and the California Department of Fish and Game (CDFG), future development will put at increasing risk the rare and sensitive species on UCSC land. Accordingly, we strongly urge UCSC to adopt a campus-wide Habitat Conservation Plan (HCP) as recommended by the USFWS in conjunction with a Natural Community Conservation Plan (NCCP) developed in coordination with the CDFG before any major new development of the North Campus takes place.

At-risk species in need of protection include Golden Eagle, Western Burrowing Owl, Townsend's big-eared bat, Western red bat, long-eared myotis bat, Loggerhead Shrike, Grasshopper Sparrow, California red-legged frog, San Francisco dusky-footed wood rat, Dolloff's cave spider, Santa Cruz telemid spider, Empire Cave pseudoscorpion, MacKenzie's cave amphipod, Ohlone tiger beetle, and a number of plant species including Santa Cruz manzanita and San Francisco popcorn flower.

The new UCSC growth plan includes extending City of Santa Cruz services to the currently undeveloped North Campus, adding over 3 million square feet of new development and logging 120 acres of forest. These actions could result in irreparable harm to sensitive species and their habitat unless a comprehensive protection plan is adopted. Furthermore, the requirements for fire protection will necessitate a large-scale plan for chaparral and Douglas Fir habitats that must be taken into account as those habitats house many sensitive species in addition to presenting considerable risks of wildfire to potential North Campus structures.

We quote from the December 2, 2008 USFWS letter to the City of Santa Cruz regarding the City's role in conducting an EIR on behalf of North Campus development: "The piecemeal approach that UCSC has taken in terms of implementing individual development projects over time makes it difficult for the Service to adequately assess cumulative impacts... We believe that UCSC, involved agencies, and the Service would benefit from the development of a campus-wide HCP by providing needed protection for listed species. Therefore, we recommend that the City support the development of a campus-wide HCP."

The USFWS also detailed concerns in a January 11, 2006 letter to UCSC about the 2005 Long Range Development Plan DEIR. The cited deficiencies included the following: "1) underestimating the effects of various development projects on federally listed species, 2) [inadequate] UCSC land use designations regarding conservation of federally listed species, and 3) the lack of a comprehensive management plan for listed species at UCSC."

A model management plan for protecting rare species and biological diversity at the UCSC campus is readily at hand in the form of what CDFG calls a Natural Community Conservation Plan (NCCP). The CDFG website describes the plan as "an unprecedented effort by the State of California, and numerous private and public partners that takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. An NCCP identifies and provides for the regional or areawide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity."

Habitat loss is the primary threat to most imperiled species. Without a broad-based ecosystem approach to protection, cumulative habitat loss through piecemeal development can be significant and harmful. An example of the sort of thinking that permits harmful development can be found in the UCSC 2005 LRDP EIR, which concluded that the elimination of 98 acres of habitat for Golden Eagles and Western Burrowing Owls is less-than-significant because other suitable habitat exists. UCSC reached similar conclusions about habit loss for other sensitive species, including that the logging of 120 acres of campus forest was not significant. Justifying a finding of a less-than-significant impact because there is suitable habitat elsewhere is spurious and evasive because it avoids the question of the impacts of the proposed development on a species where it occurs and is contrary to provisions of the California Environmental Quality Act

(CEQA) Guidelines (15065), (15380) and (15382). This is precisely why a campus-wide conservation plan is needed.

CEQA Guideline (15065) calls for "Mandatory Findings of Significance when: (1)… The project has the potential to substantially reduce the habitat of a fish or wildlife species; … (3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guideline (15380) refers to "rare" species that may become endangered if its environment worsens and (15382) says that "significant effect on the environment" means an adverse change in the physical conditions including flora and fauna.

Not only is UCSC in danger of undermining the intent of federal and state statutes, the lack of either a campus-wide HCP or an NCCP appears to ignore fundamental values UCSC supposedly shares with the City of Santa Cruz, for its proposed actions are inconsistent with the campus's espoused goals of working towards understanding and improving the natural environment and promoting sustainability in the world. UCSC should take full advantage of its unique biological circumstances and faculty expertise to further the study and protection of rare and special-status species and their habitats, rather than harming them through large-scale development without a comprehensive protection plan with enforceable provisions.

Unfortunately, we note that the City of Santa Cruz's November 2009 draft EIR for a Sphere Of Influence Amendment, which was jointly funded by UCSC and serving a dual purpose as the UCSC EIR for North Campus development, did not support the development of a campus-wide HCP as recommended by the USFWS December 2008 scoping letter or respond to the USFWS concerns in any meaningful way.

Therefore, we strongly urge the City of Santa Cruz in its role as a project proponent for UCSC development in the North Campus to take a protective approach, heed the recommendation of the USFWS, and support the development of a combined campus-wide HCP/NCCP at UCSC in its final EIR. Furthermore, we would point out that the Local Agency Formation Commission (LAFCO) has the responsibility to review environmental impacts and jurisdiction over whether to approve development of the North Campus. We hope that LAFCO will see a duty under state law, including CEQA, and require UCSC to develop an HCP/NCCP before approving the proposed development project. Absent a comprehensive HCP/NCCP, the environmental impacts of the proposed development cannot be fully understood, nor can rare and special-status species be protected.

Thank you for your attention.

Sincerely,

Jennifer Anderson, UCSC Retired Lecturer and Assistant to the Chair, Environmental Studies

Jeffrey Arnett, UCSC Lecturer in Writing, editor of An Unnatural History of UCSC

Martha Brown, Co-Editor of the Natural History of UCSC, Senior Editor, Center for Agroecology & Sustainable Food Systems.

Ray Collett, UCSC Faculty Member beginning in 1965; Professor Emeritus Division of Natural Sciences; Founding Director, Director Emeritus, UCSC Arboretum

Shelly Errington, UCSC Professor of Anthropology

Margaret Fusari, former Director of the UCSC Natural Reserves

Jodi Frediani, Director, Central Coast Forest Watch

Aldo Giacchino, Chair, on behalf of the Santa Cruz Chapter of the Sierra Club

James Gill, UCSC Professor of Earth and Planetary Science

Steve Gliessman, Ruth and Alfred Heller Professor of Agroecology, Environmental Studies

Tonya Haff, Co-Editor of the Natural History of UCSC and former Curator of the UCSC Museum of Natural History, PhD candidate Evolution, Ecology and Genetics

Brett Hall, President, on behalf of the Santa Cruz Chapter of the California Native Plant Society

Grey Hayes, PhD Environmental Studies, past UCSC Campus Reserve Steward, Endangered Species Act petitioner for the Ohlone tiger beetle

A. Marm Kilpatrick, UCSC Assistant Professor, Dept. Ecology & Evolutionary Biology

Jeff Miller, Conservation Advocate, on behalf of the Center for Biological Diversity

Nell Newman, President of Newman's Own Organics, past volunteer and supporter of the UCSC Predatory Bird Research Group

Wallace J. Nichols, PhD, Research Associate California Academy of Sciences, Founder/Co-Director OceanRevolution.org

Paul Niebanck, UCSC Professor Emeritus, Environmental Planning

John Pearse, UCSC Professor Emeritus, Department of Ecology and Evolutionary Biology

Carol Shennan, UCSC Professor of Environmental Studies

Matthew Struss-Timmer, Conservation Chair, on behalf of the Santa Cruz Bird Club

Robert Stephens, Owner Elkhorn Native Plant Nursery

Don Stevens, Chair, on behalf of Habitat and Watershed Caretakers

David Suddjian, Ecologist, Historian for the Santa Cruz Bird Club

John Wilkes, UCSC Senior Lecturer Emeritus in Science Writing and founding director of the Science Communication Program

LETTER I-11 – JODI FREDANI

I-11-1 Support UCSC Campus HCP/NCCP. The comment expresses support of the U.S. Fish and Wildlife Service request for preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans and responses to particular points raised in the petition.

From: James Gill [mailto:jgill@pmc.ucsc.edu]
Sent: Friday, January 08, 2010 10:45 AM
To: Ken Thomas; chancellor@ucsc.edu; info@santacruzlafco.org
Cc: Don Stevens
Subject: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR,November 2009

Dear Sirs

1 I confirm that I intentionally signed the attached petition/comment about the EIR referenced in the Subject Line.

I have taught a pre-professional applied course on CEQA law, policy, and science for the Environmental Studies Department at UCSC. In that context, I have closely studied the 2005 UCSC LRDP EIR, comments thereon, and related court records. In my opinion, first the UC Regents, and then the Santa Cruz County Superior Court, ignored credible evidence when they dismissed arguments that the effects on Biological Resources of developing the UCSC North Campus as planned would be significant and unavoidable. The current CEQA action provides opportunity to revisit that decision. The petition suggests reasonable specific actions for reducing the impact of development.

Sincerely
James Gill
Distinguished Professor of Earth and Planetary Sciences

December 1, 2009

Attention:
Ken Thomas, City of Santa Cruz Planning
809 Center Street, Rm. 206
Santa Cruz, CA 95060
KThomas@ci.santa-cruz.ca.us

Chancellor George Blumenthal
UC Santa Cruz, Chancellors Office
1156 High Street
Santa Cruz, CA 95064
chancellor@ucsc.edu

Patrick McCormick, Executive Director
Santa Cruz LAFCO
701 Ocean St. #318D
Santa Cruz, CA 95060
info@santacruzlafco.org

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At-risk species in need of protection include Golden Eagle, Western Burrowing Owl, Townsend's big-eared bat, Western red bat, long-eared myotis bat, Loggerhead Shrike, Grasshopper Sparrow, California red-legged frog, San Francisco dusky-footed wood rat, Dolloff's cave spider, Santa Cruz telemid spider, Empire Cave pseudoscorpion, MacKenzie's cave amphipod, Ohlone tiger beetle, and a number of plant species including Santa Cruz manzanita and San Francisco popcorn flower.

The new UCSC growth plan includes extending City of Santa Cruz services to the currently undeveloped North Campus, adding over 3 million square feet of new development and logging 120 acres of forest. These actions could result in irreparable harm to sensitive species and their habitat unless a comprehensive protection plan is adopted. Furthermore, the requirements for fire protection will necessitate a large-scale plan for chaparral and Douglas Fir habitats that must be taken into account as those habitats house many sensitive species in addition to presenting considerable risks of wildfire to potential North Campus structures.

We quote from the December 2, 2008 USFWS letter to the City of Santa Cruz regarding the City's role in conducting an EIR on behalf of North Campus development: "The piecemeal approach that UCSC has taken in terms of implementing individual development projects over time makes it difficult for the Service to adequately assess cumulative impacts... We believe that UCSC, involved agencies, and the Service would benefit from the development of a campus-wide HCP by providing needed protection for listed species. Therefore, we recommend that the City support the development of a campus-wide HCP."

The USFWS also detailed concerns in a January 11, 2006 letter to UCSC about the 2005 Long Range Development Plan DEIR. The cited deficiencies included the following: "1) underestimating the effects of various development projects on federally listed species, 2) [inadequate] UCSC land use designations regarding conservation of federally listed species, and 3) the lack of a comprehensive management plan for listed species at UCSC."

A model management plan for protecting rare species and biological diversity at the UCSC campus is readily at hand in the form of what CDFG calls a Natural Community Conservation Plan (NCCP). The CDFG website describes the plan as "an unprecedented effort by the State of California, and numerous private and public partners that takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. An NCCP identifies and provides for the regional or areawide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity."

Habitat loss is the primary threat to most imperiled species. Without a broad-based ecosystem approach to protection, cumulative habitat loss through piecemeal development can be significant and harmful. An example of the sort of thinking that permits harmful development can be found in the UCSC 2005 LRDP EIR, which concluded that the elimination of 98 acres of habitat for Golden Eagles and Western Burrowing Owls is less-than-significant because other suitable habitat exists. UCSC reached similar conclusions about habit loss for other sensitive species, including that the logging of 120 acres of campus forest was not significant. Justifying a finding of a less-than-significant impact because there is suitable habitat elsewhere is spurious and evasive because it avoids the question of the impacts of the proposed development on a species where it occurs and is contrary to provisions of the California Environmental Quality Act

(CEQA) Guidelines (15065), (15380) and (15382). This is precisely why a campus-wide conservation plan is needed.

CEQA Guideline (15065) calls for "Mandatory Findings of Significance when: (1)… The project has the potential to substantially reduce the habitat of a fish or wildlife species; … (3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guideline (15380) refers to "rare" species that may become endangered if its environment worsens and (15382) says that "significant effect on the environment" means an adverse change in the physical conditions including flora and fauna.

Not only is UCSC in danger of undermining the intent of federal and state statutes, the lack of either a campus-wide HCP or an NCCP appears to ignore fundamental values UCSC supposedly shares with the City of Santa Cruz, for its proposed actions are inconsistent with the campus's espoused goals of working towards understanding and improving the natural environment and promoting sustainability in the world. UCSC should take full advantage of its unique biological circumstances and faculty expertise to further the study and protection of rare and special-status species and their habitats, rather than harming them through large-scale development without a comprehensive protection plan with enforceable provisions.

Unfortunately, we note that the City of Santa Cruz's November 2009 draft EIR for a Sphere Of Influence Amendment, which was jointly funded by UCSC and serving a dual purpose as the UCSC EIR for North Campus development, did not support the development of a campus-wide HCP as recommended by the USFWS December 2008 scoping letter or respond to the USFWS concerns in any meaningful way.

Therefore, we strongly urge the City of Santa Cruz in its role as a project proponent for UCSC development in the North Campus to take a protective approach, heed the recommendation of the USFWS, and support the development of a combined campus-wide HCP/NCCP at UCSC in its final EIR. Furthermore, we would point out that the Local Agency Formation Commission (LAFCO) has the responsibility to review environmental impacts and jurisdiction over whether to approve development of the North Campus. We hope that LAFCO will see a duty under state law, including CEQA, and require UCSC to develop an HCP/NCCP before approving the proposed development project. Absent a comprehensive HCP/NCCP, the environmental impacts of the proposed development cannot be fully understood, nor can rare and special-status species be protected.

Thank you for your attention.

Sincerely,

Jennifer Anderson, UCSC Retired Lecturer and Assistant to the Chair, Environmental Studies

Jeffrey Arnett, UCSC Lecturer in Writing, editor of An Unnatural History of UCSC

Martha Brown, Co-Editor of the Natural History of UCSC, Senior Editor, Center for Agroecology & Sustainable Food Systems.

Ray Collett, UCSC Faculty Member beginning in 1965; Professor Emeritus Division of Natural Sciences; Founding Director, Director Emeritus, UCSC Arboretum

Shelly Errington, UCSC Professor of Anthropology

Margaret Fusari, former Director of the UCSC Natural Reserves

Jodi Frediani, Director, Central Coast Forest Watch

Aldo Giacchino, Chair, on behalf of the Santa Cruz Chapter of the Sierra Club

James Gill, UCSC Professor of Earth and Planetary Science

Steve Gliessman, Ruth and Alfred Heller Professor of Agroecology, Environmental Studies

Tonya Haff, Co-Editor of the Natural History of UCSC and former Curator of the UCSC Museum of Natural History, PhD candidate Evolution, Ecology and Genetics

Brett Hall, President, on behalf of the Santa Cruz Chapter of the California Native Plant Society

Grey Hayes, PhD Environmental Studies, past UCSC Campus Reserve Steward, Endangered Species Act petitioner for the Ohlone tiger beetle

A. Marm Kilpatrick, UCSC Assistant Professor, Dept. Ecology & Evolutionary Biology

Jeff Miller, Conservation Advocate, on behalf of the Center for Biological Diversity

Nell Newman, President of Newman's Own Organics, past volunteer and supporter of the UCSC Predatory Bird Research Group

Wallace J. Nichols, PhD, Research Associate California Academy of Sciences, Founder/Co-Director OceanRevolution.org

Paul Niebanck, UCSC Professor Emeritus, Environmental Planning

John Pearse, UCSC Professor Emeritus, Department of Ecology and Evolutionary Biology

Carol Shennan, UCSC Professor of Environmental Studies

Matthew Struss-Timmer, Conservation Chair, on behalf of the Santa Cruz Bird Club

Robert Stephens, Owner Elkhorn Native Plant Nursery

Don Stevens, Chair, on behalf of Habitat and Watershed Caretakers

David Suddjian, Ecologist, Historian for the Santa Cruz Bird Club

John Wilkes, UCSC Senior Lecturer Emeritus in Science Writing and founding director of the Science Communication Program

LETTER I-12 – JAMES GILL

I-12-1 Support UCSC Campus HCP/NCCP. The comment expresses support of the U.S. Fish and Wildlife Service request for preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans and responses to particular points raised in the petition.

January 19, 2010

Ken Thomas, City of Santa Cruz Planning
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Patrick McCormick, Executive Director
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UC Santa Cruz, Chancellors Office
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chancellor@ucsc.edu

Re: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009

Dear Mr. Thomas,

1 I write in comment to the Santa Cruz City Sphere of Influence Amendment Draft EIR dated November 2009. I have signed as a petitioner to the "Protect Biodiversity at UCSC," which you have already received, but wish to elaborate on my concerns in this personal letter.

2 I am an ecologist with a 24 year history and deep familiarity with UCSC's campus. As an undergraduate and then graduate student I have conducted ecological research on campus. As Campus Reserve Steward for 7 years, I oversaw extensive studies, management, and ecological restoration activities. And, as a volunteer I have spent countless hours documenting and researching the impacts of campus development on the natural systems that surround the built environment of campus.

I want to say that it is my professional opinion that the expansion of the City of Santa Cruz's sphere of influence into the upper UCSC campus as planned and presented in the EIR will have profound and significant, direct and indirect, unmitigated impacts to biological and hydrological resources. The City and the Campus will be best served by conducting a Habitat Conservation Plan in conjunction with a Natural Communities Conservation Plan to assure long term avoidance of impacts where possible and more holistic mitigation of impacts where necessary.

The sensitive species tied to impacts proposed on the upper UCSC campus include, but are not limited to: Steelhead trout, Ohlone tiger beetle, San Francisco popcornflower,

Pacific Grove clover, Doloff's cave spider, Empire Cave pseudoscorpion, MacKenzie's cave amphipod, and Santa Cruz telemid spider. The last four species inhabit underground karst system, which may be impacted from upper campus development; such impacts could lead to jeopardy of these species, necessitating listing under the US Endangered Species Act.

Indeed, the species that are potentially impacted from UCSC upper campus development are also found on surrounding municipality's lands. Any negative impacts from UCSC development place further burden on City and County of Santa Cruz residents to recover the species, often on private lands with few resources available for conservation practices.

As has often been the case in the past, development of UCSC facilities leads to increased impacts to the campus and surrounding natural lands with little or no secure and long term funding to offset these impacts. Increased student, staff, faculty, and support personnel in the community lead to increased use of the campus and consequent impacts to natural resources. Increased impervious surface over the watersheds of UCSC leads to cumulatively increased erosion impacts and cumulatively decreased infiltration into the aquifers or karst systems below campus. Leaders on campus have repeatedly communicated that funding is not possible under current mitigation regimes to offset these types of impacts. Therefore, HCP's and NCCP's are necessary along with the storm water management plans to address the overall impacts of campus expansion.

And so, I wish to emphasize my agreement with the US Fish and Wildlife Service in their numerous communications with UCSC officials – an HCP would benefit the sensitive natural resources while supplying campus planners (and California taxpayers) much-needed long term assurances to move forward. Only through this comprehensive conservation planning can the large-scale and long term environmental impacts of expanding the City's Sphere of Influence be truly addressed.

Many thanks,

Grey Hayes

LETTER I-13 – GREY HAYES

I-13-1 Support UCSC Campus HCP/NCCP. The comment indicates that the commenter has signed the "Protect Biodiversity at UCSC" comment letter, which expresses support of the U.S. of the U.S. Fish and Wildlife Service request for preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans and responses to particular points raised in the petition.

I-13-2 UCSC Impacts. The commenter indicates that in his professional opinion, the expansion of the City of Santa Cruz Sphere of Influence into the UCSC Upper Campus will have significant direct and indirect, unimitgated impacts to biological and hydrological resources, and is so noted. The secondary effects of indirect growth and development on the UCSC campus supported by the proposed project are discussed in the GROWTH INDUCEMENT (Chapter 5.0) section of the DEIR, including biological and hydrological impacts. No significant, unmitigated impacts were identified related to these issues, except for potential erosion. However, as discussed in Master Response GI-3 – Cave Gulch Erosion, this is no longer considered a significant unavoidable impact with implementation of storm water management measures required as part of the State Regional Water Quality Control Board's approval of UCSC's Municipal Storm Water Permit (General Permit). Additionally, most of the species referenced in the comment are not found in the project (North Campus) area. See Master Response GI-3 – Cave Gulch Erosion regarding erosion impacts. See Master Response GI-1 – Request for HCP regarding

LETTER I-14

Shelley Randolph

From: Hal Levin [Hal.Levin@BuildingEcology.com]
Sent: Wednesday, January 20, 2010 12:01 AM
To: Ken Thomas
Subject: Comments on Draft EIR
Attachments: Levin Comments on DEIR.pdf; Hal_Levin.vcf

Ken Thomas

Here are my comments (attached) on the Draft EIR.

Hal Levin

19 January 2010

Thank you for the oppoturnity to comment.

First of all ,it is completely inappropriate and contrary to state law and regulations for the City be the lead agency to prepare the DEIR and EIR. I object to this arrangement and assert that the document is not properly prepared due to the City's role as lead preparer when the University is the project lead.

There are several major shortcomings of the Draft EIR including the following

1. Lack of consideration of the most obvious and reasonable alternative, development of the additional facilities at or below the highest altitude of current campus development. This could include development within the range of altitudes where the current colleges are now located, development below those altitudes, or a combination of the two.
2. Lack of consideration of cumulative effects. UCSC has a history of given inadequate attention to cumulative effects in its LRDPs, always defending this practice by stating that they will be considered in specific project EIRs. However, no such consideration is given adequately in project EIRs and the cumulative effects starting no later than the 1988 LRDP and the 2005 LRDP are simply reduced to topics for future consideration.
3. Mitigation of greenhouse gas emissions is not considered in term of the extra energy required to move people and materials to the higher elevations of the Upper Campus
4. Lack of adequate consideration of the traffic service level, air quality, and climate change impacts of additional traffic on Empire Grade between the West Entrance and the anticipated new entrance on Empire Grade more than a mile above the West Entrance.
5. Failure to consider impacts on the Natural Reserve an the Cave Gulch Neighborhood which could be addressed by development on the lower campus.

Project Alternatives

Reasonable alternatives to the project are not presented in the DEIR. An alternative considering various locations at or below the upper elevation of current campus development could include development with the areas at elevations from 600 to 700 feet elevation where most of the current academic facilities are now located. This would result in enormous reductions in energy consumption for pumping water and transporting people and materials from the base of campus or from locations beyond the campus boundaries. It would also avoid the need for massive increase in infrastructure on the Upper Campus as well as the intrusion into the forested lands with their rich biological diversity.

"Pursuant to State CEQA Guidelines section 15121, an EIR is an informational d
will inform public agency decision-makers and the public generally of
environmental effects of a project, identify possible ways to minimize the sig
and describe reasonable alternatives to the project." (DEIR page 1-3).

The anticipated or planned growth in enrollment envisioned in the 2005-2020 LRDP could easily be accommodated on the lower campus at elevations no higher than the upper edge of current development and reasonably at elevations far lower. The obvious benefits of such an alternative relate to some of the major environmental impacts of the project. On a gross level, the difference in elevation implies the pumping of water and the transport of people and material by whatever the increment in elevation is between the upper campus development at elevations of 750 feet above sea level on up to 900 or 1000 feet above sea level. And the possible alternative areas for development on the presentaly developed portions of the campus at elevations ranging from approximately 300 to 700 feet above sea

level. Most of the current colleges are located at 600 to 700 feet elevation. Development at those elevations would reduce elevation change by 100 to 300 feet. Development below the colleges in the currently developed campus could achieve an actual difference from the proposed development of as much as 400 to 500 feet in elevation difference.

The energy required for pumping water is directly related to the square of the elevation difference. Related closely to this energy requirement are the greenhouse gas and other air pollutant emissions associated with electricity production, the energy source for pumping.

Similarly, driving motor vehicles up to the Upper Campus will involve similar exponential increases in energy consumption as well as greenhouse gas and other air pollutant emissions.

The Upper Campus has far higher annual average rainfall totals than the presently developed and lower campus. This means that Upper Campus development could be water self-sufficient, thus eliminating the need for extension of City water supply to the Upper Campus. It also means that the creation of large amounts of impervious surfaces for buildings and roads will require the collection and handling of large amounts of waste water.

The extreme case, then, would be an average elevation change of approximately 400 to 600 feet more than development on the lower campus with the majority of the development near the base of campus.

4 **2. Cumulative effects**

I commented on the lack of addressing cumulative effects in the EIRs on the 1988 and the 2005 LRDP. I commented in the public scoping session for the 2005 LRDP, saying that the plan was too vague to subjected to an adequate EIR. Frank Zwart responded by saying that the preferred to consider it "general, not vague." But, in fact, the detailed EIRs on specific projects, always promised in response to my repeated comments on cumulative effects, never address the cumulative effects. The Upper Campus development is one of the those projects, and it must address cumulative effects or fail to meet the requirements of CEQA.

5 **3. Mitigation of greenhouse gas emissions**

California law now requires fully addressing the impacts of development on climate change. The failure to adequately. The DEIR is full of platitudes, but the fact remains that the DEIR does not consider mitigations of the most significant sorty – eliminating the need to transport people and material to the upper campus and the removal of forest and other vegetation that serve as sinks. The comparison of the removal of forest and the removal of grasslands is important and should be made with the consideration of an alternative that includes development of the meadows on the lower campus rather than the forest on the upper campus.

" **Cumulative Global Climate Change:** Estimated GHG emissions from potential future North Campus development would increase campus emissions by approximately 27% over year 2007 levels of 79,726 MT CO_2e estimated in UCSC's draft Climate Action Plan (December 2008). This represents a substantial increase over existing levels and is considered by the City to be a cumulatively considerable contribution to cumulative GHG emissions and global climate change.

The University's mitigation measures and sustainability policy and practices serve to implement many of the State Scoping Plan recommendations: energy efficiency, on-campus housing, transportation measures, green building designs, recycling reduction, and implementation of water conservation measures. They represent the most effective and practicable measures to reduce indirect GHG emissions. The measures are also consistent with OPR's guidelines for mitigation of GHG emissions, which include: encouraging jobs/housing proximity; encouraging walking, bicycling, and public transit use; and applying management strategies to improve operational efficiency of transportation systems (June 2008). While these measures may be effective in reducing the impact to a less-than-significant level, there is currently no data indicating in quantifiable terms the amount of reductions these measures could achieve, and thus, whether the 27% increase could be reduced to an insubstantial level. Therefore, it is conservatively concluded that the project's incremental effect on GHG." (DEIR page 19)

The increase in student, faculty and staff population from 14,000 to 19,000 is more than a 27% increase, and the increase on GHG emissions will be greater than linear because of the higher altitude of the development of the Upper Campus and the removal of forest lands now acting as sinks for carbon dioxide.

6 **4. Traffic service level will deteriorate more than linearly. More vehicles create more than linear impacts.** Buses climbing uphill slow traffic behind it. Climbing the 300 to 400 feet from the West Entrance to the new entry on Empire Grade in the Cave Gulch neighborhood will result in several impacts that must be considered in the EIR.

a. Slower travel speeds

b. More fuel consumed

c. More emissions of carbon dioxide, VOCs, NOx

d. Extra weight on the road with the potential for another slipout, as occurred around 1981 or 1982 in the forested area where the road climbs steeply.

e. Additional stop signs and traffic lights. It is clear that stop and go consumes more fuel and results in more emissions than driving at a steady speed. It is clear from the proliferation of stop signs and signals on campus and their observed effect on traffic and travel times, that the proposed growth will induce more than a linear increase in fuel consumption rates and associated combustion product emisisions

f. Adverse effect on air quality.

7 **5. Intrusion of students into Natural Reserve and Cave Gulch Neighborhood**

There are frequent violations of the prohibitions on bicycles in the Natural Reserve. Locating students in the Upper Campus is likely to dramatically increase the intrusion into the Natural Reserve and the errant hiker and biker intrusions into Cave Gulch itself with attendant erosion, and intrusion and trespass on the private properties in the Cave Gulch Neighborhood.

Historically students have partied and camped illegally in the Upper Campus areas including but not limited to the Natural Reserve areas. Fires have been started by careless campers who abandoned their fires without properly extinguishing them. Noise and trespass are common now. Development of the Upper Campus will exacerbate these problems.

LETTER I-14 – HAL LEVIN

I-14-1 Lead Agency. See Response to Comment OA-1-17.

I-14-2 EIR Shortcomings. The comment summarizes concerns raised in the following specific comments to which specific responses are provided regarding alternatives, cumulative impacts, greenhouse gas emissions' mitigations, traffic, and impacts to the Cave Gulch neighborhood.

I-14-3 Project Alternatives. See Response to Comment OA-4-11 regarding the EIR's discussion of a reasonable range of alternatives. University growth is not the subject of the Sphere of Influence amendment project or DEIR. The proposed project would not directly induce UCSC growth as no new development, housing or employment is proposed as part of the project. As indicated in Master Response PD-1 – Project Overview, Purpose & Objectives, the proposed project's provision of water and sewer services would indirectly support the planned UCSC North Campus growth as envisioned in its adopted 2005 LRDP and further conditioned in the Comprehensive Settlement Agreement. The DEIR does address the secondary impacts of indirect planned growth that could be supported by the proposed project. The environmental effects of future development and growth under the 2005 LRDP were previously analyzed at a programmatic level in the University-prepared EIR for the 2005 LRDP. The project area is in the exclusive control of the University of California, and an alternative to consider relocation of North Campus development to the existing developed campus was not considered as an alternative for the proposed project actions of a sphere of influence amendment and provision of extraterritorial water and sewer services. See page 6-32 of the DEIR regarding discussion of relocation of North Campus development to the existing developed campus and why this was not considered as an alternative. See also discussion on pages 6-34 to 6-36 of the DEIR.

I-14-4 Cumulative Impacts. Comment requests that cumulative effects of Upper Campus development be addressed. The University's 2005 LRDP does not propose development in the Upper Campus, and thus, there are no impacts associated with reasonably foreseeable or planned development in this area that would contribute to cumulative impacts addressed in the DEIR to which the proposed project would contribute

I-14-5 Mitigation of Greenhouse Gas Emissions. UCSC has adopted a number of mitigation measures to reduce traffic and air emissions as summarized on pages 6-24 and 6-25 of the DEIR. See Response to Comment I-14-3 regarding an alternative that includes UCSC development in the Lower Campus. As discussed on page 6-22 of the DEIR and in Appendix D, the GHG emissions calculations accounted for

traffic, removal of trees and vegetation, and additional energy required to pump water to the North Campus. In consideration of vehicle emissions and greenhouse gas emissions, it is the number of vehicle miles traveled that affect the emissions level, not variables such as slight elevation changes or vehicle speeds as suggested by the commenter, which are so miniscule that these variables aren't within the parameters of the models used to calculate such emissions (Ballanti, personal Communication, May 2010). The increase in GHG emissions would not necessarily be the same percentage as the rate of enrollment growth as suggested in the commented. The GHG calculations provide a quantified measure of potential emissions based on different variable and not a simple percentage based on a student/staff growth rate.

I-14-6 Traffic. See pages 5-22 to 5-25 in the DEIR regarding the secondary traffic impacts of indirect UCSC growth accommodated by the proposed project, and see clarifications to this discussion in the CHANGES TO DRAFT EIR (Chapter 3.0) of this document. See also Response to Comment OA-5-9 regarding traffic on Empire Grade Road.

I-14-7 Intrusion in Natural Reserve and Cave Gulch Neighborhood. As indicated above, CEQA requires impact analyses to focus on significant adverse effects to the physical environment. Concerns raised in the comment related to bicycle and student intrusion into the Upper Campus and the Cave Gulch neighborhood are not environmental issues under CEQA, but rather, property access enforcement issues that are beyond the scope of this EIR.

From: Michael Levy [mailto:levysantacruz@gmail.com]
Sent: Tuesday, January 19, 2010 11:28 AM
To: Ken Thomas
Subject: Comment on draft EIR on UCSC expansion

1 I am concerned about the effect of UCSC expansion on the City's water supply and the likely increase in the pressure to build a desalination plant.

A desalination plant is inconsistent with the intent of AB 32 and the urgent need to reduce greenhouse gas emissions, because of its high energy use. We need to be doing everything in our power to reduce fossil fuel dependency and emissions. Although it is easy to relegate this need to a lower priority than local growth or perceived water needs, that is shortsighted, and an example of "tragedy of the commons," wherein each locality, in pursuing immediate self-interest, guarantees disaster for all.

2 There are many steps we can take to meet our water needs before turning to the idea of a desalination plant. One of them is a serious constraint on growth of water use. A policy like Capitola's, where any development is required to accomplish a net decrease in water use, would be a good start. Lacking that, it would be irresponsible to approve a large UCSC expansion.

--

Michael Levy
225 Prospect Hts.
Santa Cruz, CA 95065
831-427-9916

LETTER I-15 – MICHAEL LEVY

I-15-1 Pressure to Build Desalination Plant. See Master Response WS-2 – Desalination Project Purpose & Impacts.

I-15-1 Project Water Use. See Response to Comment I-17-6 regarding suggestion to require development to achieve a net decrease in water.

From: Carol Long [mailto:cjlong3@sbcglobal.net]
Sent: Monday, January 18, 2010 4:13 PM
To: Ken Thomas
Subject: Comment on Draft EIR: Sphere of Influence Amendment

1 The Draft EIR Section 2.4.1 shows that the two significant impacts on the environment: on the city's water supply and on Santa Cruz's Global Climate Change Emissions will not, and possibly can not, be mitigated if the project is implemented.

2 Furthermore it does not address the increased CO2 emissions caused by the future desalination plant needed to partially (though inadequately) mitigate the impacts on the water supply. Furthermore, the "no alternative" choice is stated to be not feasible because of the city's supposed legal obligation to abide by a legal settlement which did not take into account the city's prior legal obligation to abide by the California Environmental Quality Act. A court settlement can't void a law.

3

The "no project" alternative is the only legally and environmentally sound one.

Thanks.

Carol Long

LETTER I-16 – CAROL LONG

I-16-1 Significant Impacts. Comment notes DEIR conclusions on significant impacts, but does not comment on the analysis, and, thus, no response is necessary..

I-16-2 Desalination Plant Impacts. S See Master Response WS-2 – Desalination Project Purpose & Impacts.

I-16-3 Alternatives. The review of Alternative 1 – "No Project" on pages 6-34 to 6-36 of the DEIR does not state that this alternative is "not feasible because of the city's supposed legal obligation" as suggested in the comment. The discussion indicates that this alternative would not meet the basic project objectives. As indicated, the "No Project" alternative is required for inclusion in an EIR by the CEQA Guidelines, and is, thus included in the DEIR. See Response to Comments LA-1-31 and OA-3-8 for further discussion of the No Project Alternative and project objectives as related to the Comprehensive Settlement Agreement.

From: Rick Longinotti [mailto:longinotti@baymoon.com]
Sent: Friday, December 11, 2009 10:20 AM
To: City Council; Juliana Rebagliati; Ken Thomas; info@santacruzlafco.org; john.leopold@co.santa-cruz.ca.us; ellen.pirie@co.santa-cruz.ca.us; bds031@co.santa-cruz.ca.us; tony.campos@co.santa-cruz.ca.us; mark.stone@co.santa-cruz.ca.us
Subject: Response to EIR, water expansion

Dear Supervisors, LAFCO Commissioners, City Council members and City Staff,

Attached is a letter responding to the draft EIR for the Sphere of Influence Amendment for water service expansion to UCSC.

Happy Holidays,
Rick

Rick Longinotti, MFT
http://www.findingharmony.org
831 425-0341

To: Ken Thomas, Santa Cruz Planning Department
cc. Santa Cruz Board of Supervisors
cc. LAFCO
cc. Santa Cruz City Council

Re: Draft EIR, Sphere of Influence Amendment

Dear Mr. Thomas,
The following are suggestions to incorporate in the final EIR.

1 **Correction to Water Supply Assessment**

The draft EIR states,

> "There are adequate supplies to serve the project in normal years..."

This statement is not true unless one makes an assumption that many Santa Cruz residents would contest: that drought security should be sacrificed for the sake of expansion in water service to UCSC.

That is the tradeoff, cogently summarized by Sentinel staff writer, Genevieve Bookwalter, in an article on 11/20/09, "The planned UC Santa Cruz campus expansion could mean stricter water conservation rules for city residents during drought years." Bookwalter confirmed the accuracy of her conclusion by checking with someone who should know: " 'That's a fair statement. In future years, there is an inadequate water supply' during times of drought, agreed Bill Kocher, head of Santa Cruz Water Department."

While it is true that in normal years the University expansion project could currently be supplied with water without curtailment for existing customers, *any expansion of water service would come from the water savings account in the system's only reservoir, Loch Lomond.* The Water Department document, *Adequacy of Municipal Water Supplies to Support Future Development (2004)* states:

> "It is important to note that, even in normal water conditions, three of the four major sources [North Coast streams, San Lorenzo River, Live Oak wells, and Loch Lomond] are presently being utilized at maximum capacity for a significant portion of the year….What this means operationally is that any future increase in seasonal or annual demand for water will be felt through greater and greater withdrawals from Loch Lomond reservoir."[i]

The danger in using the reserve water of Loch Lomond to supply every-day use is analogous to using a savings account to pay every-day bills. The thinking seems to be, "We'll hope for a wet winter to restore the lake to full capacity". Currently, there are three dry winters in ten years in which the lake is not restored to capacity[ii]. If there is significant expansion in water demand, such as with the UCSC expansion, there will be consistently lower lake levels on October 1st in normal rainfall years. That means a larger number of years in which the lake will not be restored to capacity. And in turn, that

means a greater frequency and severity of water curtailments, according to projections in the Integrated Water Plan (2003).

2 The statement, "There are adequate supplies to serve the project in normal years..." is only true if the City is willing to deplete its only drought reserves. Moreover, it is only true currently. In the near future there are several factors mentioned in the Water Supply Assessment that reduce the water supply. They are:

- The Habitat Conservation Plan that will require lower amounts of water diversion from North Coast streams and the San Lorenzo River
- Challenges to the City's water rights by the State Dept. of Fish and Game
- Salt water intrusion in Live Oak wells.
- Although not mentioned in the Water Supply Assessment, climate modeling summarized by UCSC climatologist, Lisa Sloan, predicts shortened winter season rainfall patterns, reducing the amount of runoff in the watershed.

3 Water Dept. director, Bill Kocher, says that it is "speculative to time the potential impacts, let alone quantify them".[iii] Although it may be difficult to time and quantify these impacts, the EIR should not make the claim that "there are adequate supplies" without qualifying that statement to reflect these threats to the water supply.

Needed change in EIR:

The EIR should be edited to read,

> "There are not currently adequate supplies to serve the project in normal years, unless the City is willing to sacrifice its stored water in Loch Lomond that is currently available for drought relief. In the near future, even use of Loch Lomond reserves may not be adequate to serve increased demand from the project in normal years, depending on the outcome of a Habitat Conservation Plan, water rights disputes, aquifer overdraft, and climate change."

4 **Inconsistency with the General Plan**

Because water supplies are inadequate to serve UCSC expansion during normal and dry years, the proposed water service expansion to UCSC would be inconsistent with the current City General Plan, which states, "6.6 Ensure that new development occurs only when adequate water services are provided"

The Water Supply Assessment acknowledges that the City, along with Soquel Creek Water District and private well owners, are overdrafting the Purisima Aquifer and evidence of salt water intrusion has been detected in wells nearest the coast. This is inconsistent with the City's draft 2030 General Plan, which states,

> LU1.2 Ensure that growth and development does not lead to the overdraft of any water source."

Needed change in EIR:

The EIR should be amended to read, "It is inescapable to conclude that the expansion of water service to UCSC will make it more likely that the City will increase its pumping from Live Oak wells during dry years, in spite of the fact that the existing overdraft there is in violation of the City's draft 2030 General Plan."

5 **Impact of Project on Future Greenhouse Gas Emissions**

The expansion of water service for UCSC expansion exacerbates a water scarcity in drought years. This additional burden adds to the pressure to build a desalination plant that is otherwise not needed for drought relief. A desalination project would have its own significant environmental impacts that cannot be mitigated.

The reason the plant is not otherwise needed is based on the current low level of risk for severe curtailments due to drought. According to the Integrated Water Plan, the current (2010) probability of a drought requiring curtailments of over 30% is 1 in 59 years. That risk is low enough for the City to avoid going to great expense to build a desal facility. Furthermore, the City could improve its odds of experiencing a curtailment of over 30% by optimizing Loch Lomond levels in normal years through greater conservation. Such a policy could ensure that Loch Lomond refills even in the worst case winter, saving the optimum amount of water for the drought year dry season. As explained above, expansion of water service to UCSC is in direct conflict with keeping water in reserve for drought years.

Use of a desalination plant would cause a significant increase greenhouse gas emissions. The plan is for the City to operate the desalination facility for six months at 2.5million gallons/day during a dry year. This would require an estimated electric power consumption of 6,083 megawatt-hours.[iv] According to the City's Greenhouse Gas Emissions Inventory, electric power consumption attributed to a water delivery of 3550 million gallons in 2005 was 6,414 megawatt-hours. So the electrical consumption from desalination alone represents an increase of 95% over normal year power consumption. Water delivered by the desal plant would only be 13% of the 2005 normal year water delivery.[v] This is bad news for the climate: a near doubling of electric power consumption provides a 13% boost in water supply.

The greenhouse gas emissions from this increased electric power consumption cannot be effectively offset. As it is, the City will need to work very hard to meet its Climate Action goal for reduction of greenhouse gases of 30% by 2020 and 80% by 2050. Adding new electric power consumption at this scale will reverse much progress towards the reduction goal.

Needed change in EIR:

The EIR needs to indicate that the water service expansion for this project adds pressure to build a water desalination plant that would have serious environmental impact.

6 **Mitigation: Water Neutrality Requirement**

The nine mitigation measures that UCSC has committed itself to carrying out (described beginning on pages 4.1-42) will make the University a model for water conservation. As the draft EIR indicates, these mitigations are not sufficient to reduce the impact of the project to less than significant. A further mitigation measure would fully mitigate the water impact of the project: require that new development at UCSC be water-neutral. This requirement should cover not only new development at UCSC, but any new development in the service area. Such a water demand offset program is in place in Soquel Creek Water District and the East Bay Municipal Utilities District. In Soquel

District, for example, developers are required to offset 120% of new water demand by replacing older fixtures in existing buildings with water-saving fixtures. The reason for such a requirement is that water supply for the service area has reached its limit. Any new development at this point diminishes water security during drought years.

Needed change in EIR:

Recommended mitigation: The City of Santa Cruz should pass an ordinance requiring all new development to be water-neutral, including the UCSC project.

7 **An alternative water supply for campus exists**

The draft EIR states,

> "There are no known, potentially feasible alternatives to the City provision of these services to the project area…"

This statement is not accurate. Emeritus UCSC geology professor and hydrologist, Robert Curry, studied the potential of UCSC to provide itself with water through wells on campus. He concluded that the campus could be self-sufficient in water without adversely affecting other users of the aquifer or flow in coastal streams.[vi]

Needed change in EIR:

This alternative needs to be included in the final EIR.

8 **Alternative development sites on existing campus**

The EIR should present the alternative that new construction of buildings on UCSC campus could be accomplished on sites that have already been developed by the University. There are vast parking lots that could be sites for new buildings, especially combined with a greater University commitment to a car-free student body and car-lite staff.

9 **Alternatives measures need to be considered**

The draft EIR states,

> "Any alternatives that would alter or conflict with the provisions of the Comprehensive Settlement Agreement were not considered potentially feasible as they would violate a legal judgment and would require the cooperation of, and renegotiation with, numerous agencies and individuals who signed the Agreement, which is not in the City's control."

This statement is a serious abdication of the responsibility of the EIR to consider alternatives to the project or those that would mitigate the project impact. It makes a claim that the difficulties of re-opening negotiations outweigh all consideration of impact-reducing alternatives. If this statement is allowed to stand, then the consideration of alternatives has been pre-decided by parties to a lawsuit, rather than by professionally trained environmental consultants. This is not good science, nor is it good democratic process.

Needed change in EIR:

The statement needs to be deleted and other alternatives considered, including those outlined in this letter.

[i] Page 10-11
[ii] Bill Kocher letter, Draft EIR, Sphere of Influence Amendment, Appendix F,
[iii] ibid
[iv] Santa Cruz WD use for six months at 2.5 mg/day = 456.25 million gallons. Using the electric power consumption estimate of 75gallons/kw-hr given in the *Energy Options White Paper* of the California Desalination Task Force = 6,083 mw-hrs
[v] Total water delivery in 2005 = 3550 million gallons. Total desal water delivery as in the above endnote = 456 million gallons.
[vi] Email correspondence, 11/07/09

LETTER I-17 – RICK LONGINOTTI

I-17-1 Adequacy of Water Supplies and Effects on Loch Lomond. The comment indicates that the supply assumed to be available in the WSA draws down the Newell Creek Reservoir by the maximum allowable amount each year and that action is bad public policy. The City's water supply model is based on the statistical reality that in 7 of 10 years, the reservoir fills to overflowing. The three years that it does not are generally classified as below average rainfall years, and in those types of hydrologic years, the City's curtailment planning puts operations into effect in the spring that are aimed at maximum protection of the storage in the lake. Those operations will not change whether the proposed project goes forward or not.

I-17-2 Adequacy of Water Supplies. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding factors that may affect the City's water supply (HCP, water right application challenges, seawater intrusion into Live Oak wells, and climate change).

I-17-3 Normal Year Water Supplies. The requested change to the DEIR text is incorrect. See Response to Comments I-17-1 and I-17-2.

I-17-4 Consistency with General Plan Policies. See the preceding Response to Comments I-17-2 and I-17-3 regarding adequacy of supplies during normal year conditions. The referenced General Plan policy (CF 6.6) pertains to site-specific development projects, and is not directly applicable to the project as no site-specific development is proposed. Commenter asserts that the proposed project will cause the City to increase pumping of its groundwater wells in "violation" of the City's draft 2030 General Plan. The City's draft *General Plan 2030* has not been adopted, and review of project consistency would be with the City's existing 2005 General Plan/Local Coastal Plan. It is acknowledged that the Water Supply Assessment discusses the potential for cumulative seawater intrusion into the groundwater wells. At this time the basin from which the pumps groundwater has not been declared to be in an overdraft condition nor has it experienced seawater intrusion. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding groundwater pumping, and potential overdraft and seawater intrusion conditions. As indicated, groundwater pumping would not increase as a result of the proposed project, and the suggested change to the DEIR is not correct.

I-17-5 Desalination Project, Potential Curtailment, and Greenhouse Gas Emissions. See Master Response WS-3 –Desalination Project Purpose & Impacts regarding the purpose of the proposed desalination project and potential impacts. The comment also indicates that curtailment of 30% would be expected 1 in 59 years and that this is a risk low enough to avoid construction of a desalination project. The comment is

noted, although the actual level of curtailment is approximately 45-50% every 59 years. The City's adopted Integrated Water Plan reviewed several curtailment options, and the City Council in its adoption found 15% to be the level acceptable to the community.

I-17-6 Water Mitigation. The comment suggests another mitigation measure to require new development at UCSC to be water neutral, as well as any other new development in the City's water service area similar to the water demand offset program in place by the Soquel Creek Water District. The City acknowledges that this is the approach being used by the Soquel Creek Water District, but the City has taken a somewhat different path to arrive at the same outcome. Data from the City Water Department indicates that total water consumption in the service area has been declining over the last several years despite an increasing service area population . Soquel Creek has required new development to replace toilets and install other conservation devices in existing homes throughout its service area to result in no net increase in demand. The City, however, has achieved a reduction in use by charging developers a system development fee and then using a portion of that fee (in addition to the money collected in the upper tiers of the inclining rate structure) to fund the City's conservation retrofit programs, including requiring retrofit upon resale of homes.

I-17-7 UCSC Alternative Water Supplies. See Master Response WS-4 – UCSC Campus Water Sources. Comment cites an email communication with "Emeritus UCSC Geology Professor and Hydrologist," Robert Curry, in which he concludes that the campus could be self-sufficient without adverse effects, and is so noted as an opinion. Comment is noted. Review with UCSC planning staff indicates that staff are not aware of any groundwater reports/studies prepared by Robert Curry as none have been commissioned by the campus.

I-17-8 Alternative UCSC Development Sites. See Response to Comment I-14-3 regarding the request that the EIR present on alternative that locates new UCSC development within existing developed areas.

I-17-9 Alternatives. See Response to Comment OA-4-11. As explained in the DEIR, the formation of the project objectives were based on the commitments of the parties to the Comprehensive Settlement Agreement. Therefore, it was appropriate and necessary that the provisions and commitments of the Settlement Agreement be considered in the development and evaluation of potentially feasible alternatives.

Bill Malone BillMalone@pacbell.net January 19, 2010

1 The DEIR environmental analysis relies on the Water Supply Assessment. But the WSA is inadequate or, at least, incomplete. A Water Supply Assessment is mandated to but the DEIR (and it's WSA) does not lay out the steps that would be required to obtain the necessary supply to meet current demand and future demand, in both drought and non-drought years.

2 Nor does the DEIR (and it's WSA) set up scenarios to analyze to impacts of known potential future changes that could significantly reduce supply and increase demand, such as global warming, Habitat Conservation Plans and Water Rights Disputes.

3 The Water Supply Assessment is Inadequate and Incomplete

The DEIR Page 4.1-7 states that the water supply is currently insufficient in normal years: *"The City's water supply system is able to meet 100% of the existing water demand in about 7 out of every 10 years and at least approximately 90% of existing demand in about 9 out 10 years."* AND *"A significant shortage* occurs on average *about 1 out of every 10 years."*

The DEIR Page 4.1-8 states that the water supply is currently insufficient in drought years: *"The water system was barely able to meet half of normal drought year demand during the peak season with 2005 demands, with the shortage projected to increase to as much as 56% in drought conditions in the year 2020."*

Since the DEIR does conclude *"that insufficient supplies are available",* a comprehensive analysis must be done as described on DEIR Page 4.1-2: *Where a Water Supply Assessment (WSA) concludes that insufficient supplies are available, the WSA must lay out steps that would be required to obtain the necessary supply. The content requirements for the assessment include, but are not limited to, identification of the existing and future water suppliers and quantification of water demand and supply by source in five-year increments over a 20-year projection for average normal, single-dry, and multiple-dry years."* This has not been done. Why? When will it be done? What will be the cost to the average existing water customers (residential and commercial)?

The comprehensive WSA should also consider the Future Impacts and Global Warming Impacts on water supply and demand as described below.

4 Future Impacts on Water Supply and Demand

The DEIR Page 4.1-11 states that *"the City faces a series of ongoing challenges that potentially could lead to some loss of existing supply in the future."* Four of these "challenges" (including Habitat Conservation Plans and Water Rights Disputes) are described in the DEIR but no detailed quantifying analysis is done for any of them! The "challenges" are dismissed with phrases such as "the effect, if any, on the City's water supply is yet to be determined".

These "challenges", such as Habitat Conservation Plans and Water Rights Disputes, are very real and could significantly reduce existing water supply. They should not be dismissed.

"What-if" analysis of various possible scenarios on each of the challenges should be done so decision makers can evaluate their potential impact on current water supplies. Analysis should include quantification of potential water supply losses. The analysis should indicate under what conditions the losses may and might not happen and consider the impacts on average normal, single-dry, and multiple-dry years into the future.

The DEIR states that the City is unable to meet water demand in three out of ten years and has a significant shortage on average one year of every ten. How many more of these drought years will we have as a result of the "challenges"? What will be the cost to the average existing water customers (residential and commercial)?

Global Warming Impacts on Water Supply and Demand

The DEIR Page 4.1-13 states "*General studies prepared by the State of California indicate that climate change may seriously affect the State's water resources as a result of temperature increases, changes in timing and amount of precipitation…"*

Global Warming and resulting climate change is a very real threat that could significantly reduce existing water supply and increase demand. It is mentioned in the DEIR but no detailed quantified analysis is provided. This, too, should not be dismissed. "What-if" scenario analysis (as described above) should be done to determine the possible impacts of Global Warming and resulting climate change on our water supply and demand.

Global Warming and resulting climate change indicate that our climate may be warmer like areas to the south of Santa Cruz. Santa Cruz would have longer dry season and a shorter rainy season. Since Global warming analysis is rather new perhaps using a coastal city with mountains like Santa Barbara as a proxy would be useful. What would our water supply (stream runoff) be with Santa Barbara's climate? How much would our water demand increase in a warmer, dryer climate?

The DEIR states that the City is unable to meet water demand in three out of ten years and has a significant shortage on average one year of every ten. How many more drought years will we have as a result of climate change? What will be the cost to the average existing water customers (residential and commercial)?

5 Estimated 300 MGY of Remaining Water Supply Capacity – How Reliable?

The DEIR Page 4.1-7 states that "*In average conditions, the UWMP indicates that there appears to be approximately 300 MGY of remaining water supply capacity (approximately 920 AF) with existing sources and operations."*

How reliable is this 300 MGY estimate? There are too many qualifying words in that sentence: “average”, “appears”, “approximately” and “with existing sources and operations”. 300 MGY is less than 8% of average, non-drought year usage. A very small reserve. Should that water supply capacity be used for growth, current drought protection or reserve for normal supply fluctuation?

While the 300 mgy probably is a reasonable estimate based on historical data, the main concern is how reliable is this estimate for future years, specifically, for current water users and the UCSC project, the next 20+ years.

Prudent water management by the City should maintain a reserve capacity. 300 mgy is less than 8% of the City’s annual use. The UCSC project is estimated to use 100 mgy. That cuts the City’s reserve to less than 5%. OK, but not very good. A very small margin for error.

Given the probable impacts of climate change and the “challenges” described above, when will the 300 MGY reserve dry up? When that reserve is gone, have we reached the point where supply can not meet water demand most of the time? When will that occur? What will be done to increase supply? What will be the cost to the average existing water customers (residential and commercial)?

6 Desalination Plant as Drought Protection

The proposed desalination plant is not a certainty. The proposed UCSC project relies on it happening. Is that appropriate for planning purposes? The desal plant may be turned down by the Coastal Commission. Or rejected for some other reason. Should the UCSC Project be deferred until the desal plant is more certain? What is “Plan B” if there is no desal plant? What will be the cost to the average existing water customers (residential and commercial)?

The proposed desal plant is insufficient to provide dry year drought relief for the UCSC project. “…*the City will need to develop new dry year water supplies or accept increased cutbacks during dry years” (WSA p 52).* If the desal plant has to be expanded for UCSC, how much will that cost? And how much will existing water customers have to pay for it?

LETTER I-18 – BILL MALONE

I-18-1 Water Supply Assessment. Comment indicates that the Water Supply Assessment (WSA) is inadequate, but does not provide a specific comment to which a response can be provided.

I-18-2 Adequacy of Water Supply. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding factors that may affect the City's water supply such as global climate change, Habitat Conservation Plans and water rights disputes.

I-18-3 Water Supply Assessment Adequacy. Page 4.1-7 does not state that "water supply is currently insufficient in normal years" as suggested in the comment, although the remainder of that reference correctly cites the DEIR text. The comment is correct regarding insufficient water supplies are available during drought years. The WSA was prepared in accordance with state law, which specifies its preparation based on the size of the project, not on adequacy of supplies as suggested in the comment (see pages 4.1-2 and 4.1-29 of the DEIR). The WSA does address future demand in 5-year increments (see Table 2 and supporting WSA text included in Appendix B in the DEIR). Alternative water sources, including current known schedule and costs are included on pages 47-50 of the WSA. The WSA is not required to determine costs to different classes of water customers as requested in the comment. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding global climate change.

I-18-4 Adequacy of Water Supply. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding factors that may affect the City's water supply such as Habitat Conservation Plans, water rights disputes, and global climate change.

I-18-5 Remaining Normal Year Water Supply Capacity. The comment questions the reliability of the cited remaining 300 MGY during normal conditions. This has been the average remaining capacity as reviewed in the City's adopted "Urban Water Management Plan." Based on water demand over the past 5± years, this remaining capacity has slightly increased to 400 MGY due to decreases in water demand. See also Response to Comment OA-7-2 regarding annual water production from 2005 to 2009.

The City has not adopted any policies regarding how the remaining normal year supply capacity should be used or allocated among potential uses. The comment that a reserve capacity should be maintained is so noted, and referred to City decision-makers for further consideration. According to the Water Supply Assessment prepared for the project, and as discussed on pages 6-8 of the DEIR, the remaining capacity could be exceeded sometime after the year 2025. As

discussed in the DEIR, the City's water management strategy consists of water conservation, use curtailment during droughts, and desalination as a supplemental water source. As required by state law, the City prepares updates to its Urban Water Management Plan every 5 years, which provides for continual review of water demand and supply trends and adjustment of water management strategies as may be needed. See Response to Comment I-18-6 regarding desalination.

I-18-6 Desalination. See Master Response WS-3 – Desalination Project and Impacts. CEQA does not require evaluation of economic impacts or costs to customers.

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From: Fred Mc Pherson [mailto:fredwood@mail.cruzio.com]
Sent: Thursday, January 14, 2010 1:02 PM
To: Ken Thomas
Subject: EIR

Dear Mr. Thomas:

I have had the opportunity to read the Environmental Impact Report for the proposed UCSC 2005 Long Range Development Plan. I was able to down load it electronically and then give a brief comment about it at the LAFCO hearing held last Wednesday, January 6, 2010.

My initial comments to you from December 1, 2008 are in a copy of my e-mail to you included below. While the EIR does include some information about existing water availability conditions and projections for the future if the desalinization plan is successful, it does not answer the crucial question that I presented in the original letter.

1 The questions of whether the water for this project(s) will come from local ground water sources, how that will affect the local aquifer which supplies water to local water districts and private wells, how it will affect the year-round flow of water in local creeks, whether the water will be taken from present water sources of the City of Santa Cruz, and whether or not there will be enough water available to supply this project and other city and San Lorenzo River Watershed needs in extended drought years like the ones predicted with increasing pressures from global climate change have not been answered.

2 In other words, the question of the interconnection between the existing and proposed Santa Cruz City water use and the surrounding ground water aquifer overdrafts and surface water over-use in relation to steelhead and other ecosystem uses is largely unaddressed. It is of special concern in drought years and during possible periods of prolonged drought that might be possible with global climate change.

I would suggest the following approach in correcting these deficiencies so that the needed information will be available to the community and surrounding agencies:

1) Investigate further what information is available about the stated current conditions that now exist between the amount of ground water and surface water (in streams and the San Lorenzo River) used by the City of Santa Cruz. What is the current interconnected impact of the city's current water use on the water sources used by the surrounding water districts and private well citizens? For example, we do know that the amount of water that the city takes out of the San Lorenzo River in Felton to store in Loch Lomond for domestic use in the city affects the viability of the steelhead runs in the San Lorenzo River. This, in turn, affects the amount and timing of water use that surrounding water users must observe. Possible co-operative water use agreements between the City of Santa Cruz and Scotts Valley (and other water users) will affect the amount of water available for recharge of the Santa Margarita Aquifer and the amount of water that enters

the San Lorenzo River from streams from the Scotts Valley area. Although these interconnections are complex to analyze and assess, they are necessary to determine before we can determine the impacts of the proposed UCSC growth. I believe that there is much more information available for use and consideration in this EIR from the surrounding water districts and Santa Cruz County Environmental Health Watershed Management departments that should be provided and analyzed to make this EIR usable and complete. A hydrological water budget for the entire County would be ideal, but there is a lot of good information available that has not been included in this EIR.

2) Determine the future impacts on the water resources of the surrounding area if the proposed UCSC plan goes ahead and the desalinization plant for water is not available.

3 3) Evaluate the future impacts on the water resources of the surrounding areas if the proposed UCSC plan actually does go forth in the incremental growth phases projected for the desalinization plant(s).

Thank you for considering these suggestions for improvements to the EIR. I am also forwarding my suggestions to Patrick McCormick, Executive Director for LAFCO.

Sincerely,

Fred Mc Pherson

Dear Mr. Thomas:

I am concerned about the proposed expansion of the City's water and sewer service area with an application to the Local Agency Formation Commission (LAFCO) to amend their Sphere of Influence area for City services and the concurrent UCSC application to LAFCO for permission to get these services.

I understand that the City is the lead agency and will conduct an Environmental Impact Report (EIR) for both applications. I want to express my concerns about water issues and ask that they be addressed in the up coming EIRs.

Please address the following issues:
1. Is their adequate water supply. If the water for this project(s) will come from local ground water sources, how will that affect the local aquifer that supplies water to local water districts and private wells?

How will it affect the year round flow of water in local creeks? If the water will be taken from the city of Santa Cruz present water sources, will there be enough water available to supply this project and other city and San Lorenzo River Watershed needs in extended drought years like the ones predicted with increasing pressures from global climate change?

2. Sewage disposal. Will waste water from the project be put back into the ground on sight or elsewhere on campus? If so how will it be treated and could it affect the water quality of the local ground water aquifer?

I am a member of the San Lorenzo Valley Water District Board of Directors and our Board has not taken up this issue in time to present official written input, but I want to assure you that I and other board members and local citizens are concerned about these issues. I ask, as a local concerned citizen, living within the proposed affected watershed, that my concerns be thoroughly addresses.

Thank you,

Fred Mc Pherson

Box 544
Boulder Creek, CA 95006

338-2097

LETTER I-19 – FRED MCPHERSON

I-19-1 Water Supply Sources. The City's existing water supply sources and capacities are described on pages 4.1-3 to 4.1-6 of the DEIR and on pages 27 to 26 of the Water Supply Assessment (WSA) that is included as Appendix B in the DEIR. As discussed in the DEIR and WSA, groundwater sources in the Purisima Formation in the Live Oak area of unincorporated Santa Cruz County comprise approximately 4% of the City's total water supply. The project does not involve changes to the City's water supplies or operations. No new water supply sources are proposed as part of or as a result of the proposed project.

I-19-2 Interconnection of Water Supply Sources. It is true that there is a relationship between the withdrawals from the Santa Margarita, Lompico, and Monterey formations that underlie the Scotts Valley and portions of the San Lorenzo Valley Water District, and there most certainly is a relationship between the San Lorenzo River flows and withdrawals from Fall Creek in the San Lorenzo Valley Water District service area. The City is very well aware of historical flows in relation to groundwater conditions and projected flows based on projected conditions. The City actually serves on a task force that is seeking alternatives to try to recharge portions of the groundwater basin with the intent of no further decline in groundwater levels. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding flows for steelhead issues in San Lorenzo River and City water supply sources. There is no proposed change in the City's water supply sources or operations due to the proposed project.

I-19-3 Impacts on Water Resources. Impacts of the proposed project on the City's water supplies is addressed on pages 4.1-29 to 4.1-46 of the DEIR. See also Master Response WS-3 – Desalination Project Purpose & Impacts regarding the purpose and impacts of desalination.

From: Dustin Mulvaney [mailto:dustin.mulvaney@gmail.com]
Sent: Tuesday, January 19, 2010 8:51 PM
To: Ken Thomas
Subject: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009

Dear Mr. Thomas,

1 I advocate that UCSC develop a Habitat Conservation Plan as recommended by the US Fish and Wildlife Service. I am deeply concerned about the rare species and habitats, and well and the unique landscape features of the UCSC campus, particularly the northern reaches of the campus property. UCSC needs to be more comprehensive in its impacts assessments and the lack of broad conservation planning because it harbors rare and endangered species, and the approach taken so far has shown little regard for these issues. I hope the Local Agency Formation Commission recognizes the importance of having an adequate environmental impact report for the extension of sewer and water services to upper campus, and that sensitive species will likely be impact without proper planning.

Sincerely,
Dustin Mulvaney
Research Associate, University of California, Santa Cruz
Postdoctoral Researcher, University of California, Berkeley

LETTER I-20 – DUSTIN MULVANEY

I-20-1 Support UCSC Campus HCP/NCCP. The comment expresses support of the U.S. Fish and Wildlife Service request for preparation of a campus-wide Habitat Conservation Plan (HCP). See Master Response GI-1 – Request for HCP.

From: Kyle King [mailto:kkingnoo@baymoon.com]
Sent: Monday, January 11, 2010 5:35 PM
To: Ken Thomas; chancellor@ucsc.edu; info@santacruzlafco.org
Subject: From Nell Newman re:Protecting Biological Diversity at UCSC

Dear Ken Thomas, Chancellor Blumenthal & Patrick McCormick,

1 I wanted to make sure that you know that my signature is counted with the attached petition.

As a resident of Santa Cruz I have spent considerable time on campus, as well as a former employee of the Predatory Bird Research Group. Due to this association, in particular, I have seen the degradation of the campus landscape over the years.

I implore you to make a plan to preserve what is left! Having worked directly with many of the species mentioned in the petition, I have sadly watched their decline over the past 20 years. My request is not only due to being a part of this community, but it pulls at my personal heartstrings to see any of us treat the planet and the creatures on her with disregard.

Leading by example has been the best method for exposing people to the idea of sustainability. The University has the opportunity to become a shining example of environmental leadership. Why not have the campus property become an intregal part of the class room for their students? They could witness what conservation planning actually looks like, as well as experience its long term value.

Please consider the impact of the campus expansion and implement a certified Habitat Conservation Plan.

Sincerely,

Nell Newman
President of Newmans Own Organics

December 1, 2009

Attention:
Ken Thomas, City of Santa Cruz Planning
809 Center Street, Rm. 206
Santa Cruz, CA 95060
KThomas@ci.santa-cruz.ca.us

Chancellor George Blumenthal
UC Santa Cruz, Chancellors Office
1156 High Street
Santa Cruz, CA 95064
chancellor@ucsc.edu

Patrick McCormick, Executive Director
Santa Cruz LAFCO
701 Ocean St. #318D
Santa Cruz, CA 95060
info@santacruzlafco.org

Re: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR
November 2009

Protect Biological Diversity At UCSC

We, the undersigned, are deeply concerned about protecting rare and endangered species and their habitats on and around the University of California Santa Cruz campus. We are joined by the US Fish and Wildlife Service (USFWS) in believing that the piecemeal approach UCSC has taken over time with regard to planning individual development projects has not adequately accounted for or protected against the cumulative environmental impacts of those projects. We further believe that without an adequate comprehensive conservation plan certified by the USFWS and the California Department of Fish and Game (CDFG), future development will put at increasing risk the rare and sensitive species on UCSC land. Accordingly, we strongly urge UCSC to adopt a campus-wide Habitat Conservation Plan (HCP) as recommended by the USFWS in conjunction with a Natural Community Conservation Plan (NCCP) developed in coordination with the CDFG before any major new development of the North Campus takes place.

At-risk species in need of protection include Golden Eagle, Western Burrowing Owl, Townsend's big-eared bat, Western red bat, long-eared myotis bat, Loggerhead Shrike, Grasshopper Sparrow, California red-legged frog, San Francisco dusky-footed wood rat, Dolloff's cave spider, Santa Cruz telemid spider, Empire Cave pseudoscorpion, MacKenzie's cave amphipod, Ohlone tiger beetle, and a number of plant species including Santa Cruz manzanita and San Francisco popcorn flower.

The new UCSC growth plan includes extending City of Santa Cruz services to the currently undeveloped North Campus, adding over 3 million square feet of new development and logging 120 acres of forest. These actions could result in irreparable harm to sensitive species and their habitat unless a comprehensive protection plan is adopted. Furthermore, the requirements for fire protection will necessitate a large-scale plan for chaparral and Douglas Fir habitats that must be taken into account as those habitats house many sensitive species in addition to presenting considerable risks of wildfire to potential North Campus structures.

We quote from the December 2, 2008 USFWS letter to the City of Santa Cruz regarding the City's role in conducting an EIR on behalf of North Campus development: "The piecemeal approach that UCSC has taken in terms of implementing individual development projects over time makes it difficult for the Service to adequately assess cumulative impacts... We believe that UCSC, involved agencies, and the Service would benefit from the development of a campus-wide HCP by providing needed protection for listed species. Therefore, we recommend that the City support the development of a campus-wide HCP."

The USFWS also detailed concerns in a January 11, 2006 letter to UCSC about the 2005 Long Range Development Plan DEIR. The cited deficiencies included the following: "1) underestimating the effects of various development projects on federally listed species, 2) [inadequate] UCSC land use designations regarding conservation of federally listed species, and 3) the lack of a comprehensive management plan for listed species at UCSC."

A model management plan for protecting rare species and biological diversity at the UCSC campus is readily at hand in the form of what CDFG calls a Natural Community Conservation Plan (NCCP). The CDFG website describes the plan as "an unprecedented effort by the State of California, and numerous private and public partners that takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. An NCCP identifies and provides for the regional or areawide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity."

Habitat loss is the primary threat to most imperiled species. Without a broad-based ecosystem approach to protection, cumulative habitat loss through piecemeal development can be significant and harmful. An example of the sort of thinking that permits harmful development can be found in the UCSC 2005 LRDP EIR, which concluded that the elimination of 98 acres of habitat for Golden Eagles and Western Burrowing Owls is less-than-significant because other suitable habitat exists. UCSC reached similar conclusions about habit loss for other sensitive species, including that the logging of 120 acres of campus forest was not significant. Justifying a finding of a less-than-significant impact because there is suitable habitat elsewhere is spurious and evasive because it avoids the question of the impacts of the proposed development on a species where it occurs and is contrary to provisions of the California Environmental Quality Act

(CEQA) Guidelines (15065), (15380) and (15382). This is precisely why a campus-wide conservation plan is needed.

CEQA Guideline (15065) calls for "Mandatory Findings of Significance when: (1)… The project has the potential to substantially reduce the habitat of a fish or wildlife species; … (3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guideline (15380) refers to "rare" species that may become endangered if its environment worsens and (15382) says that "significant effect on the environment" means an adverse change in the physical conditions including flora and fauna.

Not only is UCSC in danger of undermining the intent of federal and state statutes, the lack of either a campus-wide HCP or an NCCP appears to ignore fundamental values UCSC supposedly shares with the City of Santa Cruz, for its proposed actions are inconsistent with the campus's espoused goals of working towards understanding and improving the natural environment and promoting sustainability in the world. UCSC should take full advantage of its unique biological circumstances and faculty expertise to further the study and protection of rare and special-status species and their habitats, rather than harming them through large-scale development without a comprehensive protection plan with enforceable provisions.

Unfortunately, we note that the City of Santa Cruz's November 2009 draft EIR for a Sphere Of Influence Amendment, which was jointly funded by UCSC and serving a dual purpose as the UCSC EIR for North Campus development, did not support the development of a campus-wide HCP as recommended by the USFWS December 2008 scoping letter or respond to the USFWS concerns in any meaningful way.

Therefore, we strongly urge the City of Santa Cruz in its role as a project proponent for UCSC development in the North Campus to take a protective approach, heed the recommendation of the USFWS, and support the development of a combined campus-wide HCP/NCCP at UCSC in its final EIR. Furthermore, we would point out that the Local Agency Formation Commission (LAFCO) has the responsibility to review environmental impacts and jurisdiction over whether to approve development of the North Campus. We hope that LAFCO will see a duty under state law, including CEQA, and require UCSC to develop an HCP/NCCP before approving the proposed development project. Absent a comprehensive HCP/NCCP, the environmental impacts of the proposed development cannot be fully understood, nor can rare and special-status species be protected.

Thank you for your attention.

Sincerely,

Jennifer Anderson, UCSC Retired Lecturer and Assistant to the Chair, Environmental Studies

Jeffrey Arnett, UCSC Lecturer in Writing, editor of An Unnatural History of UCSC

Martha Brown, Co-Editor of the Natural History of UCSC, Senior Editor, Center for Agroecology & Sustainable Food Systems.

Ray Collett, UCSC Faculty Member beginning in 1965; Professor Emeritus Division of Natural Sciences; Founding Director, Director Emeritus, UCSC Arboretum

Shelly Errington, UCSC Professor of Anthropology

Margaret Fusari, former Director of the UCSC Natural Reserves

Jodi Frediani, Director, Central Coast Forest Watch

Aldo Giacchino, Chair, on behalf of the Santa Cruz Chapter of the Sierra Club

James Gill, UCSC Professor of Earth and Planetary Science

Steve Gliessman, Ruth and Alfred Heller Professor of Agroecology, Environmental Studies

Tonya Haff, Co-Editor of the Natural History of UCSC and former Curator of the UCSC Museum of Natural History, PhD candidate Evolution, Ecology and Genetics

Brett Hall, President, on behalf of the Santa Cruz Chapter of the California Native Plant Society

Grey Hayes, PhD Environmental Studies, past UCSC Campus Reserve Steward, Endangered Species Act petitioner for the Ohlone tiger beetle

A. Marm Kilpatrick, UCSC Assistant Professor, Dept. Ecology & Evolutionary Biology

Jeff Miller, Conservation Advocate, on behalf of the Center for Biological Diversity

Nell Newman, President of Newman's Own Organics, past volunteer and supporter of the UCSC Predatory Bird Research Group

Wallace J. Nichols, PhD, Research Associate California Academy of Sciences, Founder/Co-Director OceanRevolution.org

Paul Niebanck, UCSC Professor Emeritus, Environmental Planning

John Pearse, UCSC Professor Emeritus, Department of Ecology and Evolutionary Biology

Carol Shennan, UCSC Professor of Environmental Studies

Matthew Struss-Timmer, Conservation Chair, on behalf of the Santa Cruz Bird Club

Robert Stephens, Owner Elkhorn Native Plant Nursery

Don Stevens, Chair, on behalf of Habitat and Watershed Caretakers

David Suddjian, Ecologist, Historian for the Santa Cruz Bird Club

John Wilkes, UCSC Senior Lecturer Emeritus in Science Writing and founding director of the Science Communication Program

LETTER I-21 – NELL NEWMAN

I-21-1 Support UCSC Campus HCP/NCCP. The comment expresses support of the U.S. Fish and Wildlife Service request for preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans and responses to particular points raised in the petition.

Mr. Ken Thomas
c/o City of Santa Cruz Planning & Community Development
809 Center Street Room 206
Santa Cruz, CA 95060

Re: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR CITY SPHERE OF INFLUENCE INCORPORATION OF THE UCSC NORTH CAMPUS

Dear Mr. Thomas,

This email contains my comments and questions relating to the draft EIR for the UCSC sphere of influence extension.

1 1. Why is this a sphere-of-influence extension and not a request for incorporating fully by annexation into the City of Santa Cruz? Annexation would make this area consistent with the rest of the UCSC campus? What are the advantages and disadvantages of Sphere of Influence vs. Annexation?

2 2. Where has AB 32 been accounted for in the EIR?

3 3. As commendable as UCSC's water conservation efforts have been as of late, the North Campus expansion is asking for some 1/3 to 1/2 of the predicted reserve of 300 million gallon per year from the Santa Cruz Water Department. Even if this is an accurate prediction this will severely impact future water needs for growth in the water service area.
The problem is that the document, Water Supply Assessment (WSA), which analyzes and predicts current and future water supplies, is deeply flawed as too optimistic:

- The water rights of the San Lorenzo Water District are not accounted for and have no estimate.
- California Fish and Game may require reduced San Lorenzo River water impoundment by requiring additional water releases, which has no estimate.
- The Beltz wells production will most likely diminish as water levels across the Purisima aquifer have been lowered (p51). No estimate of how long or how much extraction can be sustained at current levels.
- The North Coast water supplies may be significantly jeopardized if the County of Santa Cruz grants CEMEX's quarrying application. There is no mention of this potential in the EIR.
- The Loch Lomond Reservoir capacity is diminishing. How much of this water can be counted as supply for expansion and how much must be counted as drought protection?
- Global climate instability is the biggest wild card of all in trying to predict future water supplies. Has an attempt to account for this factor been done?

Further analysis accounting for the potential loss in water supply is needed before the actual impact of USCS expansion can be fully understood regarding the system-wide impacts. Additional mitigations are essential.

4 4. The water system is currently operating at 93% capacity (p52). The proposed desalination (desal) water supply is mentioned in the report as a supplemental source of water (p63, p81). But it's unclear how this project fits into the North Campus expansion. Councilmember Rotkin and Water Director Kocher are very clear that the desalination production will only be for drought protection, not for growth purposes. The North Campus expansion is for the growth of 3+ million square feet of buildings and 4500 additional

students over the next 15 years. Would UCSC be allowed to use the desal water production for the North Campus development if that phase were scheduled to start during a water drought? What happens if this 2.5 MG/day project cannot be built and UCSC has already utilized existing supplies?

5 5. Reclaimed systems were addressed according the EIR (p86). But I found no mention of the North Campus area tested for potential groundwater harvesting. Has other areas of UCSC been studied and/or tested for water mining?

6 6. Will existing system-wide water storage be adequate? Will additional water storage be necessary to provide adequate fire protection? Will UCSC or the Water Department be responsible if additional storage is required?

7 7. The population increase of 4500 students plus faculty and staff will generate significant additional solid waste. The existing landfill on Dimeo Lane has limited space and is on borrowed time. What will UCSC do to mitigate these effects of reducing the life of the landfill?

8 8. Why doesn't UCSC voluntarily provide below market rate housing? If not voluntarily why isn't UCSC required to provide below market rate housing in order to keep students on campus and not drive up housing costs in the surrounding areas? Providing additional on campus housing, as well as more affordable housing, will also reduce off-campus traffic impacts.

9 9. How can the destruction of 73 acres of forest preserve not have a significant effect on the natural environment?!

I know you have a huge and consuming task to make this EIR the best possible.
Thank you for your time and assistance in answering my questions.

Sincerely,
Ron Pomerantz
215 Gharkey Street
Santa Cruz, CA 95060
831-423-2293

LETTER I-22 – RON POMERANTZ

I-22-1 Annexation as an Alternative. See Response to Comment RA-1-5.

I-22-2 AB 32. Global climate change, including background discussion on AB 32, and indirect project effects are addressed in "Cumulative Impacts" subsection of the CEQA CONSIDERATIONS (Chapter 6.0) section of the DEIR on pages 6-15 to 6-26.

I-22-3 Water Supply Analysis. See Master Response WS-1 – Water Supply Adequacy & Potential Reductions regarding potential reductions to existing water supply sources due to water rights by the San Lorenzo Valley Water District, pending water rights applications, groundwater changes, climate changes, and impacts on North Coast sources due to quarry expansion. The commenter's reference that the Loch Lomond reservoir capacity is diminishing would appear to refer to sediment buildup from inflow from Newell Creek. The rate of sediment is less than the original calculated rate when the reservoir was constructed (Kocher, personal communication, June 2010).

I-22-4 Desalination Project. See Master Response WS-3 – Desalination Project Purpose & Impacts regarding the purpose of the desalination project.

I-22-5 UCSC Groundwater Supplies. As indicated on page 4.1-27 of the DEIR, University studies indicated the North/Upper Campus groundwater system is not considered a viable source for long-term groundwater supply for the campus. See Master Response WS-4 – UCSC Campus Water Sources regarding potential water sources on the campus.

I-22-6 Water Storage. As indicated on page 4.1-29 of the DEIR, the proposed project will not result in the need to construct or expand the City's water treatment facility or other City water infrastructure, such as water storage facilities. Future UCSC development likely will require improvements to the campus water infrastructure (see page 4.1-24 of the DEIR), which would be the responsibility of UCSC.

I-22-7 Solid Waste Disposal. The secondary effects of future UCSC growth related solid waste disposal are addressed on page 5-29 of the DEIR. City studies for the General Plan update indicate that the estimated landfill closure date is 2037.[1]

[1] City of Santa Cruz Department of Planning and Community Development. April 2004. "2005-2020 General Plan and Local Coastal Program Background Report." Online at: http://www.cityofsantacruz.com/Modules/ShowDocument.aspx?documentid=2372

I-22-8 UCSC Housing Costs. The comment questions UCSC's on-campus housing costs. The comment does not address issues analyzed in the DEIR.

I-22-9 Forest Lands. See Master Response GI-2 – Forest Resources.

LETTER I-23

James C. Proffitt
General Contractor Lic. # 432433
1995 Smith Grade
Santa Cruz, Calif. 95060
Phone- 831-426-9023, Fax- 831-469-7110

Ken Thomas
City of Santa Cruz
Planning and Development Department
809 Center Street, Room 107
Santa Cruz, Ca. 95060

Jan. 15, 2010

Dear Ken,

1 I appreciate the opportunity to make comments on the Draft Environmental Impact Report concerning the UCSC expansion. I am a long time member of the local chapter of the Surfrider Foundation and as a chapter member I have been involved and represented the chapter at many hearings involving the City's and University's water use, storm water runoff and development plans over the last 16 or 17 years. The DEIR raises questions for myself and other members concerning these matters this is especially true considering the alarm expressed by many in the community about water use.

If the City acquiesces to the University's expansion and additional population increase, is the City's backup plan for this growth in drought years just desalination? Why is
2 there no mention in the University's plan to have recycling of water be a mitigation option? Could the City make this a condition for expansion and thereby have UCSC mimic it's sister campus at Davis with a treatment plant on site? For that matter there is also no mention of the option for recycling as a goal for the City in it's own Draft General Plan 2030. Does this mean that the City will handle it's own growth by continuing to throw away 10 million gallons of treatable wastewater per day for the next 20 years and beyond? Why does the town of Davenport, the City of Scotts Valley, the City of Watsonville, the County of Monterey presently recycle wastewater (much of that going to produce food) and the City of Santa Cruz does not? Is this policy considered by the City to be sustainable or "Green"?

3 Another water question has to do with storm water runoff. Can the City require percolation ponds to mitigate and capture storm water runoff due to new streets, parking lots and buildings? On a personal note I hope that if the expansion goes through that any
4 and all trees which are removed to provide for this, will be used on site for construction materials or chipped as landscaping or soil amendment. I do this on my own construction sites and it is a feasible option.

5 It is my hope that the University and the City will use the proposed expansion as and opportunity to set goals to best use the resources available, especially water, and not continue to use the ocean and the Sanctuary as their dump for such a precious resource. Good leadership and planning from the City and the University will hopefully stop what appears to be in the DEIR and the General Plan a continuance of the poor practices of the past to expedite the development of the future.

Sincerely,

James C. Proffitt

LETTER I-23 – JAMES PROFFITT

I-23-1 Water Use and Desalination. See Master Response WS-3 – Desalination Project Purpose & Impacts regarding the purpose of the City's desalination project and other water management strategies. The City's water supply planning and strategies are described in the DEIR on pages 4.1-13 to 4.1-24.

I-23-2 Recycled Water at UCSC. Potential on-campus use of recycled water at UCSC is considered in the University's 2005 LRDP EIR Mitigation Measure UTIL-G (see page 4.1-44), and potential use is discussed on pages 4.1-40 to 4.1-41 of the DEIR; see also Master Response WS-4 – UCSC Water Supplies. The City does not have land use/regulatory authority over University development nor can it condition the University to develop and implement such a system. Potential use of recycled water by the City of Santa Cruz has been considered in past planning efforts as described on pages 4.1-18 to 4.1-20 of the DEIR. As indicated, the City's adopted Urban Water Management Plan does consider recycled water to be potential future water source.

I-23-3 Use of Stormwater. UCSC on-campus use of stormwater is discussed on pages 4.1-40 to 4.1-41; see also Master Response WS-4 – UCSC Water Supplies.

I-23-4 Use of Trees at Construction Sites. The commenter states his hope that any trees removed will be used onsite for construction materials, and is so noted, but does not address analyses contained in the DEIR and no response is necessary.

I-23-5 University Use of Resources. The commenter states his hope that expansion will be an opportunity for the University and City to set goals for use of available resources, and is so noted, but does not address analyses contained in the DEIR and no response is necessary.

From: Or [mailto:this2willpass24@yahoo.com]
Sent: Monday, January 18, 2010 8:30 PM
To: Ken Thomas
Subject: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009

To whom it may concern:

1 I am deeply concerned about protecting rare and endangered species and their habitats on and around the University of California Santa Cruz campus. I am joined by the US Fish and Wildlife Service (USFWS) in believing that the piecemeal approach UCSC has taken over time with regard to planning individual development projects has not adequately accounted for or protected against the cumulative environmental impacts of those projects. I further believe that without an adequate comprehensive conservation plan certified by the USFWS and the California Department of Fish and Game (CDFG), future development will put at increasing risk the rare and sensitive species on UCSC land. Accordingly, I strongly urge UCSC to adopt a campus-wide Habitat Conservation Plan (HCP) as recommended by the USFWS in conjunction with a Natural Community Conservation Plan (NCCP) developed in coordination with the CDFG before any major new development of the North Campus takes place.

At-risk species in need of protection include Golden Eagle, Western Burrowing Owl, Townsend's big-eared bat, Western red bat, long-eared myotis bat, Loggerhead Shrike, Grasshopper Sparrow, California red-legged frog, San Francisco dusky-footed wood rat, Dolloff's cave spider, Santa Cruz telemid spider, Empire Cave pseudoscorpion, MacKenzie's cave amphipod, Ohlone tiger beetle, and a number of plant species including Santa Cruz manzanita and San Francisco popcorn flower.

The new UCSC growth plan includes extending City of Santa Cruz services to the currently undeveloped North Campus, adding over 3 million square feet of new development and logging 120 acres of forest. These actions could result in irreparable harm to sensitive species and their habitat unless a comprehensive protection plan is adopted. Furthermore, the requirements for fire protection will necessitate a large-scale plan for chaparral and Douglas Fir habitats that must be taken into account as those habitats house many sensitive species in addition to presenting considerable risks of wildfire to potential North Campus structures.

Quoting from the December 2, 2008 USFWS letter to the City of Santa Cruz regarding the City's role in conducting an EIR on behalf of North Campus development: "The piecemeal approach that UCSC has taken in terms of implementing individual development projects over time makes it difficult for the Service to adequately assess cumulative impacts... I believe that UCSC, involved agencies, and the Service would benefit from the development of a campus-wide HCP by providing needed protection for listed species. Therefore, I recommend that the City support the

development of a campus-wide HCP."

The USFWS also detailed concerns in a January 11, 2006 letter to UCSC about the 2005 Long Range Development Plan DEIR. The cited deficiencies included the following: "1) underestimating the effects of various development projects on federally listed species, 2) [inadequate] UCSC land use designations regarding conservation of federally listed species, and 3) the lack of a comprehensive management plan for listed species at UCSC."

A model management plan for protecting rare species and biological diversity at the UCSC campus is readily at hand in the form of what CDFG calls a Natural Community Conservation Plan (NCCP). The CDFG website describes the plan as "an unprecedented effort by the State of California, and numerous private and public partners that takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. An NCCP identifies and provides for the regional or areawide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity."

Habitat loss is the primary threat to most imperiled species. Without a broad-based ecosystem approach to protection, cumulative habitat loss through piecemeal development can be significant and harmful. An example of the sort of thinking that permits harmful development can be found in the UCSC 2005 LRDP EIR, which concluded that the elimination of 98 acres of habitat for Golden Eagles and Western Burrowing Owls is less-than-significant because other suitable habitat exists. UCSC reached similar conclusions about habit loss for other sensitive species. Justifying a finding of a less-than-significant impact because there is suitable habitat elsewhere is spurious and evasive because it avoids the question of the impacts of the proposed development on a species where it occurs and is contrary to provisions of the California Environmental Quality Act (CEQA) Guidelines (15065), (15380) and (15382). This is precisely why a campus-wide conservation plan is needed.

CEQA Guideline (15065) calls for "Mandatory Findings of Significance when: (1)… The project has the potential to substantially reduce the habitat of a fish or wildlife species; … (3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guideline (15380) refers to "rare" species that may become endangered if its environment worsens and (15382) says that "significant effect on the environment" means an adverse change in the physical conditions including flora and fauna.

Not only is UCSC in danger of undermining the intent of federal and state statutes, the lack of either a campus-wide HCP or an NCCP appears to ignore fundamental values UCSC supposedly shares with the City of Santa Cruz, for its proposed actions are inconsistent with the campus's espoused goals of working towards understanding

and improving the natural environment and promoting sustainability in the world. UCSC should take full advantage of its unique biological circumstances and faculty expertise to further the study and protection of rare and special-status species and their habitats, rather than harming them through large-scale development without a comprehensive protection plan with enforceable provisions.

Unfortunately, the City of Santa Cruz's November 2009 draft EIR for a Sphere Of Influence Amendment, which was jointly funded by UCSC and serving a dual purpose as the UCSC EIR for North Campus development, did not support the development of a campus-wide HCP as recommended by the USFWS December 2008 scoping letter or respond to the USFWS concerns in any meaningful way.

Therefore, I strongly urge the City of Santa Cruz in its role as a project proponent for UCSC development in the North Campus to take a protective approach, heed the recommendation of the USFWS, and support the development of a combined campuswide HCP/NCCP at UCSC in its final EIR. Furthermore, we would point out that the Local Agency Formation Commission (LAFCO) has the responsibility to review environmental impacts and jurisdiction over whether to approve development of the North Campus. I hope that LAFCO will see a duty under state law, including CEQA, and require UCSC to develop an HCP/NCCP before approving the proposed development project. Absent a comprehensive HCP/NCCP, the environmental impacts of the proposed development cannot be fully understood, nor can rare and special-status species be protected.

Thank you for your attention.

Orly Rabinowiz

LETTER I-24 – ORLY RABINOWIZ

I-24-1 Support UCSC Campus HCP/NCCP. The comment expresses support of the U.S. Fish and Wildlife Service request for preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans and responses to particular points raised in the petition.

H Reed Searle
114 Swift St.
Santa Cruz, Ca. 95060
Phone and fax 831-425-8721
11 January 2010
hrsearle@sbcglobal.net

Mr Ken Thomas
Planning & Community Development
City of Santa Cruz
809 Center St. Room 206
Santa Cruz, Ca. 95060

Re: COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT FOR CITY SPHERE OF INFLUENCE AMENDMENT

Dear Mr. Thomas,

This e-mail contains my comments and questions relating to the draft EIR for the sphere of influence extension. This is not a typical EIR, and some or many of the issues I raise may not be appropriate for that document. Please pardon any questions or comments that are inappropriate, but please explain why they are inappropriate. The DEIR deals largely with the indirect effects of the SOI application and most of these questions relate to those as well. Unless it is clear by context, comments refer to SOI extension or to annexation. "Expansion" is intended to include both. Some of these questions relate to legal issues, and to the extent a response to those questions is appropriate for the EIR, please respond to them.

1 1. What are the differences as far as the City, University and County are concerned (each considered separately) with annexation of the north campus area as opposed to extension of sphere of influence? Unless answered in subsequent questions, please include such economic considerations as there may be for each body. For example, are there state and federal contributions to the City as a result of increased population if there is annexation as opposed to extension? What are the effects on students voting in City elections?

2 2. What is the extent of the potential supply of water available to the University in the area of the proposed SOI or the exiting campus from wells, run-off or other sources without interfering

with city water supply sources or supply? Is this potential supply adequate to support the proposed expansion?

3 3. The City climate action plan is scheduled to be released in February, 2010. Is the proposed expansion consistent with that plan? Please describe any inconsistencies.

4 4. Is the proposed expansion consistent with the existing general plan or the proposed new City general plan? Please describe any inconsistencies and consider both SOI and annexation.

5 5. This question should be answered assuming (a) that a desalt plant (phase 2) is constructed and (b) that a desal plant is not constructed. To what extent is it reasonably probable or foreseeable that the expansion will limit other city growth including housing in-fill, new construction, business and industry?

6 6. What are the rights, obligations and prerogatives/options of UCSC in the event the SOI is refused?

7. What are the rights, obligations and prerogatives of all parties if LAFCO authorizes only annexation?

7 8. BAE estimated (DEIR 6-6) that by 2030 the City will contain 3,729 new residential units. . How many of these are estimated to be rented/purchased by people related to the University as a result of the expansion?

9. What is the probable effect on City housing costs and availability if the expansion is authorized?

8 10. BAE estimated also an additional l,300,000' of commercial development and 388,000 ' of industrial growth, all in the existing city limits by 2030. What percentage of these is estimated to be occupied by the University?

9 11. Does the settlement agreement require the lead agency to declare overriding considerations as to all unmitigatable adverse effects of the expansion?

10 12. On page 4.3-6 of the draft EIR, the 4th listed factor the LAFCO must consider is the effect of the action on mutual social and economic interests. The following questions relate to economic interests involved in the extension:

a. what is the estimated income, if any, to the city and city businesses (each considered separately) of the expansion? e .g. sales tax revenue, federal and state per capita contributions, possible T.O.T etc?

b. what estimated costs to the City will result from the expansion? e.g. police, fire, public schools, libraries, parks?

c. what is the probable effect of the extension on the availability of affordable housing for non-University related residents?

d. what is the amount of money (excluding construction related monies) expected to come into the City annually from outside, as a result of expansion?

e. what is the number of jobs (excluding construction related jobs) expected to result from the expansion?

11 13. Do the contracts dating from the 50's or 60's between the City and the University supersede subsequent City general plans, citizen referenda and initiatives as they relate to or affect University growth, water supply or sewer service?

14. Does the Settlement agreement supersede the above?

Sincerely,

H Reed Searle

LETTER I-25 – H. REED SEARLE

I-25-1 Annexation of North Campus. See Response to Comment RA-1-5. Economic or social (e.g., voting districts) considerations shall not be treated as significant effects on the environment in CEQA analyses (CEQA section 21080, subd. (e)(2), 21082.2, subd. (c) and State CEQA Guidelines' section 15064, subd. (e), 15131, subd. (b)).

I-25-2 Campus Water Sources. See Master Response WS-4 – UCSC Water Supplies.

I-25-3 Climate Action Plan. The City's Climate Action Plan has not yet been completed or released for public review. Global climate change issues and both the City's and University's Climate Action Plans are discussed on pages 6-15 to 6-26.

I-25-4 Project Consistency with the City's General Plan. Project consistency with the City and County General Plan policies are addressed in the LAND USE (Chapter 4.3) section of the DEIR (see pages 4.3-11 to 4.3-13 and 4.3-14 to 4.3-19. The City's draft *General Plan 2030* has not been adopted, and review of project consistency would be with the City's existing 2005 General Plan/Local Coastal Plan.

I-25-5 Effects of Project on Other City Growth. The DEIR analyses indicate that the City's water supplies are currently inadequate under drought conditions and potentially inadequate under normal year conditions sometime after the year 2025-2030. The City has not adopted any policies regarding how the remaining normal year supply capacity should be used or allocated among potential uses. No site-specific development is proposed at this time. Should the City face water restrictions or connection moratoriums in the future, all users in the service area (including UCSC) would be subject to any imposed restrictions. See also Response to Comment I-18-5 and Master Response WS-3 – Desalination Project and Impacts.

I-25-6 Project Approvals. The comment asks what the "rights, obligations and prerogatives" of UCSC, LAFCO and other parties if the SOI is "refused" or only annexation is approved. If the SOI and provision of extraterritorial services are denied by LAFCO, the Comprehensive Settlement Agreement indicates that certain commitments made by the University related to provision of on-campus housing and traffic may be suspended; see pages 3-5 to 3-7 and 6-35. Typically, property would need to be within an agency's sphere of influence to be considered for annexation. See also Response to Comment RA-1-5.

I-25-7 Housing for UCSC. Campus and off-campus housing for UCSC-related population resulting from growth under the 2005 LRDP is addressed on pages 5-13 to 5-17 of the DEIR. Potential off-campus housing demand for UCSC students and staff was estimated at 526-858 units within City limits and 169-390 units elsewhere in Santa

Cruz County. The low range assumes existing hiring trends with most staff hired from the County, and the high range assumes all employees are hired from out of the area and move to Santa Cruz County.

I-25-8 Off-campus UCSC Facilities. The comment asks how much off-campus space will UCSC utilize. Neither UCSC development nor off-campus facilities are the subject of the proposed project and EIR analyses. See Master Response PD-1 – Project Overview, Purpose & Objectives.

I-25-9 Overriding Considerations. As indicated on page 1-6 of the DEIR, the City must make findings when approving to carry out a project. In accordance with section 21081 of CEQA and sections 15091 and 15093 of the State CEQA Guidelines, "findings of overriding consideration" can be made for significant impacts that cannot be mitigated when the agency finds specific economic, legal, social, technological or other benefits outweigh the impacts. Such is a requirement of CEQA, however, not the Comprehensive Settlement Agreement.

I-25-10 LAFCO Considerations. The comment cites factors LAFCO must consider that are summarized on page 4.3-6. The section has been clarified to indicate that these factors apply to annexations and other boundary changes, but not sphere of influence amendments or provision of extraterritorial service. See Comment RA-1-6. Even if applicable to the proposed project, the information requested would be part of LAFCO's consideration, and are not environmental issues under CEQA, as they do not implicate any direct or indirect physical changes to the environment.

I-25-11 City-University Agreements. The comment raises questions regarding past agreements between the City and University, which are not the subject of the EIR nor raise question with the analyses contained in the EIR. Therefore, no response is warranted. Legislative enactments including the adoption of ordinances and General Plan policies which purport or serve to interfere with contractual rights which pre-exist the legislative enactment would in all likelihood be declared unconstitutional by a court as an unlawful impairment of contract under the Constitution's contracts clause.

From: Don Stevens [mailto:don@bind.com]
Sent: Thursday, January 07, 2010 10:50 AM
To: Ken Thomas; chancellor@ucsc.edu; info@santacruzlafco.org
Subject: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009

Dear Mr. Thomas, Chancellor Blumenthal, Mr. McCormack,

Please find attached a petition to Protect Biological Diversity At UCSC.

1 Please include the petition as official comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009.

Thank you for your attention.

Sincerely,
Don Stevens

December 1, 2009

Attention:
Ken Thomas, City of Santa Cruz Planning
809 Center Street, Rm. 206
Santa Cruz, CA 95060
KThomas@ci.santa-cruz.ca.us

Chancellor George Blumenthal
UC Santa Cruz, Chancellors Office
1156 High Street
Santa Cruz, CA 95064
chancellor@ucsc.edu

Patrick McCormick, Executive Director
Santa Cruz LAFCO
701 Ocean St. #318D
Santa Cruz, CA 95060
info@santacruzlafco.org

Re: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR
November 2009

Protect Biological Diversity At UCSC

We, the undersigned, are deeply concerned about protecting rare and endangered species and their habitats on and around the University of California Santa Cruz campus. We are joined by the US Fish and Wildlife Service (USFWS) in believing that the piecemeal approach UCSC has taken over time with regard to planning individual development projects has not adequately accounted for or protected against the cumulative environmental impacts of those projects. We further believe that without an adequate comprehensive conservation plan certified by the USFWS and the California Department of Fish and Game (CDFG), future development will put at increasing risk the rare and sensitive species on UCSC land. Accordingly, we strongly urge UCSC to adopt a campus-wide Habitat Conservation Plan (HCP) as recommended by the USFWS in conjunction with a Natural Community Conservation Plan (NCCP) developed in coordination with the CDFG before any major new development of the North Campus takes place.

At-risk species in need of protection include Golden Eagle, Western Burrowing Owl, Townsend's big-eared bat, Western red bat, long-eared myotis bat, Loggerhead Shrike, Grasshopper Sparrow, California red-legged frog, San Francisco dusky-footed wood rat, Dolloff's cave spider, Santa Cruz telemid spider, Empire Cave pseudoscorpion, MacKenzie's cave amphipod, Ohlone tiger beetle, and a number of plant species including Santa Cruz manzanita and San Francisco popcorn flower.

The new UCSC growth plan includes extending City of Santa Cruz services to the currently undeveloped North Campus, adding over 3 million square feet of new development and logging 120 acres of forest. These actions could result in irreparable harm to sensitive species and their habitat unless a comprehensive protection plan is adopted. Furthermore, the requirements for fire protection will necessitate a large-scale plan for chaparral and Douglas Fir habitats that must be taken into account as those habitats house many sensitive species in addition to presenting considerable risks of wildfire to potential North Campus structures.

We quote from the December 2, 2008 USFWS letter to the City of Santa Cruz regarding the City's role in conducting an EIR on behalf of North Campus development: "The piecemeal approach that UCSC has taken in terms of implementing individual development projects over time makes it difficult for the Service to adequately assess cumulative impacts... We believe that UCSC, involved agencies, and the Service would benefit from the development of a campus-wide HCP by providing needed protection for listed species. Therefore, we recommend that the City support the development of a campus-wide HCP."

The USFWS also detailed concerns in a January 11, 2006 letter to UCSC about the 2005 Long Range Development Plan DEIR. The cited deficiencies included the following: "1) underestimating the effects of various development projects on federally listed species, 2) [inadequate] UCSC land use designations regarding conservation of federally listed species, and 3) the lack of a comprehensive management plan for listed species at UCSC."

A model management plan for protecting rare species and biological diversity at the UCSC campus is readily at hand in the form of what CDFG calls a Natural Community Conservation Plan (NCCP). The CDFG website describes the plan as "an unprecedented effort by the State of California, and numerous private and public partners that takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. An NCCP identifies and provides for the regional or areawide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity."

Habitat loss is the primary threat to most imperiled species. Without a broad-based ecosystem approach to protection, cumulative habitat loss through piecemeal development can be significant and harmful. An example of the sort of thinking that permits harmful development can be found in the UCSC 2005 LRDP EIR, which concluded that the elimination of 98 acres of habitat for Golden Eagles and Western Burrowing Owls is less-than-significant because other suitable habitat exists. UCSC reached similar conclusions about habit loss for other sensitive species, including that the logging of 120 acres of campus forest was not significant. Justifying a finding of a less-than-significant impact because there is suitable habitat elsewhere is spurious and evasive because it avoids the question of the impacts of the proposed development on a species where it occurs and is contrary to provisions of the California Environmental Quality Act

(CEQA) Guidelines (15065), (15380) and (15382). This is precisely why a campus-wide conservation plan is needed.

CEQA Guideline (15065) calls for "Mandatory Findings of Significance when: (1)… The project has the potential to substantially reduce the habitat of a fish or wildlife species; … (3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guideline (15380) refers to "rare" species that may become endangered if its environment worsens and (15382) says that "significant effect on the environment" means an adverse change in the physical conditions including flora and fauna.

Not only is UCSC in danger of undermining the intent of federal and state statutes, the lack of either a campus-wide HCP or an NCCP appears to ignore fundamental values UCSC supposedly shares with the City of Santa Cruz, for its proposed actions are inconsistent with the campus's espoused goals of working towards understanding and improving the natural environment and promoting sustainability in the world. UCSC should take full advantage of its unique biological circumstances and faculty expertise to further the study and protection of rare and special-status species and their habitats, rather than harming them through large-scale development without a comprehensive protection plan with enforceable provisions.

Unfortunately, we note that the City of Santa Cruz's November 2009 draft EIR for a Sphere Of Influence Amendment, which was jointly funded by UCSC and serving a dual purpose as the UCSC EIR for North Campus development, did not support the development of a campus-wide HCP as recommended by the USFWS December 2008 scoping letter or respond to the USFWS concerns in any meaningful way.

Therefore, we strongly urge the City of Santa Cruz in its role as a project proponent for UCSC development in the North Campus to take a protective approach, heed the recommendation of the USFWS, and support the development of a combined campus-wide HCP/NCCP at UCSC in its final EIR. Furthermore, we would point out that the Local Agency Formation Commission (LAFCO) has the responsibility to review environmental impacts and jurisdiction over whether to approve development of the North Campus. We hope that LAFCO will see a duty under state law, including CEQA, and require UCSC to develop an HCP/NCCP before approving the proposed development project. Absent a comprehensive HCP/NCCP, the environmental impacts of the proposed development cannot be fully understood, nor can rare and special-status species be protected.

Thank you for your attention.

Sincerely,

Jennifer Anderson, UCSC Retired Lecturer and Assistant to the Chair, Environmental Studies

Jeffrey Arnett, UCSC Lecturer in Writing, editor of An Unnatural History of UCSC

Martha Brown, Co-Editor of the Natural History of UCSC, Senior Editor, Center for Agroecology & Sustainable Food Systems.

Ray Collett, UCSC Faculty Member beginning in 1965; Professor Emeritus Division of Natural Sciences; Founding Director, Director Emeritus, UCSC Arboretum

Shelly Errington, UCSC Professor of Anthropology

Margaret Fusari, former Director of the UCSC Natural Reserves

Jodi Frediani, Director, Central Coast Forest Watch

Aldo Giacchino, Chair, on behalf of the Santa Cruz Chapter of the Sierra Club

James Gill, UCSC Professor of Earth and Planetary Science

Steve Gliessman, Ruth and Alfred Heller Professor of Agroecology, Environmental Studies

Tonya Haff, Co-Editor of the Natural History of UCSC and former Curator of the UCSC Museum of Natural History, PhD candidate Evolution, Ecology and Genetics

Brett Hall, President, on behalf of the Santa Cruz Chapter of the California Native Plant Society

Grey Hayes, PhD Environmental Studies, past UCSC Campus Reserve Steward, Endangered Species Act petitioner for the Ohlone tiger beetle

A. Marm Kilpatrick, UCSC Assistant Professor, Dept. Ecology & Evolutionary Biology

Jeff Miller, Conservation Advocate, on behalf of the Center for Biological Diversity

Nell Newman, President of Newman's Own Organics, past volunteer and supporter of the UCSC Predatory Bird Research Group

Wallace J. Nichols, PhD, Research Associate California Academy of Sciences, Founder/Co-Director OceanRevolution.org

Paul Niebanck, UCSC Professor Emeritus, Environmental Planning

John Pearse, UCSC Professor Emeritus, Department of Ecology and Evolutionary Biology

Carol Shennan, UCSC Professor of Environmental Studies

Matthew Struss-Timmer, Conservation Chair, on behalf of the Santa Cruz Bird Club

Robert Stephens, Owner Elkhorn Native Plant Nursery

Don Stevens, Chair, on behalf of Habitat and Watershed Caretakers

David Suddjian, Ecologist, Historian for the Santa Cruz Bird Club

John Wilkes, UCSC Senior Lecturer Emeritus in Science Writing and founding director of the Science Communication Program

LETTER I-26 – DON STEVENS, January 7, 2010

I-26-1 Support UCSC Campus HCP/NCCP. The comment asks that the letter, "Protect Biological Diversity at UCSC" petition be included as official comments on the DEIR. The "petition" expresses support of the U.S. Fish and Wildlife Service request for a preparation of a campus-wide Habitat Conservation Plan (HCP) in conjunction with a Natural Community Conservation Plan (NCCP). See Master Response GI-1 – Request for HCP regarding the process for preparing such plans and responses to particular points raised in the petition.

January 15, 2010

Attention:
Ken Thomas, City of Santa Cruz Planning
809 Center Street, Rm. 206
Santa Cruz, CA 95060
KThomas@ci.santa-cruz.ca.us

Re: Comments on the City of Santa Cruz Sphere of Influence Amendment Draft EIR November 2009

Dear Mr. Thomas,

Thank you for the opportunity to comment on the above referenced draft EIR.

1 **THE LACK OF A WETLANDS DELINEATION AVOIDS CUMULATIVE IMPACT ANALYSIS AND APPROPRIATE MITIGATION**

I would like to direct your attention to scoping comments made by the U.S. Army Corps of Engineers and submitted to you by email on November 13, 2009 concerning wetlands. The Corps stated that: "For planning purposes, we usually recommend that a wetland delineation be verified by the Corps for the entire project area. If the University is planning to develop and place fill material within wetlands or other waters of the U.S., they will require a permit from the Corps of Engineers. You can obtain information on our permit process from our website. It makes sense from a planning and environmental prospective to have the entire project area mapped so that jurisdictional areas can be identified and avoided if possible. It will also help us assess adverse effects and compensatory mitigation should a Corps permit be required for the proposed development."

Contrary to the U.S. Army Corps' suggestion and to scoping comments and requests that I made, the City did not elect to complete a formal, wetland delineation. Instead, we are referred back to decisions made in the UCSC programmatic 2005 LRDP FEIR which determined, contrary to the Corps' general policy, to conduct analysis only for individual projects. Now, a project in the form of the development of the North Campus is proposed, yet the City has referred the public back to the 2005 programmatic EIR. This type of approach avoids ever having to analyze cumulative impacts and can lead to a significant underestimation of cumulative impacts and a lack of appropriate mitigations.

Subsequent to the completion of the UCSC 2005 LRDP FEIR, the UCSC Coastal Long Range Development Plan FEIR for the Marine Sciences Campus at Terrace Point did include a formal wetland delineation conducted by an expert wetland scientist that was approved by the California Coastal Commission in 2009.

Since UCSC completed a wetlands delineation for the Marine Sciences Campus FEIR in accordance with CEAQ subsequent to the 2005 LRDP FEIR, UCSC changed its approach and determined that a wetlands delineation was necessary for adequate environmental analysis.

Question 1: Why shouldn't a wetlands delineation be required in this case?

Question 2: Does the City believe there will significant impacts to wetlands as a result of the Project?

Question 3: If not, on what basis did the City come to this conclusion?

There is no information available in the UCSC 2005 LRDP FEIR or the City's current DEIR about how an "estimate" that over 4 acres of wetlands exist in the North Campus project area was made or by whom and no reference is made to any study.

Question 4: In the absence of such a study or data, how does the City or the public know if this estimate was accurate?

Question 5: Was this "estimate" made by a qualified wetlands scientist? If so, who?

Question 6: Does the City have any details about where the wetlands are located in the Project area or which wetland areas will be filled as a consequence of the Project? Please provide specific details if they are available.

The City and UCSC should follow the more recent prededent for environmental analysis at the Marine Sciences Campus, conduct a wetlands delineation by a qualified wetlands scientis, and include the data and analysis in a revised DEIR and resubmit it for public review.

2 **NONCOMPLIANCE OF PROJECT WITH CLEAN WATER ACT PHASE 2 PERMITS**

In 5-52, the DEIR concludes that substantial erosion could occur in Cave Gulch and that the impact would be significant and unavoidable. However, there is no mention of this in DEIR section 6 on Significant Unavoidable Impacts. There is also no mention that such erosion in Cave Gulch would violate the UCSC Phase 2 permit which provides that projects shall be designed in such a way as to avoid any additional significant erosion. Cave Culch is a tributary to Wilder Creek which is a known habitat for steelhead trout, a federally listed endangered species. Yet there was no study or analysis or discussion of the potential impacts of erosion to this species and how that might relate to the City's effort to develop a Habitat Conservation Plan for coho and steelhead. The City should conduct such analysis and include it in a revised DEIR to be resubmitted for public review.

Question 7: Has the City consulted with the California Department of Fish and Game or any other governing federal or state agencies such as the National Marine Fisheries Service or the Regional Water Quality Control Board about the erosion issue in Cave Gulch and specifically about whether additional erosion might adversely impact the survival of steelhead trout?

Question 8: Will the City be legally responsible if the Project violates the terms of Clean Water Act Phase 2 permits for either UCSC or the City?

The City did not propose any alternatives to the proposed Project that could avoid the substantial erosion in Cave Gulch and avoid violating UCSC's Phase 2 permit under the Clean Water Act and potential significant degradation of habitat for the federally protected steelhead trout.

3 For the reasons cited above, I kindly request that additional study and analysis be completed in a revised DEIR and resubmitted for public review.

Sincerely,
Don Stevens

LETTER I-27 – DON STEVENS, January 19, 2010

I-27-1 Wetlands Delineation. See Response to Comment FA-1-1. The campus prepared a wetland delineation for the CLRDP because it was required to identify Environmentally Sensitive Habitat Areas as defined by the California Coastal Act. In addition, the CLRDP analyzed specific near-term development projects. The 2005 LRDP development areas were defined to avoid the seeps and springs identified in a hydrological study of the North Campus planning area (Nolan Associates 2000). The campus has not prepared a jurisdictional wetland delineation for the main campus because development could be many years out, specific development projects have not been proposed, and the small, isolated wetlands on the north campus could shift over time.

I-27-2 Cave Gulch Erosion Impacts. See Master Response GI-3 – Cave Gulch Erosion regarding potential erosion issues and see Response to Comment FA-2-2 regarding potential downstream impacts to fisheries. As indicated, University implementation of its Storm Water Management Plan and BMPs as required by the state-approved NPDES permit will prevent water quality violations, including potential erosion impacts. See also Response to Comment I-14-3 regarding alternatives.

I-27-3 DEIR Recirculation. Additional studies or changes to the DEIR are not required in response to the commenter's comments. See Master Response CC-2 – EIR Recirculation regarding circumstances under which recirculation would be considered.