

Chapter III

REVISIONS TO THE DRAFT EIR

◆ ◆ ◆

Page 3-17, paragraph 4:

"Where the trail rises in the floodplain/floodway area, a small steel bridge span would be designed constructed over fill which covers the existing culverts to achieve the change in grade. Using a bridge steel span to change....."

Page 3-17, end of the last paragraph:

"...backwater conditions. The multi-use trail would continue southeast along the Upper Harbor access road until it meets 7th Avenue and then joins with the existing bicycle lanes along Brommer Street and 7th Avenue. As shown in Figure 3-8, Section H, the Upper Harbor access road would include a bike lane and a sidewalk adjacent to the roadway."

Page 4.1-6, last paragraph:

"Any exceptions to compliance with Local Coastal Program policies are to be within the context of a resource management plan that is approved by the Coastal Commission. The Arana Gulch Master Plan serves as a resource management plan that is intended to protect the resources within the ESHA to the maximum extent possible. For this reason, the Arana Gulch Master Plan includes a Santa Cruz Tarplant Adaptive Management Program (see Appendix A)."

Page 4.2-5, starting at third paragraph:

"Federal Endangered Species Act. The federal Endangered Species Act (ESA) of 1973 (Title 16 United States Code, Section 1531 *et seq.*, as amended) prohibits federal agencies from authorizing, permitting or funding any action that would result in biological jeopardy to a species listed as Threatened or Endangered under the ESA. Listed species are taxa for which proposed and final rules have been published in Federal Register (USFWS, 2005a, 2005b, 2005c, 2005d). If a proposed project may jeopardize federally listed species, Section 7 of the ESA requires consideration of those species through formal consultations with the USFWS. The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Act, including Sections 7, 9, and 10. Section 9 of the Act prohibits the take of animal species that are federally listed as endangered or threatened. Section 3(18) of the Act defines "take" to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define "harm" to include significant habitat modification or degradation which actually kills or injures

wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering. "Harassment" is defined by the Service as an intentional or negligent action that creates the likelihood of injury to listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways: 1) through interagency consultation for projects with federal involvement (i.e., funded, authorized, or carried out by a Federal agency) pursuant to Section 7; or 2) through the issuance of an incidental take permit under Section 10(a)(1)(B) of the Act. The Act or its implementing regulations do not generally prohibit take of listed plant species by private parties. However, federal agencies cannot undertake activities that would jeopardize the continued existence of a threatened or endangered plant or animal species. In addition, the removal of threatened or endangered plants may be a violation of the Act under certain circumstances, e.g., if the action is not in compliance with state law. Federal proposed species (USFWS, 2005c) are species for which a proposed listing as Threatened or Endangered under the ESA has been published in the Federal Register. If a proposed project may jeopardize federal proposed species, Section 10(a) of the ESA affords consideration of those species through informal conferences with the USFWS. Federal Candidate species are "taxa for which [USFWS] has on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule to list, but issuance of the proposed rule is precluded" (USFWS, 1999). Federal Candidate species are not afforded formal protection, although USFWS encourages other federal agencies to give consideration to Candidate species in environmental planning.

The ESA prohibits "take" of a federally listed wildlife species. The USFWS determines whether the project represents a potential "take" of a federally listed wildlife species and advises the project proponent to seek Section 10(a) consultation if needed. The USFWS may grant an incidental take permit, which authorizes the take of a listed wildlife species incidental to project activities, but does not authorize any activities that will knowingly result in take. If "Critical Habitat" is determined and published in the Federal Register as a formal rule, that designated critical habitat (plant or animal) receives protection under Section 7 of the Act through the prohibition of destruction or adverse modification of critical habitat by actions carried out, funded, or authorized by a Federal agency (i.e., Federal Highway Administration[FHWA] funding of the multi-use trail). Consultation under Section 7 does not apply to activities on private or other non-federal lands that do not involve a Federal nexus. Therefore, the critical habitat designation would not afford any additional regulatory protections under the Act with regard to those activities.

To "take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, capture, or collect, or to attempt to engage in any such conduct. "Harassment" is defined by the USFWS as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering. "Harm" is further defined by the USFWS to include significant habitat modification or degradation that results in death or injury of listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3)."

Page 4.2-10, paragraph two:

"ESHAs within Arana Gulch include the tarplant areas, riparian ~~wetlands~~ habitat, and wetlands."

Page 4.2-22, first paragraph:

"...from the recent federal ~~draft~~ final recovery plan for the TWG (USFWS, 2004~~2005~~g)."

Page 4.2-38, top of page:

"...and has not yet been adopted. ~~Thus, the project would not conflict with an HCP. The City Parks and Recreation Department is coordinating with other City staff on the citywide HCP to ensure that there are no conflicts with the Arana Gulch Master Plan. The date of approval of the citywide HCP is not known.~~"

Page 4.2-28, end of third paragraph:

"... However, most of those populations have declined substantially since the early 1990s and are threatened with extirpation.

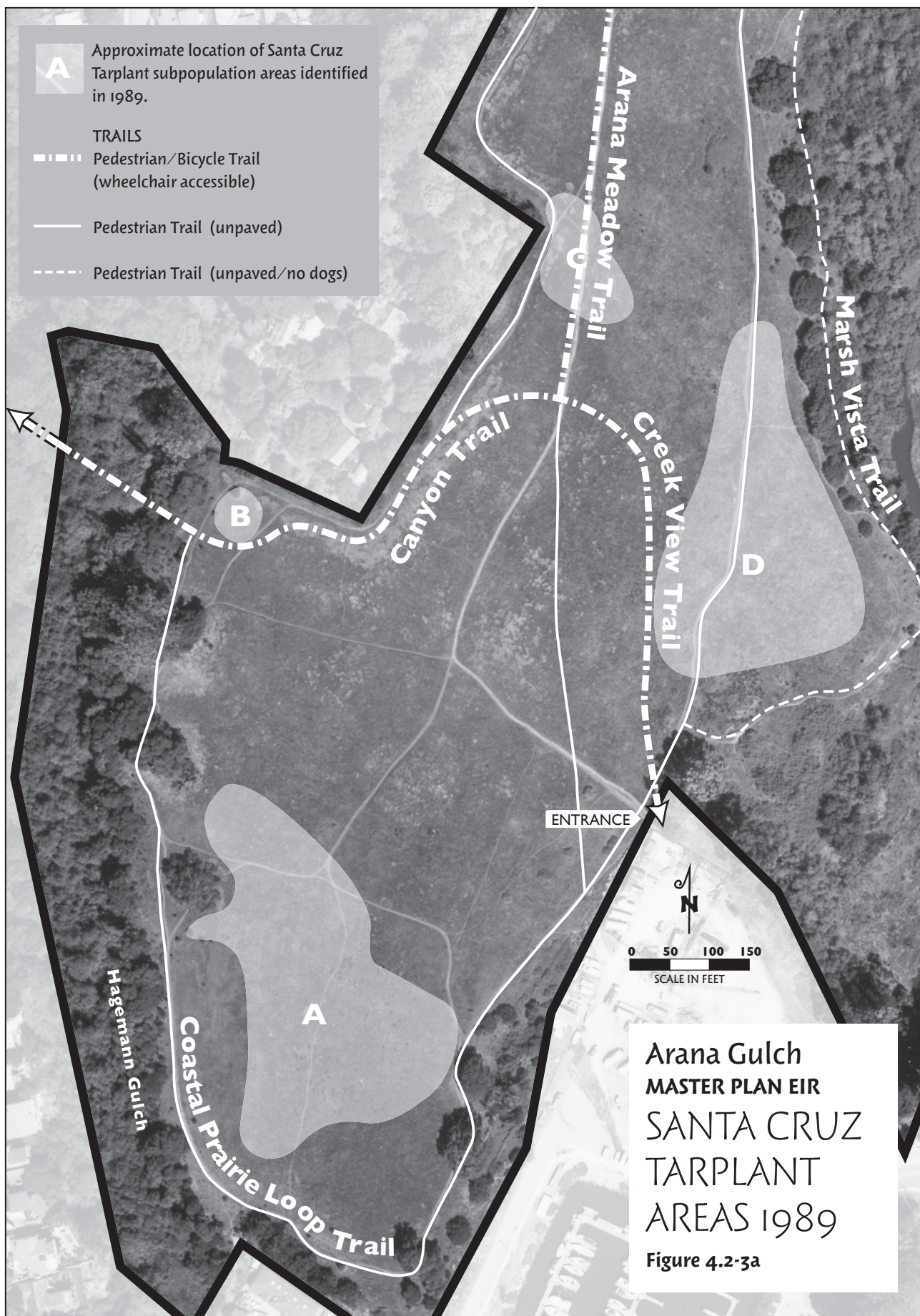
On October 16, 2002, pursuant to the Endangered Species Act of 1973, the USFWS designated critical habitat for Santa Cruz tarplant (USFWS 2002b). The designated critical habitat of Santa Cruz tarplant consists of 11 units divided into three major geographic areas entitled East Bay Area Unit, Santa Cruz-Soquel Area Units, and Watsonville Area Units known to sustain the species at the time the critical habitat designation was first proposed in 2001 (USFWS 2002b). The Arana Gulch population falls within the Santa Cruz-Soquel Area Units and is classified and mapped as Unit D: Arana Gulch. The Arana Gulch Unit includes the entire coastal terrace area of Arana Gulch and also includes contiguous habitat areas featuring wetlands and riparian areas that do not provide tarplant habitat. This unit is estimated to be 65 acres in size, or almost the entire area of Arana Gulch.

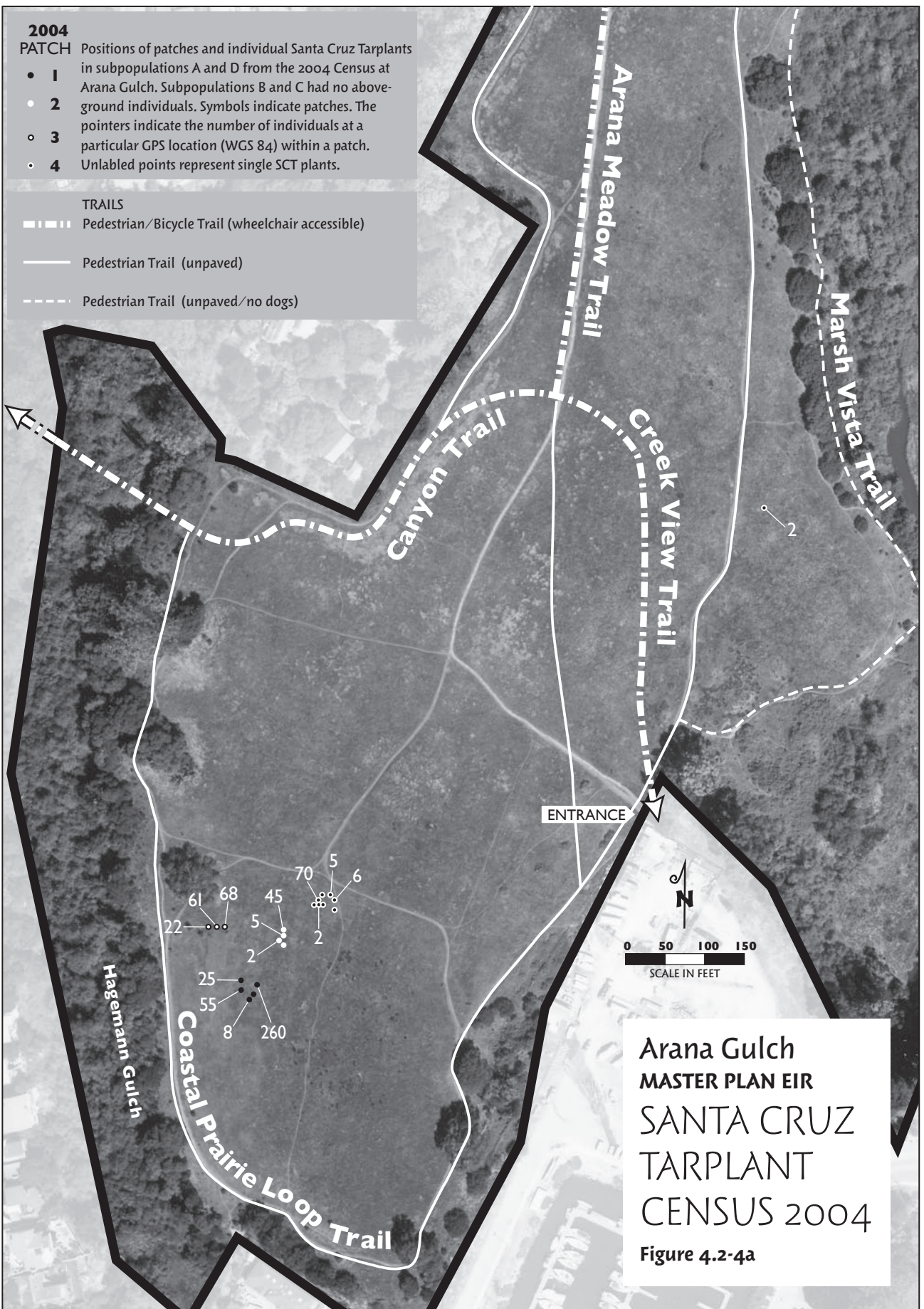
The main reasons for the decline of Santa Cruz tarplant and the main threats to its future. . . "

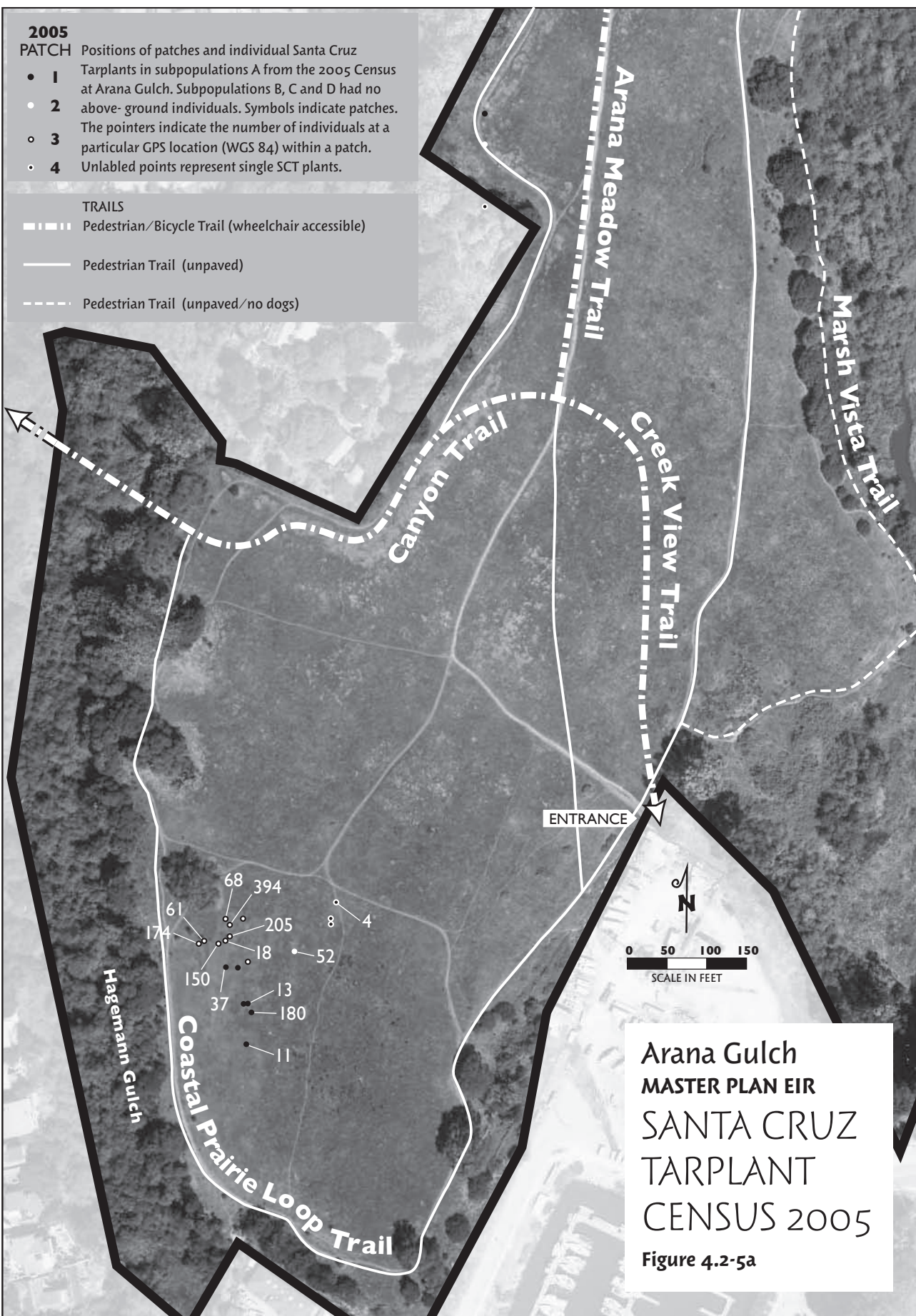
Pages 4.2-31, -33 and -35, figures, are amended as shown on following page:

Page 4.2-40:

"...with verification by the U.S. Army Corps of Engineers (Corps). Any jurisdictional wetland delineation shall also use the California Coastal Commission criteria (i.e., one positive indicator) since the project site is within the jurisdiction of the California Coastal Commission. Because the Commission criteria and the Corps criteria differ, it is possible







that the "wetlands" acreage found pursuant to the Commission criteria may be greater than the acreage found pursuant to the Corps criteria."

Page 4.2-38, text at top of page:

"...and has not yet been adopted. Thus, the project would not conflict with an HCP. The City Parks and Recreation Department is coordinating with other City staff on the citywide HCP to ensure that there are no conflicts with the Arana Gulch Master Plan. The date of approval of the citywide HCP is not known."

Page 4.2-40:

"....with verification by the U.S. Army Corps of Engineers (Corps). Any jurisdictional wetland delineation shall also use the California Coastal Commission criteria (i.e., one positive indicator) since the project site is within the jurisdiction of the California Coastal Commission. Because the Commission criteria and the Corps criteria differ, it is possible that the "wetlands" acreage found pursuant to the Commission criteria may be greater than the acreage found pursuant to the Corps criteria."

Page 4.2-53, references:

- "U.S. Fish and Wildlife Service, 2002a. Recovery plan for the California red-legged frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Portland, Oregon, vii+173pp.
- U.S. Fish and Wildlife Service, 2002b. Endangered and threatened wildlife and plants; Final designation of Critical Habitat for *Holocarpus macradenia* (Santa Cruz tarplant); Final rule. Federal Register 67(200): 63968-64007.
- U.S. Fish and Wildlife Service, 2005. Recovery Plan for the Tidewater Goby (*Eucyclogobius newberryi*). Pacific Region U.S. Fish and Wildlife Service, Portland, Oregon. vi + 199 pp.
- U.S. Fish and Wildlife Service, 2004. Draft recovery plan for the tidewater goby (*Eucyclogobius newberryi*). Pacific Region U.S. Fish and Wildlife Service Portland, Oregon (October 2004) vi+ 171pp."

Page 4.8-1:

"...1-hour ozone standard (i.e., the average amount of particulate matter over a 1-hour period)."

Page 4.8-2, paragraph 4:

"In 1994, 1997 and 2000, and 2004, the MBUAPCD adopted updates to the AQMP. The 2004 20"

Page 4.8-2, footnote:

"....2000 2004 Air Quality Management Plan for the Monterey Bay Region, May, 2004
September 2004".

Page 4.8-2, Table 4.8-1:

Page 5-1, first paragraph:

"....from among the other alternatives. An off-site alternative was not evaluated because the intent of the proposed project is to develop a Master Plan for the 67.7-acre Arana Gulch property. Any off-site alternative would not meet this intent."

Table 4.8-1: Federal and State Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	0.12 ppm	0.09 ppm
	8-Hour	0.08 ppm	0.07 ppm
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.05 ppm	--
	1-Hour	--	0.25 ppm
Sulfur Dioxide	Annual	0.053 ppm	--
	24-Hour	0.14 ppm	0.05 ppm
	1-Hour	--	0.25 ppm
PM ₁₀	Annual	50 ug/m ³	20 ug/m ³
	24-Hour	150 ug/m ³	50 ug/m ³
PM _{2.5}	Annual	15 ug/m ³	12 ug/m ³
	24-Hour	65 ug/m ³	--
Lead	30-Day Avg.	--	1.5 ug/m ³
	3-Month Avg.	1.5 ug/m ³	--

Notes: ppm = parts per million
ug/m³ = Micrograms per Cubic Meter
Source: California Air Resources Board.

Page 5-4, Table 5-2:

Table 5-2: Relationship of Alternatives to Project Objectives

Project Objective	PP Proposed Project	ALT 1 No Project	ALT 2 Reduced Creek View Trail	ALT 3 Unpaved Trails With Hagemann Gulch Bridge	ALT 4 Unpaved Trails Without Hagemann Gulch Bridge
Protect sensitive riparian/wetland habitat areas	X	O	X	X	X
Implement an adaptive management program for Santa Cruz tarplant	X	O	X	O	O
Protect Santa Cruz tarplant	X	X	X	X	X
Reduce sedimentation	X	O	X	X	X
Provide trail system for public access without significantly impacting habitat values	O	O	X	X	X
Provide ADA-compliant trails	X	O	O	O	O
Provide a new west entrance and east-west multi-use trail	X	O	X	X	O
Provide nature viewing areas and interpretive displays	X	O	X	O	O
Restrict dogs to on-leash	X	X	X	X	X
Close unauthorized, non-designated pathways	X	O	X	X	X

Notes: PP = Proposed Project
ALT 1 = No Project Alternative
ALT 2 = Reduced Creek View Trail Alternative
ALT 3 = Unpaved Trail System with Hagemann Gulch Bridge Alternative
ALT 4 = Unpaved Trail System without Hagemann Gulch Bridge Alternative
X = Alternative would meet project objective
O = Alternative would not meet project objective or would meet objective to a lesser extent than the proposed project (i.e., would not substantially meet the objective)

Source: A. Skewes-Cox, 2005.

Page 5-7, bottom of page:

"....to protect on-site resources. However, the Interim Management Plan would stay in effect for Arana Gulch."

This page intentionally blank