

Appendix F

Response to Comments

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APPENDIX F

RESPONSES TO COMMENTS

In accordance with CEQA Guidelines Section 15073, the Initial Study/Draft Mitigated Negative Declaration (IS/MND) for the North Coast System Rehabilitation Project – Phase 3 Coast Segment (NCR Phase 3) was circulated for public review for 30 days beginning on July 1, 2014 and ending on July 31, 2014. This memorandum provides responses to those comments received during the public review period and addresses minor changes to the project design that have occurred subsequent to issuance of the IS/MND.

Response to Comments

Three comment letters were received by the City of Santa Cruz during the public review period. Persons or agencies that provided comments include the following:

- A. Mr. Scott Wilson, Regional Manager, California Department of Fish and Wildlife;
- B. Mr. John J. Olejnik, Associated Transportation Planner, California Department of Transportation; and
- C. Mr. George Dondero, Executive Director, Santa Cruz County Regional Transportation Commission.

Copies of these comment letters are provided in this memorandum and responses to the substantive issues raised by the commenters are provided following each letter. Each letter received has been given a letter code (e.g., A, B, C) and individual comments within each letter have been numbered (e.g., 1, 2, 3). When cross-referenced in the responses, each comment is referred to by the letter and comment number. For example, comment C-3 refers to the third comment within the letter submitted by the Santa Cruz County Regional Transportation Commission, which is Letter C.

Minor Change in the Proposed Pipeline Alignment

Subsequent to issuance of the IS/MND, the City has determined that the proposed pipeline alignment at Little Baldwin Creek should be changed. As described in the IS/MND, the pipeline was intended to be trenched and buried beneath the creek channel. As currently proposed, the pipeline would span the creek similar to the existing pipeline. This change to the project design would result in less temporary effects as less ground disturbance and vegetation removal would be required. Long-term operation and maintenance would be the same as existing conditions. Overall, the environmental impacts associated with this change

in the project design would be less than those analyzed in the IS/MND. The proposed revisions to the pipeline design, in the form of spanning the creek rather than trenching beneath it, would not cause new significant effects not identified in the IS/MND nor increase the level of environmental effect to substantial or significant, and, hence, no new mitigation measures would be necessary to reduce significant effects. Consistent with 14 CCR Section 1507.3, the change to the proposed project does not constitute a “substantial revision” to the IS/MND; therefore, the IS/MND need not be re-circulated for public review.



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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Napa, CA 94558
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



A

July 30, 2014

Mr. Kevin Crossley
City of Santa Cruz Water Department
212 Locust Street, Suite C
Santa Cruz, CA 95060

Dear Mr. Crossley:

Subject: North Coast System Rehabilitation Project – Phase 3 Coast Segment, Mitigated Negative Declaration, SCH #2014072002, City and County of Santa Cruz

The California Department of Fish and Wildlife (CDFW) has reviewed the documents provided for the subject project, and we have the following comments.

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

2 For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. CDFW, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500.

If you have any questions, please contact Ms. Melissa Farinha, Environmental Scientist, at (707) 944-5579; or Ms. Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541.

Sincerely,

Scott Wilson
Regional Manager
Bay Delta Region

Responses to Letter A
California Department of Fish and Wildlife
Scott Wilson, Regional Manager, Bay Delta Region

- A-1: As described in Section VI.4(a) of the IS/MND (pp. 36-49) and in the Biological Resources Assessment (Appendix D of the IS/MND), no impacts to state-listed species would result from implementation of the proposed project. Therefore, a California Endangered Species Act (CESA) Permit would not be required.
- A-2: As described in Sections VI.4(b) and VI.4(c) of the IS/MND (pp. 50-56) and in the Biological Resources Assessment (Appendix D of the IS/MND), the proposed project would result in impacts to riparian habitat, as well as waters of the State. These impacts are clearly identified in the IS/MND and mitigation is provided to reduce potential impacts to less than significant. As part of the permitting process, the City will apply for a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the California Fish and Game Code.

DEPARTMENT OF TRANSPORTATION

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WATER DEPT.**B**

*Serious drought
Help save water!*

July 28, 2014

SCrz-1-25.54
SCH# 2014072002

Kevin Crossley
City of Santa Cruz Water Department
212 Locust Street, Suite C
Santa Cruz, CA 95060

Dear Mr. Crossley:

COMMENTS TO NORTH COAST SYSTEM REHAB PROJECT PHASE 3

The California Department of Transportation (Caltrans), District 5, Development Review, has reviewed the above referenced project and offers the following comments in response to your summary of impacts.

1

- Any work within the State right-of-way will require an encroachment permit issued from Caltrans. Detailed information such as complete drawings, biological and cultural resource findings, hydraulic calculations, environmental reports, traffic study, etc., may need to be submitted as part of the encroachment permit process.

If you have any questions, or need further clarification on items discussed above, please don't hesitate to call me at (805) 542-4751.

Sincerely,

JOHN J. OLEJNIK
Associate Transportation Planner
District 5 Development Review Coordinator
john.olejnik@dot.ca.gov

Responses to Letter B
California Department of Transportation
John J. Olejnik, Associate Transportation Engineer

- B-1: Prior to construction, the City will request an encroachment permit from the California Department of Transportation (Caltrans) for any proposed work within Caltrans right-of-way (ROW), consistent with Caltrans procedures. At that time, the City will provide all necessary documentation as required by Caltrans for issuance of the encroachment permit.



SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

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Rosemary Menard
City of Santa Cruz Water Department
212 Locust Street
Santa Cruz, CA 95062

August 3, 2014

The Santa Cruz County Regional Transportation Commission (SCCRTC) staff has reviewed the Mitigated Negative Declaration for the North Coast System Rehabilitation Project. As explained in the document a section of the proposed pipeline replacement would be located within the Santa Cruz Branch Rail Line Right-of-Way. The Santa Cruz County Regional Transportation Commission acquired the Santa Cruz Branch Rail Line Right-of-Way in 2012 with State Proposition 116 funds for rail projects "which facilitate recreational, commuter, intercity and intercounty travel." All other activities within the Santa Cruz Branch Rail Line Right-of-Way must not interfere with the requirements of Proposition 116, and be consistent with the policies of the California Transportation Commission (CTC) and the funding agreement between the SCCRTC and the State of California. In addition, the SCCRTC has decided to also use the rail line right-of-way for a bicycle and pedestrian trail alongside the active railroad line.

Please consider the following comments regarding the proposed location of new pipeline within the Santa Cruz County Branch Rail Line Right-of-Way.

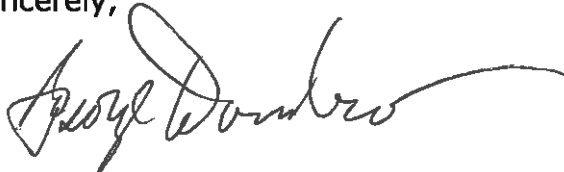
- 1 • As owner of the Santa Cruz County Branch Rail Line Right-of-Way, any activities within the Right-of-Way must be approved by SCCRTC. Please consult with SCCRTC staff to discuss the mechanism which may allow for use of the Right-of-Way for the purposes proposed in the North Coast System Rehabilitation Project. Since the rail line right-of-way was purchased using state funds, the State may also need to approve any uses that are not directly covered by the funding provided by the State.
- 2 • An agreement between the City of Santa Cruz Water Department and the SCCRTC for all activities within the Santa Cruz Branch Rail Line Right-of-Way must be completed prior to initiation of all construction activities. Please work with the SCCRTC staff to discuss schedule, scope and required approvals.
- 3 • All construction activities within the Santa Cruz Branch Rail Line must be closely and carefully coordinated with SCCRTC and the Santa Cruz & Monterey Bay Railway.
- 4 • All construction activities on a rail line must meet the requirements of the Federal Railroad Administration (FRA), the Surface Transportation Board

(STB) and the California Public Utilities Commission (CPUC) and be consistent with the design standards of the American Railway Engineering and Maintenance-of-Way Association (AREMA).

- 5 • The SCCRTC has an approved Monterey Bay Sanctuary Scenic Trail Master Plan which identifies an 8' to 12' paved multi use path adjacent to a 2' to 6' decomposed granite path on the coastal side of the railroad tracks within the Santa Cruz Branch Rail Line Right-of-Way in the proposed location of the new pipeline. Any approved construction of a pipeline in this location must be completed at a depth that will not interfere with this trail facility or other transportation uses.
- 6 • SCCRTC staff request that engineering maps of the new pipeline proposed for construction be provided to the SCCRTC and the Santa Cruz & Monterey Bay Railway.
- 7 • SCCRTC requires that all mitigation activities designed to address potential environmental impacts as discussed in the Mitigated Negative Declaration be consistent with the mitigation activities described in the 2014 Regional Transportation Plan Final Environmental Impact Report and the Monterey Bay Sanctuary Scenic Trail Plan Environmental Impact Report.
- 8 • SCCRTC requires that all impacts to groundwater, sediment and drainage caused by construction activities such as, but not limited to drill pits and abandoned pipeline, be returned to existing or better than existing conditions.
- 9 • During construction, SCCRTC request that special attention be given to providing access to emergency fire services to prevent opportunities for impacts to SCCRTC property and the environmental surroundings by fire.
- 10 • SCCRTC requires that all activities conducted within the Santa Cruz County Branch Rail Line are consistent with the Phase II Environmental Investigation and Human Health Risk Assessment for Arsenic completed by Amec Geomatrix Inc in 2009.

Thank you for considering these comments. Please contact Luis Mendez, SCCRTC Deputy Director for questions regarding the Santa Cruz Branch Rail Line Right-of-Way.

Sincerely,



George Dondero
Executive Director

Responses to Letter C
Santa Cruz County Regional Transportation Commission
George Dondero, Executive Director

- C-1: The City will coordinate with Santa Cruz County Regional Transportation Commission (SCCRTC) staff to obtain approval for any activities within the Santa Cruz County Branch Rail Line ROW.
- C-2: See Response C-1.
- C-3: The City will coordinate any activities associated with construction of the proposed pipeline within the Santa Cruz County Branch Line ROW with SCCRTC and the Santa Cruz & Monterey Bay Railway.
- C-4: The City will coordinate any activities associated with construction of the proposed pipeline within the Santa Cruz County Branch Line ROW with SCCRTC to ensure that proposed activities meet the requirements of the Federal Railroad Administrative (FRA), the Surface Transportation Board (STB), the California Public Utilities Commission, and the American Railway Engineering and Maintenance-of-Way Association (AREMA).
- C-5: The proposed pipeline would not interfere with potential future construction of a trail facility or other transportation uses within the Santa Cruz Branch Rail Line ROW. The depth of the pipeline would be a minimum of three feet and may be deeper depending on review by the Rail Operator. As part of the approval process described in Response C-1, the City will coordinate with SCCRTC to ensure pipeline construction would be completed at a depth that would not compromise future improvements within the ROW.
- C-6: The City will provide engineering maps and other necessary materials to SCCRTC and the Santa Cruz & Monterey Bay Railway. These materials will be provided when the City is seeking approval for project activities within the Santa Cruz County Branch Rail Line ROW.
- C-7: A thorough review of both the 2014 Regional Transportation Plan Final Environmental Impact Report (RTP FEIR) and the Monterey Bay Sanctuary Scenic Trail Plan Final Environmental Impact Report (MBSST FEIR) has been conducted as part of preparing these responses to public comments received. The mitigation measures proposed in the NCR Phase 3 IS/MND were compared to the mitigation measures identified in these two documents. The majority of the mitigation measures identified in the two FEIRs do not apply to the NCR Phase 3 project due to:
- Differences in the type of project proposed (e.g., underground pipeline versus above ground trail/roadway improvements),
 - The location of the proposed project (e.g., habitats/special-status species not identified along the pipeline alignment), or

- Because identified actions in the SCCRTC FEIR mitigation measures have already been completed (e.g., surveys for special-status plants and cultural resources).

Furthermore, mitigation measures identified in the two FEIRs need only apply to that portion of the proposed project within SCCRTC ROW.

For those SCCRTC FEIR mitigation measures that do apply to the proposed project, most were determined to be clearly consistent. The following SCCRTC FEIR mitigation measures were reviewed in more detail to ensure that substantive inconsistencies do not exist between the City's IS/MND and the SCCRTC FEIRs:

MBSST FEIR Measure B-1(b) and **RTP FEIR Measure B-1(c)** and **B-1(d)** address impacts to special-status plant species and require restoration for any impacts at a 2:1 ratio and preparation of a restoration plan, which specifies 80 percent survival of container plants and 30 percent relative cover. As described in the MBSST FEIR, most of the special-status species are associated with either coastal scrub habitat or drainages.

As explained in Section VI.4(a) of the IS/MND, focused surveys for special-status plants were conducted in 2013 during the blooming period for targeted species consistent with CDFW protocols. No special-status species were identified along the proposed pipeline alignment. These negative findings are valid for two years during which time the proposed pipeline is anticipated to be constructed. Mitigation Measures RP-1 and RP-2 only apply if construction occurs after 2015 and special-status species are found. Mitigation Measures RP-2 requires onsite restoration at a ratio of 1:1 and 50 percent reestablishment of preexisting populations.

Both the MBSST FEIR and the RTP FEIR cover a much larger project area with more diverse vegetation/habitat types than occur along the proposed pipeline alignment. Within the SCCRTC ROW, the proposed pipeline alignment consists primarily of ruderal habitat with small areas of coastal scrub abutting the southern boundary of the North Coast project impact corridor. No impacts to special-status plants are anticipated as part of the proposed project. Mitigation Measures RP-1 and RP-2, if needed, are appropriate for the types of special-status plants that might be impacted within SCCRTC ROW along the pipeline alignment. Container plant and/or general cover requirements would not apply to the rare plants that might occur within the pipeline alignment. Therefore no changes to the IS/MND are required.

MBSST FEIR Measure B-1(d) and **RTP FEIR Measure B-1(f)** address impacts to endangered/threatened species, specifically California red-legged frog, Santa Cruz long-toed salamander, foothill yellow-legged frog, and California tiger salamander. Mitigation requires limiting work between April 1 and October 31; establishment of exclusion fencing according to prescribed specifications; restrictions on in-water work; and relocation of individuals within 500 feet and in the same watercourse.

Several of the species addressed in these measures (i.e., Santa Cruz long-toed salamander, foothill-yellow legged frog, and California tiger salamander) do not apply

to the proposed pipeline project as suitable habitat for these species does not occur in the project area. As described in Section VI.4(a) of the IS/MND, the proposed pipeline could impact California red-legged frog, western pond turtle, and special-status fish species, including steelhead, coho salmon, and tidewater goby. Mitigation Measures CRLF-1 through CRLF-12 and FISH-1 through FISH-13 provide mitigation for impacts to these species. These measures are generally consistent with those measures identified in the SCCRTC documents. Mitigation measures provided in the IS/MND limit in-water work at Baldwin and Majors Creeks, where special-status fish may occur, to June 15 through October 15 and in all other creeks work would be limited to April 1 through November 1. These dates are consistent with or more restrictive than those included in the SCCRTC documents. The IS/MND requires either the establishment of exclusion fencing or the presence of a full-time qualified monitor during construction; however detailed specifications for installation of exclusion fencing are not provided. The IS/MND requires relocation to the closest appropriate location consistent with the SCCRTC documents.

As described in Response C-1, the City will coordinate with the SCCRTC to obtain approval for any project activities within the ROW. As part of this process, SCCRTC can specify conditions related to work within the ROW (e.g., details on exclusion fencing installation).

MBSST FEIR Measure B-1(e) and **RTP FEIR Measure B-1(f)** address impacts to endangered/threatened species, specifically tidewater goby, steelhead and coho salmon. Mitigation prohibits work between November 1 and May 1, requires pre- and post-construction water quality monitoring, and establishes restrictions for in-water work.

As described above, the proposed pipeline could impact special-status fish species, if present. Baldwin and Majors creeks are the only two creeks where special-status fish are known to occur and no in-water is expected at these two creeks. However, in the unexpected event in-water work is required, mitigation measures FISH-1 through FISH-13 address applicable mitigation for impacts to special-status fish species. These measures are more restrictive than those identified in the SCCRTC documents. The IS/MND does not specifically require pre- and post-project water quality monitoring. However, it does require preparation and implementation of both an Erosion Control Plan and a Stormwater Pollution Prevention Plan, which would require water quality monitoring as part of implementation (see Response C-8 below for additional information about these plans). Therefore, the IS/MND is consistent with the SCCRTC requirements. No changes to the IS/MND are required.

RTP FEIR Measure B-1(g) addresses potential impacts to State Species of Special Concern and provides various measures to reduce the potential for impacts to non-listed special-status animal species. The IS/MND requires preconstruction surveys following established protocols for subject special-status species and nesting birds, establishment of buffer zones around nests, work restrictions, and relocation of individuals, as needed. Therefore, the IS/MND is consistent with SCCRTC requirements related to non-listed special status animal species. No changes to the IS/MND are required.

MBSST FEIR Measure N-1(a) and **RTP FEIR Measure N-1(a)** limit construction activity between 8:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 4:00 p.m. on Saturday. As described in Section VI.12(a) of the IS/MND, the proposed pipeline would be constructed consistent with the Santa Cruz County Noise Ordinance, which limits construction activities to between 8:00 a.m. and 10:00 p.m. daily. As described in Response C-1, the City will coordinate with the SCCRTC to obtain approval for any project activities within the ROW. As part of this process, SCCRTC can specify conditions (e.g., construction hours) related to work within the ROW.

As described above, the IS/MND has been found to be consistent with SCCRTC's mitigation requirements. No changes to the IS/MND are required.

- C-8: As described in Sections VI.9(d) through VI.9(f) of the IS/MND (pp. 73-76), construction of the proposed project could result in water quality impacts associated with erosion and sedimentation during ground disturbance and frac-outs during directional drilling. However, the proposed project has been designed to minimize the potential for frac-outs by ensuring that drill paths are at adequate depths. Mitigation Measure HYDRO-1 (Section VI.9(a) of the IS/MND [p. 74]) provides additional measures to minimize the potential for frac-outs and contingency measures if such an event occurs. Another mitigation measure is identified in the IS/MND to reduce potential impacts to hydrology and water quality to less than significant. Specifically, Mitigation Measure GEO-1 (Section VI.6(b) of the IS/MND [p. 66]) requires the preparation of an Erosion Control Plan per Santa Cruz County requirements. This plan will require the implementation of construction and post-construction erosion and sediment control measures. Additionally, in accordance with Mitigation Measure HAZ-1 (Section VI.8(a) of the IS/MND [p. 70]), the City will also be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) in accordance the National Pollution Discharge Elimination System (NPDES) *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (NPDES General Construction Permit)(Order No. 2009-0009-DWQ, NPDES No. CA000002) (SWRCB, 2009). The SWPPP will also include construction and post-construction erosion and sediment control measures. Once construction is complete the post-construction measures from the Erosion Control Plan and the SWPPP will be implemented. These include reseeding disturbed areas and other measures intended to restore the construction area to pre-construction conditions.
- C-9: As described in Section VI.8(g) (p. 72), Section VI.14(a) (pp. 84-85), and Section VI.15(e) (pp. 90-91) of the IS/MND, access to the project site would be maintained, even if temporary lane closures are required. Construction of the proposed project would not result in road closures or similar activities that would cause a significant delay to emergency vehicles.
- C-10: As described in Section VI.8(a) of the IS/MND (pp. 68-72), the Phase II Environmental Investigation and Human Health Risk Assessment for Arsenic (AMEC Geomatrix, Inc. 2009) was reviewed as part of preparation of the IS/MND and its findings incorporated into the environmental analysis. As described in the IS/MND, if

soils and groundwater are not properly managed during construction, exposure to arsenic, lead, and/or pesticides could pose a health hazard to construction workers. Implementation of Mitigation Measure HAZ-2, which is consistent with the recommendations in the Phase II report, would reduce potential impacts to less than significant. No change to the IS/MND is required.