

# Appendix A

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Notice of Preparation, Initial Study, and Scoping Comments

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State Water Resources Control Board  
Native American Heritage Commission  
Soquel Creek Water District  
Valley Women's Club of San Lorenzo Valley  
Water for Santa Cruz County  
Rotary Club of San Lorenzo Valley  
Bruce Ashley  
Catherine Borrowman  
Kevin Collins  
Lydia Hammack  
Mark D. Lee  
Monica McGuire  
Jerome Paul  
Becky Steinbruner

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# NOTICE OF PREPARATION

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**CITY OF SANTA CRUZ WATER DEPARTMENT**  
212 Locust Street • Suite C • Santa Cruz, CA 95060 • [www.cityofsantacruz.com](http://www.cityofsantacruz.com)

October 15, 2018

**NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT**

**RE: Santa Cruz Water Rights Project**

To Interested Agencies and Persons:

The City of Santa Cruz (City) as the Lead Agency for the Santa Cruz Water Rights Project (Proposed Project) has issued this Notice of Preparation (NOP) and prepared an Initial Study (IS) pursuant to the California Environmental Quality Act (CEQA) to notify interested parties of the preparation of an Environmental Impact Report (EIR). The EIR will evaluate potential environmental impacts of the Proposed Project. The City is soliciting public input regarding the scope and content of environmental information to be included in the EIR.

Two public scoping meetings regarding the Proposed Project and EIR will be held as follows:

- Wednesday, November 7 at 6:30 at the Harvey West Scouthouse, 326 Evergreen Street, Santa Cruz CA 95060
- Thursday, November 8 at 6:30 at the Highlands Park House, 8500 Highway 9, Ben Lomond CA 95005

Written comments received in response to this NOP will be considered during preparation of the EIR. Comments can be submitted at the public scoping meetings or mailed to the following address. Comments must be received in writing by 5 pm on November 14, 2018.

Sarah Easley Perez, Associate Planner  
City of Santa Cruz Water Department  
212 Locust Street, Suite C  
Santa Cruz, CA 95060  
[seasleyperez@cityofsantacruz.com](mailto:seasleyperez@cityofsantacruz.com)

Ms. Perez is the project contact and can be reached by phone at (831)420-5327, or via the email address listed above.

The IS/NOP is available online at:  
<https://www.cityofsantacruz.com/government/city-departments/water/online-reports/environmental-documents>

The IS/ NOP is also available for public review during regular business hours at the following locations:

- City of Santa Cruz Water Department; 212 Locust Street, Suite C, Santa Cruz, CA, 95060
- Santa Cruz Public Library Aptos Branch; 7695 Soquel Drive, Aptos, CA, 95003
- Santa Cruz Public Library Central Branch; 224 Church Street, Santa Cruz, CA, 95060-38
- Santa Cruz Public Library, Felton Branch ; 6299 Gushee Street, Felton, CA 95018-9140

**Project Location.** The Proposed Project involves the City's water system and its water service area as well as the service areas of Soquel Creek Water District, Scotts Valley Water District, San Lorenzo Valley Water District, and Central Water District. The Proposed Project is located within Santa Cruz County and is loosely bounded by the community of Soquel and the City of Capitola to the east, Bonny Doon Road to the west, Boulder Creek to the north, and the Pacific Ocean to the south. Refer to Figure 1, Regional Location.

Major components of the City's water system include Loch Lomond Reservoir in Ben Lomond, two diversions on the San Lorenzo River (in Felton and in the City of Santa Cruz), four diversions on North Coast streams (on Majors, Laguna, Liddell and Reggiardo Creeks), and groundwater wells within the Santa Cruz Mid-County groundwater basin in the community of Live Oak. The water service area includes the City of Santa Cruz, a portion of the City of Capitola, and unincorporated Santa Cruz County in Live Oak, Soquel, and along Graham Hill Road. The City also has a limited water service area along the coast north of the City, primarily along Highway 1 up to Bonny Doon Road. Refer to Figure 2, Santa Cruz Water Department Existing Facilities.

The Soquel Creek Water District serves the mid-region of Santa Cruz County, which includes portions of the City of Capitola and the unincorporated communities of Aptos, La Selva Beach, Rio Del Mar, Seascapes, Seacliff Beach and Soquel. The Scotts Valley Water District serves the majority of the City of Scotts Valley and a portion of the unincorporated area to the north. The San Lorenzo Valley Water District service area includes the unincorporated communities of Boulder Creek, Brookdale, Ben Lomond, and portions of Felton, as well as portions of Scotts Valley and adjacent unincorporated areas. The Central Water District serves a portion of the unincorporated community of Aptos. Refer to Figure 3, Potential Partnering Regional Water Districts.

**Project Description.** The Proposed Project addresses key issues needed to improve the City's water system flexibility while enhancing stream flows for local anadromous fisheries, particularly for Central California Coast coho salmon, a federally listed endangered species, and Central California Coast steelhead, a federally listed threatened species. The Proposed Project includes components that will be considered in the EIR at a "project" level (per CEQA Guidelines Section 15161) and components that will be considered in the EIR at a "programmatic" level (per CEQA Guidelines Section 15168) as described below.



### *Project Components*

The Proposed Project involves modification of existing City water rights to increase the flexibility of the water system by improving the City's ability to utilize surface water within existing allocations. The Proposed Project includes:

- Flow Requirements: Modifying City water rights to include minimum bypass flows as negotiated with state and federal resource agencies to protect fisheries (Agreed Flows);
- Places of Use: Conforming and expanding the Places of Use (POUs) of City water rights to include Soquel Creek Water District, Scotts Valley Water District, San Lorenzo Valley Water District, and Central Water District;
- Diversion Methods and Points: Modifying certain City water rights to include direct diversion as an allowable method of diversion and including existing City diversion points as added points of diversion to certain City water rights;
- Extension of Time: Granting an extension of time of 25 years to beneficially utilize water allowed under certain City water rights permits.

Both the City and the State Water Resources Control Board (SWRCB) have discretion over approvals relating to water rights actions associated with the Proposed Project.

### *Programmatic Components*

Once the City's water rights are modified, the following additional foreseeable activities may occur:

- Felton Diversion Fish Passage Improvements: Implementing improvements to address fish passage, which may include replacement of existing screens, installation of a traveling brush system, and construction of a continuous outmigration bypass route.
- Interties: Developing or improving interties between City of Santa Cruz and Soquel Creek Water District, Scotts Valley Water District, San Lorenzo Valley Water District, and/or Central Water District.

Because these activities are considered to be a logical part in a chain of contemplated actions, but the full physical extent and timing of these improvements is not known at this time, these activities will be addressed in the EIR at a programmatic level. Some of these actions may be undertaken in conjunction with surrounding districts and some may be undertaken solely by the City.

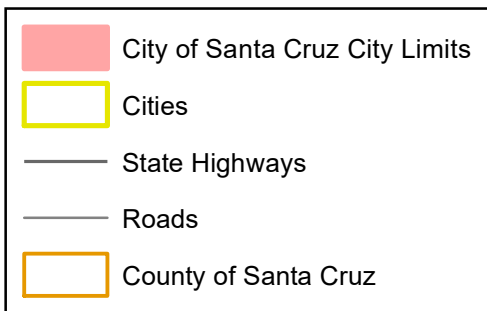
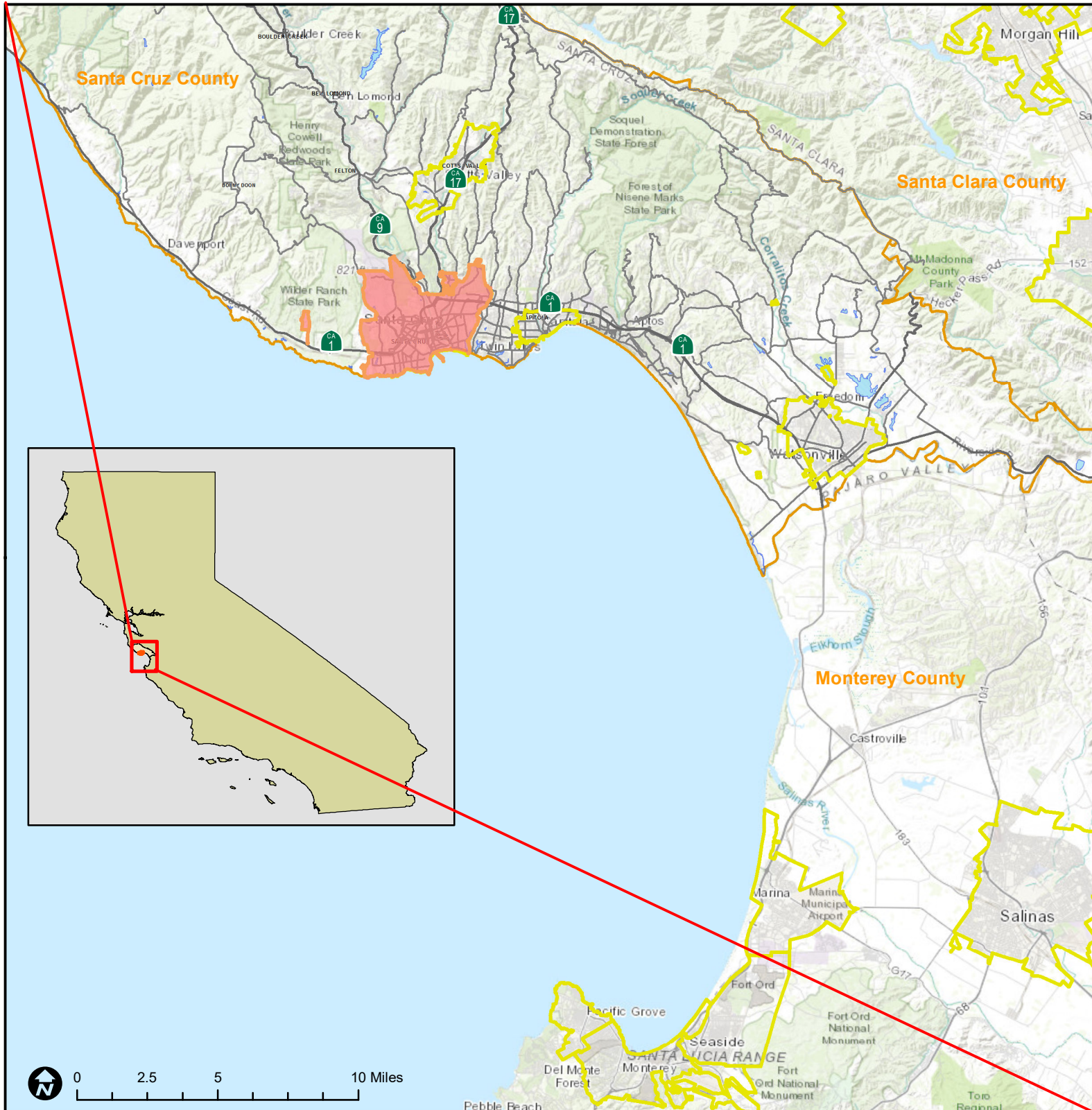
**Potential Environmental Effects of the Proposed Project.** Preliminary review pursuant to CEQA *Guidelines* Section 15060 and the Initial Study prepared for the Proposed Project has determined the need for an EIR to assess potentially significant environmental impacts of the Proposed Project. Written comments received in response to this IS/NOP will be considered during further development of the scope and content of environmental information to be included in the Draft EIR.

As shown in **Table 1**, the Initial Study has identified the following environmental issue areas as requiring further analysis in the EIR at either a project level, programmatic level, or both.

**TABLE 1**  
RESOURCE AREAS REQUIRING FURTHER ANALYSIS IN EIR

Resource Area	Project Level Analysis	Programmatic Level Analysis
Air Quality	X	X
Biological Resources	X	X
Cultural Resources (including Tribal Resources)	X	X
Geology/Soils		X
Greenhouse Gas Emissions	X	X
Hazards and Hazardous Materials		X
Hydrology & Water Quality	X	X
Land Use	X	X
Noise		X
Population & Housing	X	X
Public Services		X
Transportation & Traffic		X
Utilities and Service Systems	X	X

# SANTA CRUZ WATER RIGHTS PROJECT

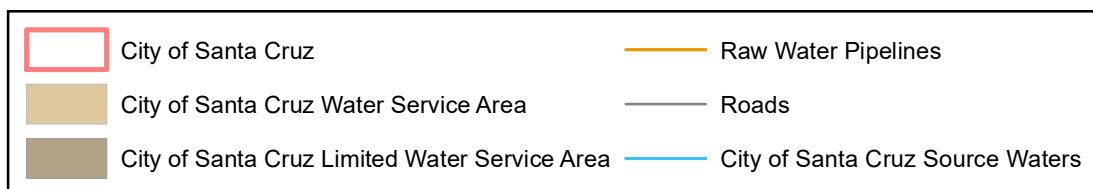


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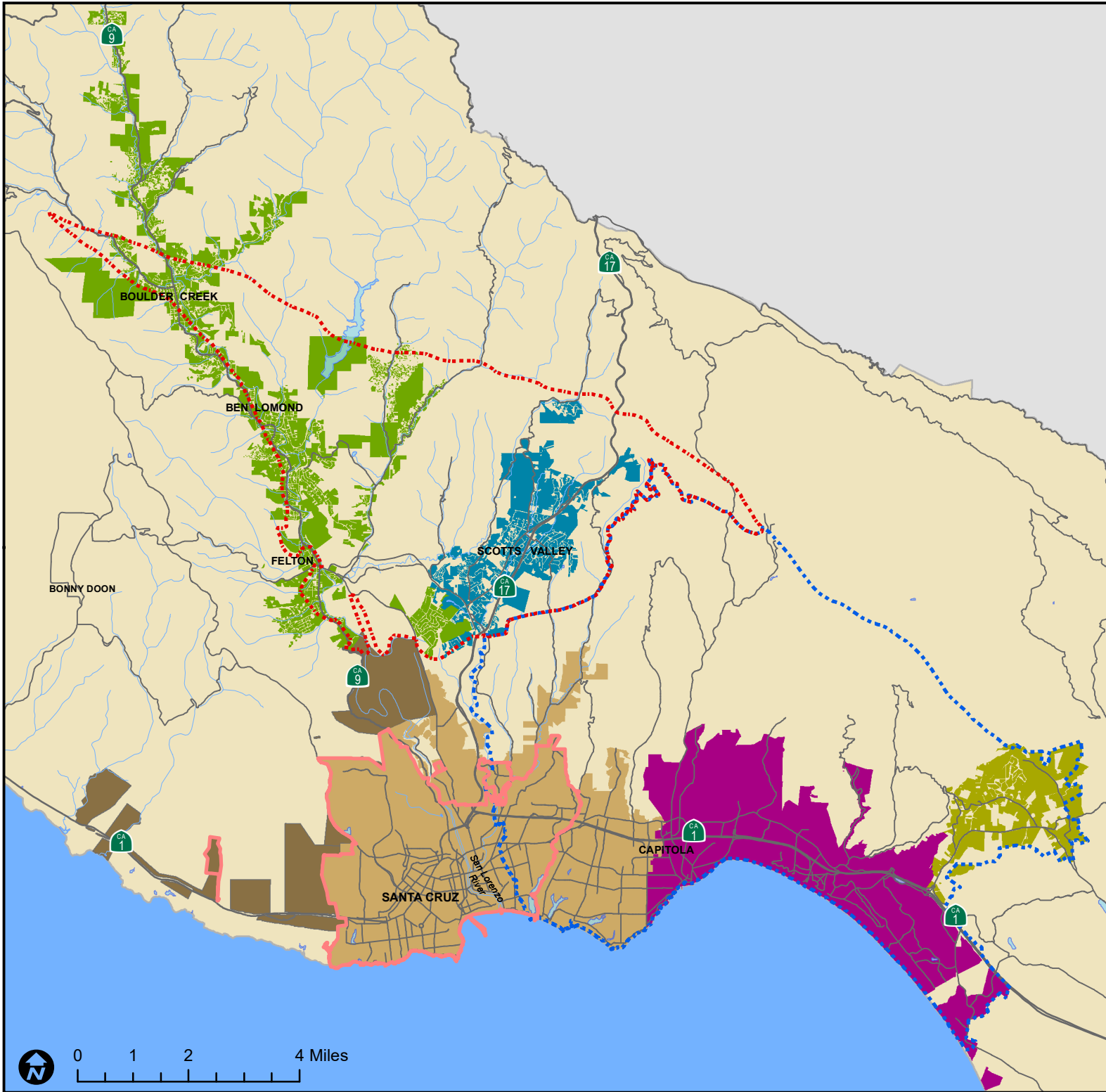
Figure 1:  
Regional Location

# SANTA CRUZ WATER RIGHTS PROJECT





# SANTA CRUZ WATER RIGHTS PROJECT



## Groundwater Basins

- Santa Cruz Mid-County
- Santa Margarita

## Water Service Areas

- Central Water District
- San Lorenzo Valley Water District
- Scotts Valley Water District
- Soquel Creek Water District
- Santa Cruz Water Department
- Santa Cruz Water Department (Limited Service)

- Roads
- Source Waters
- Santa Cruz County
- City of Santa Cruz



Figure 3:  
Potential Partnering  
Regional Water Districts

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# INITIAL STUDY

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# City of Santa Cruz Water Department

## INITIAL STUDY/ENVIRONMENTAL CHECKLIST

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### I. BACKGROUND & PROJECT DESCRIPTION

#### Background

Project Title: Santa Cruz Water Rights Project

Lead Agency and Sponsor:

City of Santa Cruz Water Department  
212 Locust Street, Suite C  
Santa Cruz, CA 95060  
[www.cityofsantacruz.com](http://www.cityofsantacruz.com)

Contact: Sarah Easley Perez, Associate Planner, (831) 420-5327

Project Location:

The Proposed Project involves the City's water system and its water service area as well as the service areas of Soquel Creek Water District, Scotts Valley Water District, San Lorenzo Valley Water District, and Central Water District. The Proposed Project is located within Santa Cruz County and is loosely bounded by the community of Soquel and the City of Capitola to the east, Bonny Doon Road to the west, Boulder Creek to the north, and the Pacific Ocean. Refer to Figure 1, Regional Location.

Major components of the City's water system include Loch Lomond Reservoir in Ben Lomond, two diversions on the San Lorenzo River (in Felton and in City of Santa Cruz), four diversions on North Coast streams (on Majors, Laguna, Liddell and Reggiardo Creeks), and groundwater wells within the Santa Cruz Mid-County groundwater basin in the community of Live Oak. The water service area includes the City of Santa Cruz, a portion of the City of Capitola, and unincorporated Santa Cruz County in Live Oak, Soquel, and along Graham Hill Road. The City also has a limited water service area along the coast north of the City, primarily along Highway 1 up to Bonny Doon Road. Refer to Figure 2, Santa Cruz Water Department Existing Facilities.

The Soquel Creek Water District serves the mid-region of Santa Cruz County, which includes portions of the City of Capitola and the unincorporated communities of Aptos, La Selva Beach, Rio Del Mar, Seascapes, Seacliff Beach and Soquel. The Scotts Valley Water District serves the majority of the City of Scotts Valley and a portion of the unincorporated area to the north. The San Lorenzo Valley Water District service area includes the unincorporated communities of Boulder Creek, Brookdale, Ben Lomond, and portions of Felton, as well as portions of Scotts Valley and adjacent unincorporated areas. The Central Water District serves a portion of the unincorporated community of Aptos. Refer to Figure 3, Potential Partnering Regional Water Districts.

General Plan Designation and Zoning: Not Applicable

### Introduction:

The City of Santa Cruz (City) is proposing the Santa Cruz Water Rights Project (Proposed Project) to improve City water system flexibility while enhancing stream flows for local anadromous fisheries. For the Proposed Project, the City is submitting petitions requesting the SWRCB approve associated changes (change petitions) to existing City water rights regulated by that agency. In addition, the City proposes changes to its own water rights that are not regulated by the SWRCB through action by the Santa Cruz City Council. The combination of these changes to City water rights would help to ensure future water supply resiliency. Additional foreseeable activities that may occur after the proposed water rights changes are also being considered.

The City of Santa Cruz Water Department provides drinking water from a variety of sources to residents of the City and surrounding areas. The City's water supply system draws water from surface water sources including the San Lorenzo River system and several other local North Coast streams, which make up approximately 95% of the annual supply. That amount is supplemented by limited production from groundwater wells in the Santa Cruz Mid-County basin. The City stores water in Loch Lomond Reservoir formed by Newell Creek Dam to help meet dry-season water demand and provide back-up supply during winter storms that make river diversions problematic due to turbidity issues. The City Water Department, like other water suppliers in Santa Cruz County, has no imported water supply from outside the region. Due to limited water supply and storage, the City faces inadequate water supply during dry years and critical shortages during drought years.

### Habitat Conservation Plan Development

Since 2001, City Water Department staff have been developing a Habitat Conservation Plan (HCP) with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) staff for California Endangered Species Act and Federal Endangered Species Act compliance for Water Department operations that may affect special-status anadromous salmonids, specifically the Central California Coast coho salmon (coho salmon), a federally listed endangered species, and the Central California Coast steelhead (steelhead), a federally listed threatened species. This process has been lengthy due to the nature of the data required for long-term permitting, the inherent challenges of balancing water supply with environmental water demands, agency staff changes, the drought of 2012 through 2015, and other related factors.

Final HCP chapters and permit applications are expected to be submitted to CDFW and NMFS by late winter or early spring 2019. Initiation of environmental review for the HCP and associated permits is expected to commence in early fiscal year 2020 with the goal of permit process completion by late 2021 or early 2022.

To protect endangered coho salmon and threatened steelhead trout, the City has negotiated minimum stream flow requirements (Agreed Flows) with CDFW and NMFS as part of the HCP process. Currently, the City is implementing the Agreed Flows at the diversions on the North Coast streams and at one of two diversions on the San Lorenzo River that supply surface water to the City. This implementation of the Agreed Flows further reduces the City's dry-year and drought-year water supply reliability.

The City's and CDFW's agreement on an HCP may be subject to a separate review under CEQA, and NMFS's approval of an HCP may be subject to a separate environmental review under the National Environmental Policy Act. However, as both CDFW and NMFS have tentatively agreed, the City has committed to implement these Agreed Flows as part of this Proposed Project regardless of the final outcome of the HCP process. Prior to the public circulation of the Draft EIR for the Proposed Project, the City has committed to filing a Lake and Streambed Alteration Notification with CDFW to address implementation of the Agreed Flows.

### Regional Considerations

The Proposed Project would be aligned with State of California policies favoring regional water management. State policy included in the Integrated Regional Water Management Planning Act states "It is the intent of the Legislature to encourage local agencies to work cooperatively to manage their available local and imported water supplies to improve the quality, quantity, and reliability of those supplies."<sup>1</sup> This is particularly significant for the Santa Cruz region, which has only local sources of water, and for the City because the City's surface water sources are the only significant existing surface water sources in the immediate region.

The Proposed Project could enable the City to assist in the implementation of the landmark 2014 Sustainable Groundwater Management Act (SGMA). The City's water system and service area overlap both the Santa Margarita and the Santa Cruz Mid-County groundwater basins. In both basins, the City is represented on the Board of Directors for the associated groundwater sustainability agency. These agencies are in the process of preparing groundwater sustainability plans under SGMA for each basin. Conjunctive use of surface water supplies with groundwater supplies could contribute to the overall health of both basins and increase water supply resiliency overall for the major population centers of northern Santa Cruz County. Water right modifications to increase flexibility are necessary for the City to fully participate in regional conjunctive use.

### Existing Water Rights

There are generally two types of appropriative water rights recognized in California: pre-1914 and post-1914. The City currently holds both pre-1914 and post-1914 water rights. The year 1914 is significant because, effective December 9, 1914, the California Legislature enacted a requirement that a state agency authorize new appropriations of water from surface water sources in California. Before 1914, public agencies and private individuals and entities were able to initiate appropriative water rights through their own actions, which in some cases was provided by posting notices adjacent to diversions. Changes to post-1914 water rights now involve a more formalized approval process through the SWRCB, potentially including a full CEQA analysis and opportunities for public involvement. Changes to the pre-1914 water rights can be made by City Council adoption of a resolution amending those rights as required by existing City Council procedures.

#### *Pre-1914 Water Rights*

The City's pre-1914 water rights authorize diversions from several streams located north of the City, including Liddell Spring (located within the East Branch Liddell Creek watershed), Laguna Creek, Majors Creek, and Reggiardo Creek (all collectively referred to as North Coast streams).

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<sup>1</sup> See Water Code section 10531(a).

These appropriations are reflected in the City's Statements of Water Diversion and Use Nos. S002042, S002043, S002044, and S008610, on file with the SWRCB.

### *Post-1914 Water Rights*

The City holds post-1914 appropriative water rights for Newell Creek and the San Lorenzo River under existing water right licenses and permits, respectively, issued by the SWRCB and predecessor state permitting agencies (**Table 2**). Under Water Code sections 1701 through 1705, these permits and licenses can be modified with SWRCB approval if such modifications would not increase the appropriations authorized under those permits and licenses and would not cause injury to other legal users of the water involved.

**TABLE 2**  
SUMMARY OF POST-1914 EXISTING WATER RIGHTS HELD BY THE CITY

Description	Felton (P. 16123)	Felton (P. 16601)	Newell Creek (L. 9847)	Tait (L. 7200 & 1553)
Priority	10/20/1965	03/01/1971	12/12/1957	07/10/1963 & 06/09/1924
Source	San Lorenzo River	San Lorenzo River	Newell Creek	San Lorenzo River
Point of Diversion	Felton Diversion Facility	Felton Diversion Facility	Loch Lomond Reservoir	Tait Street Diversion
Purpose of Use	Municipal	Municipal	Municipal, domestic, industrial, recreational, fire protection	Municipal and domestic
Maximum Diversion Rate	3,500 gpm*	20 cfs*	–	6 cfs & 6.2 cfs
Amount	3,000 afy*	3,000 afy*	5,600 afy Maximum storage in Loch Lomond Reservoir 8,624 afy	4344 afy & 4489 afy
Season	9/1 – 6/1	10/1 – 6/1	9/1 – 7/1	1/1 – 12/31
Bypass Requirements	10 cfs from 9/1 – 9/30 20 cfs from 10/1 – 5/31	25 cfs in October 20 cfs from 11/1 – 5/31	1 cfs	none
gpm= gallons per minute; cfs= cubic feet per second; afy= acre-feet per year *The two permits (P. 16123 and P. 16601) operate as a single combined diversion. The total quantity of water diverted shall not exceed 3,000 afy. The combined maximum rate of diversion to storage shall not exceed 20 cfs.				

The City is currently authorized to divert water from the San Lorenzo River at the Felton Diversion Facility (Felton Diversion) under two separate permits (Permit Nos. 16123 and 16601). The permits allow for a combined maximum diversion of 3,000 acre-feet per/year (afy) to storage at Loch Lomond Reservoir between September 1 and June 1 (Permit 16123) and between October 1 and June 1 (Permit 16601). The City is also currently authorized to divert water from the San Lorenzo River at the Tait Diversion under two licenses (License Nos. 7200 and 1552). The Tait licenses allow for the direct diversion of up to 4,489 afy and 4,344 afy (the theoretical maximum), respectively, between January 1 and December 31.

Water diverted at Felton is transported by a large diameter pipeline and a series of pump stations to Loch Lomond Reservoir for storage. The City's license for the Loch Lomond Reservoir (License 9847) allows for a maximum of 5,600 afy of water to be diverted to storage between September 1 and July 1. The maximum amount of withdrawal of water from storage in the Loch Lomond Reservoir under this license is limited to 3,200 afy. The total maximum amount of water that this license authorizes to be held in the Loch Lomond Reservoir is 8,624 afy. Water from both the Felton Diversion and Newell Creek are stored in the Loch Lomond Reservoir. There is currently no explicit right for direct diversion of water from the Felton Diversion or Newell Creek.

### Purpose and Need

The Proposed Project addresses key issues needed to improve City water system flexibility while enhancing stream flows for local anadromous fisheries. Incorporating the Agreed Flows into all City water rights is necessary to benefit local fisheries, specifically for coho salmon and steelhead, but will further constrain the City's limited surface water supply. Consequently, the City needs to improve water system flexibility within existing allocations to allow better integration and use of this limited resource through water rights modification for Place of Use (POU) expansion, better utilization of existing diversions, and adding an extension of time to put water to full beneficial use. Additionally, some foreseeable activities may become necessary as result of the proposed water rights modification as described below.

### *Flow Requirements*

For the improvement of instream habitat and flow conditions for local coho salmon and steelhead, the City needs to ensure consistency in their pre-1914 and post-1914 water rights through implementation of the Agreed Flows as negotiated with CDFW and NMFS. The City has already begun implementing the Agreed Flows at diversion facilities on the North Coast streams and at the Tait Diversion on the San Lorenzo River, further constraining the City's limited water supply particularly in dry and drought years. Expanded implementation of the Agreed Flows to all City surface water rights may further impact the timing and rate of surface flows the City is currently entitled to use. The implementation of the Agreed Flows and resulting constraints on water supply are a primary driver of the City's need to increase the resiliency of the water supply system.

### *Places of Use*

To provide flexibility to fully beneficially use existing surface water rights and to provide opportunity for potential conjunctive use of those surface water rights in combination with groundwater, the City needs to conform and expand the POUs on existing City water rights. Expanded POUs to include the service areas of neighboring water agencies are necessary to improve the flexibility within which the city operates the water system to meet fish flows and customer demands. Neighboring water agencies the City could potentially partner with in the future include:

- Soquel Creek Water District;
- Scotts Valley Water District;
- San Lorenzo Valley Water District; and
- Central Water District.

Expanded POUs are also necessary for improving the potential for conjunctive use of the region's resources with adjoining water agencies in shared ground water basins. Conjunctive use of both surface and groundwater supplies could make some additional recovered groundwater available to the City and potentially to the region during drought and critically dry years.

#### *Diversion Methods and Points*

Currently, City appropriative water rights involve the storage of water at Loch Lomond Reservoir for later use. Under the Newell Creek License and Felton Permits as currently written (due to an oversight in the original filings), water may only be used after water has been in storage for at least 30 days. The terms of those existing permits and licenses have the potential to constrain the City's flexibility in delivering water for beneficial use until these 30 days have elapsed after the water is collected into the reservoir. To allow for better flexibility in the use of this resource, the City needs to be able to directly divert as a method of diversion from both the Felton Diversion Facility and Loch Lomond without a 30-day storage requirement.

Additionally, the current Felton Permits and Tait Licenses limit the amount of water that can be diverted for each facility individually. Because the implementation of the Agreed Flows will constrain the water system while being protective of local fisheries, the City needs to increase the flexibility of how the water system can be used. The City needs the option of diverting water under the existing San Lorenzo River water rights at either the Felton Diversion or the Tait Street Diversion to provide options for better integration and use of available water.

#### *Extension of Time*

Through an extensive and successful water conservation program, the City has served any growth in its service area with the same level of diversions; however, full implementation of the Agreed Flows necessitates increased flexibility within the water system, and the City will require additional time under their Felton Permits to fully reach beneficial use. Beneficial use includes the full use of existing water rights without interfering with other water rights holders while also benefitting local fisheries. Additional time is needed to fully reach the beneficial use for flexibility to implement a range of water supply options to meet City needs, including options consistent with SGMA either individually or in conjunction with partnering water agencies.

#### *Foreseeable Activities*

After completion of the proposed modifications to City water rights, some activities may be needed that would be considered to be foreseeable as a logical part in a chain of contemplated actions, including improving fish passage at the Felton Diversion and implementation of new and/or improved interties with neighboring water agencies. The City needs to implement fish passage improvements at the Felton Diversion to address concerns raised by CDFW and NMFS. These improvements must improve fish passage while being protective of City water rights. The City may also require new and/or improved interties with neighboring agencies for future projects that could become possible under the modified water rights.

## Project Description

The Proposed Project includes components that will be considered in the EIR at a project level (Project Components) and components that will be considered in the EIR at a programmatic level (Program Components) as described below.

## Project Components

The Project Components of the Proposed Project include modifications to existing water rights, which will be considered in the EIR at a project level of analysis per CEQA Guidelines 15161. **Table 3** identifies the specific modifications that are being requested for the both pre-1914 and post-1914 water rights.

**TABLE 3**  
2018 PROPOSED WATER RIGHTS MODIFICATIONS (TO BOTH PRE-1914 AND POST-1914 WATER RIGHTS)

Component	Proposed Modification			
	Flow Requirements	Place of Use	Diversion Method & Diversion Point	Extension of Time
<b>Pre-1914 Water Rights to be Amended by City Council Resolution</b>				
City of Santa Cruz Water Rights for North Coast Streams	Modify pre-1914 water rights to apply Agreed Flows as minimum bypass flows to North Coast diversions	Modify the POUs in pre-1914 water rights to conform with those of the post-1914 rights and to include the service areas of potential partnering regional water districts*	none	none
<b>Post-1914 Water Rights to be Amended through change petitions filed with SWRCB</b>				
Felton Permits: ▪ Permit 16601 ▪ Permit 16123	Add minimum bypass flows to reflect Agreed Flows and establish the timeline for fish passage and screening improvements.  Replace the 20 cfs diversion rate constraint with a limit that relies on implementation of the Agreed Flows without increasing the total authorized monthly diversion amount.	Expand the authorized POUs to ensure that the POUs of all of the City's water rights are consistent and include the service areas of potential partnering regional water districts*	Add direct diversion as a method of diversion for Permit 16123.  Add Tait Street Diversion as an authorized point of diversion.	Grant extension of time through 2043 to maximize beneficial use up to 3,000 afy.
Tait Licenses: ▪ License 7200 ▪ License 1553	Add minimum bypass flows to reflect Agreed Flows.	Expand the authorized POUs to ensure that the POUs of all of the City's water rights are consistent and include the service areas of potential partnering regional water districts*	Add Felton Diversion Facility as an authorized point of diversion.	none
Newell Creek License: ▪ License 9847	Add minimum flows to reflect Agreed Flows.	Expand the authorized POUs to ensure that the POUs of all of the City's water rights are consistent and include the service areas of potential partnering regional water districts*	Add direct diversion as a method of diversion.	none
* Service areas of potential partnering regional districts to include: Soquel Creek Water District service area, Scotts Valley Water District service area, San Lorenzo Valley Water District service area, and Central Water District service area				

The City will pursue changes to its pre-1914 water rights through action by the Santa Cruz City Council. The City will pursue proposed changes to its post-1914 permits and licenses as new change petitions to the SWRCB that will supersede petition amendments filed by the City in 2006. No change to the authorized amounts of diversions under any of the City's appropriative water rights is proposed as part of the Proposed Project. Overall, implementation of these modifications would address key issues needed to improve water system flexibility for the City's water service area and enhance stream flows for local anadromous fisheries.

#### *Agreed Flows*

The Proposed Project would include modifying City water rights to incorporate the Agreed Flows the City negotiated with CDFW and NMFS to better protect federally listed coho and steelhead in all watersheds from which the City diverts water. The Agreed Flows would be incorporated into both pre-1914 rights on the North Coast streams and post-1914 permits and licenses on the San Lorenzo River and Newell Creek. While it is expected that Agreed Flows will be further codified through the HCP process and a Streambed Alteration Agreement with CDFW, the Proposed Project would commit the City to these flows regardless of the outcomes of these processes.

Further, in order to take advantage of excess streamflow when available in the system, the Proposed Project includes a modification of the maximum diversion rates of the Felton permits to replace the current 20 cfs diversion rate constraint with a limit that relies on implementation of the Agreed Flows without increasing the total authorized monthly diversion amount.

#### *Place of Use*

The Proposed Project would expand the POUs of both the City's pre-1914 and post-1914 water rights. This would align the POUs of the City's rights and expand those authorized POUs to include the service areas of the Soquel Creek Water District, Scotts Valley Water District, San Lorenzo Valley Water District, and Central Water District.

#### *Diversion Methods and Points*

The Proposed Project would result in explicit authorization of direct diversion as a method of diversion under the City's Newell Creek license and Felton permits to complement the existing stated right to divert to storage in Loch Lomond Reservoir for later beneficial use. The Proposed Project would also include authorization of the Tait Street Diversion to be added as a point of diversion to the Felton Permits and of the Felton Diversion to be added as a point of diversion to the Tait Licenses.

#### *Extension of Time*

The Proposed Project would extend the existing time for the City to fully utilize the 3,000 afy diversion provided under the Felton Permits for an additional 25 years.

#### Programmatic Components

The Programmatic Components of the Proposed Project would include potential future activities that may occur after the City water rights are modified.



Because these activities are considered to be foreseeable as a logical part in a chain of contemplated actions, but the full physical extent and timing of these improvements is not known at this time, these activities will be addressed in the EIR at a programmatic level per CEQA Guidelines 15168. Some of these actions may be undertaken in conjunction with surrounding districts and some may be undertaken solely by the City.

#### *Foreseeable Activities*

Felton Diversion Fish Passage Improvements: Fish passage improvements at the Felton Diversion (Felton Diversion Fish Passage Improvements) would address concerns raised by CDFW and NMFS. These improvements may include screen replacement, installation of a traveling brush system, and construction of a continuous downstream outmigration bypass route. These improvements would be designed to be protective of City water rights while improving passage for coho salmon and steelhead.

Interties: New or improved interties between the water systems of the City and of neighboring water agencies may be needed to facilitate future projects that may be developed once City water rights are modified. Neighboring water agencies include Soquel Creek Water District, Scotts Valley Water District, San Lorenzo Valley Water District, and Central Water District. Because no new interties or intertie improvements are currently planned, the number, location, and design cannot be known at this time.

#### Public Agencies Whose Approval or Review Is Required for Project Components

- State Water Resources Control Board
- City of Santa Cruz

#### Public Agencies Whose Approval or Review May be Required for Programmatic Components

- U.S. Army Corps of Engineers
- Regional Water Quality Control Board
- California Department of Fish and Wildlife
- City of Santa Cruz
- Soquel Creek Water District, Scotts Valley Water District, San Lorenzo Valley Water District, and/or Central Water District

## II. ENVIRONMENTAL SETTING

The City's water service area is located between the foothills of the Santa Cruz Mountains and the shoreline of Monterey Bay and is bounded in a number of areas by State and City-owned parks and open space lands (Santa Cruz County, 1994). The service area is characterized by mild winters and summers. Average minimum temperatures in Santa Cruz range from approximately 39°F to 51°F and average maximum temperatures range from approximately 60°F to 76°F (WRCC, 2016). Rainfall mostly occurs during the months of October through April, with average annual rainfall of approximately 30 inches. Between 2012 and 2015, the State of California experienced its driest years on record and in 2014, Governor Jerry Brown declared a statewide drought emergency (PPIC, 2015). The City's water service area is isolated from the state water service system, but has experienced similar shortages.

## III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the Proposed Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agricultural & Forest Resources	✓	Air Quality
✓	Biological Resources	✓	Cultural Resources & Tribal Cultural Resources	✓	Geology / Soils
✓	Greenhouse Gas Emissions	✓	Hazards & Hazardous Materials	✓	Hydrology / Water Quality
✓	Land Use / Planning		Mineral Resources	✓	Noise
✓	Population / Housing	✓	Public Services		Recreation
✓	Transportation / Traffic	✓	Utilities/Service Systems	✓	Mandatory Findings of Significance

#### IV. DETERMINATION

This determination is made on the basis of the evaluation detailed in the checklist on the following pages.

On the basis of this initial evaluation:	
I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	<input type="checkbox"/>
I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	<input type="checkbox"/>
I find that the Proposed Project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.	<input checked="" type="checkbox"/>
I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	<input type="checkbox"/>
I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.	<input type="checkbox"/>

Signature: Rosemary Menard  
Printed Name: Rosemary Menard

Date: 10/10/2018  
For: Santa Cruz Water Dept

## V. ENVIRONMENTAL CHECKLIST AND RESPONSES

This section includes the environmental checklist and explanations of the responses to provide information in support of the decision to prepare an EIR. Appendix G of the CEQA Guidelines is a sample Initial Study checklist that provides guidance for determining the significance of project impacts. This checklist and guidelines used here require that the physical changes in the environment that could be caused by a proposed project be evaluated based on factual evidence, reasonable assumptions supported by facts, and expert opinion based on facts.

### 1. Aesthetics.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>1. AESTHETICS. Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a-d) The Project Components of the Proposed Project would maintain visual conditions similar to existing conditions. The same is true for Programmatic Components' reasonably foreseeable construction, as most construction would likely be within existing rights of way (e.g., roads) and facilities and because surface disturbances would be restored when underground facilities are fully installed. The Proposed Project would not adversely affect a scenic vista, substantially damage scenic resources, degrade the existing visual character or quality of the Project Component sites and their surroundings, or create a new source of light or glare. Intertie components are anticipated to be located underground within existing linear corridors, while the Felton Diversion Fish Passage Improvements would be located on existing structures. There would be no impact. Therefore, this issue will not be addressed in the EIR.

## 2. Agriculture and Forest Resources.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>2. AGRICULTURE AND FOREST RESOURCES. Would the project:</b>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

(a-e) Santa Cruz County and the existing and proposed water service area contain prime and other agricultural land and forest resources. Modification of existing water rights included in the Project Components of the Proposed Project would not result in impacts related to agriculture and forestlands. Implementation of the Program Components of the Proposed Project may involve future implementation of the Felton Diversion Fish Passage Improvements and construction of intertie connections (Programmatic Components of the Proposed Project). These Programmatic Components would not convert agricultural land or forest resources to other uses and would not require rezoning of the land as they are anticipated to be primarily within existing facilities or roadways and utility rights of way. Construction would be temporary in nature and in most cases be located within or adjacent to existing facilities and disturbed corridors. Thus, there would be no impact. Therefore, this issue will not be addressed in the EIR.

### 3. Air Quality.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3. AIR QUALITY. Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a) In 1991, the Monterey Bay Unified Air Pollution Control District (MBUAPCD), now named the Monterey Bay Air Resources District (MBARD), adopted the *Air Quality Management Plan* (AQMP) for the Monterey Bay region in response to the California Clean Air Act of 1988, which established specific planning requirements to meet ozone standards. The MBARD has updated the AQMP seven times. The most recent update to the AQMP (2012-2015), adopted in 2017, builds on and updates information developed in past AQMPs. The primary elements from the 2012 AQMP updated in the 2017 revision include the air quality trends analysis, emission inventory, and mobile source programs (MBARD, 2017). In addition to the AQMP, MBARD released two implementation plans, including an attainment plan for particulate matter in December of 2005 as well as a maintenance plan for ozone in March of 2007. The MBARD has not adopted CEQA significance thresholds.

The modification of the City's existing water rights would not result in direct emissions of criteria pollutants, because the Proposed Project would not incorporate any emission sources (i.e. construction equipment, generators, mobile, or point sources). However, the proposed modifications may result in water system operational changes that involve changes in pumping regimes. Also, Programmatic Components of the Proposed Project involve minor construction activity that would result in emissions. Although emission levels are anticipated to be less than significant, this issue will be addressed in the Draft EIR.

- (b) To protect public health, both the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have established ambient air quality standards of maximum levels of ambient (background) air pollutants that are considered safe, with an adequate margin of safety to protect public health and welfare. The National Ambient Air

Quality Standards (NAAQS) address six criteria pollutants, including ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>, which refer to particles less than 10 microns and 2.5 microns, respectively), and lead. California ambient air quality standards (CAAQS), which are generally more stringent than federal standards, apply to the same pollutants as federal standards, but also include sulfate, hydrogen sulfide, and vinyl chloride. The Proposed Project is located in the North Central Coast Air Basin (NCCAB) and is under the jurisdiction of the MBARD. The MBARD includes Santa Cruz, Monterey, and San Benito Counties. The NCCAB is currently in attainment or unclassified for all federal criteria pollutant standards. The basin is designated non-attainment transitional for the state ozone standard, non-attainment for the state PM<sub>10</sub> standards, and is in attainment or unclassified for all other state standards. The MBARD's 2017 AQMP identifies a continued trend of declining ozone emissions in the air basin primarily related to more stringent and protective emissions standards for automobiles, power plants, and other sources of ozone precursors (MBARD, 2017).

The modification of existing water rights would not result in direct emissions of criteria pollutants. However, implementation of the Programmatic Components of the Proposed Project may involve future construction of the Felton Diversion Fish Passage Improvements as well as improvements to or construction of intertie connections (Programmatic Components), which is addressed in Question (c). Because the Proposed Project would not directly emit pollutants and because future construction activities would be temporary and likely would result in only very minor amounts of air pollution, the Proposed Project would not violate any air quality standard or contribute to an existing or projected air quality violation. Therefore this issue will not be addressed in the EIR.

- (c) Past, present, and future development projects affect regional air quality under cumulatively considerable conditions. Should individual emissions of a project contribute toward exceedance of the CAAQS or NAAQS, the project's cumulatively considerable impact on air quality would be considered significant. The USEPA considers a region's past, present, and future emission levels in developing federal attainment designations for criteria pollutants. Long-term implementation and operation of the Project and Programmatic Components of the Proposed Project may result in direct emissions from future construction emissions if expansion of the Felton Diversion occurs and indirect emissions from increased use of electricity powered pumps. Given the size of the Felton Diversion Fish Passage Improvements, direct construction emissions and indirect pump emissions would not result in a cumulatively considerable net increase of ozone precursors or PM<sub>10</sub> or cause a violation of any air quality standard. Although it is anticipated that the cumulative effect of the Proposed Project would not result in the emission of cumulatively substantial criteria pollutants, this issue will be addressed in the EIR.
- (d) The modification of existing water rights for the Project Components of the Proposed Project would not directly expose sensitive receptors to substantial pollutant concentrations. However, implementation of the Programmatic Components of the Proposed Project may result in future construction of the Felton Diversion Fish Passage Improvements and intertie connections.

Due to the size of future construction projects and the short time of construction, the Proposed Project's potential future activities would not expose sensitive receptors to substantial concentrations of air pollutants. There would be no impact. Therefore this issue will not be addressed in the EIR.

- (e) The Proposed Project would not result in changes to the types of permitted commercial and residential uses acceptable to the area. This is governed by the appropriate general plans which are not impacted by the Project or Programmatic Components of the Proposed Project. Existing permitted uses within the region of the Proposed Project typically would not create objectionable odors. However, implementation of the potential future Programmatic Components of the Proposed Project may result in construction that may cause odor in the vicinity of sensitive receptors. Construction activity odors, however, generally do not travel beyond the boundaries of the construction site. Heavy duty construction activities are not anticipated to occur. Construction is temporary in nature. Construction would generally occur during work hours when sensitive receptors are not in the vicinity. For these reasons, the Proposed Project's potential construction activities would not create objectionable odors affecting a substantial number of people. There would be no impact. Therefore this issue will not be addressed in the EIR.



#### 4. Biological Resources.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>4. BIOLOGICAL RESOURCES. Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special- status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- (a) The North Coast streams provide habitat for federally protected Central California Coast steelhead trout (*Oncorhynchus mykiss*) and/or Central California Coast coho salmon (*Oncorhynchus kisutch*). Both Liddell and Laguna Creek supports steelhead, but are not considered potential recovery habitat for coho salmon under the federal Central Coast Coho Recovery Plan (NMFS, 2012). However, coho salmon have been documented in the Laguna Creek recently and suitable habitat is present (2nd Nature, 2006, Berry, C., Bean, E., Basset, R., Martinez-McKinney, J., Retford, N., and Hagar, J. 2018). Reggiardo Creek is a first order tributary to Laguna Creek. Majors Creek supports populations of steelhead but is not considered potential recovery habitat for coho salmon under the federal Central Coast Coho Recovery Plan.

Natural and man-made fish barriers in the San Lorenzo River main stem may limit access of steelhead and coho salmon to portions of the San Lorenzo watershed, especially during dry years, however the San Lorenzo River is considered a high recovery priority for both species.

The Project Components of the Proposed Project includes the modification of the City's pre-1914 and post-1914 water rights, permits, and licenses to improve conditions for federally protected steelhead and/or coho salmon. Modifications would involve applying Agreed Flows to those rights as negotiated between the City, the CDFW, and NMFS in the HCP process. The Agreed Flows would be included in the terms and conditions of any Lake and Streambed Alteration Agreement issued by CDFW for the HCP. No change is proposed to the authorized volume of water under the City's existing water rights; however, changes in stream flows would result in impacts (likely beneficial) on aquatic special-status species. This will be further discussed in the EIR.

Additionally, implementation of the Programmatic Components of the Proposed Project would include future construction of the Felton Diversion Fish Passage Improvements and construction of or improvements to intertie connections to adjacent water districts. These potential temporary impacts will be addressed at a programmatic level in the EIR.

- (b-c) The Santa Cruz County General Plan defines sensitive habitat to include "All lakes, wetlands, estuaries, lagoons, streams, and rivers." The Project Components of the Proposed Project include modification of existing water rights, and implementation of the Programmatic Components and may involve future construction of the Felton Diversion Fish Passage Improvements and construction of or improvements to intertie connections. These impacts will be addressed in the EIR.
- (d) The Felton Diversion is located on the San Lorenzo River. When the facility is being operated, typically during the wet season, water from Felton is diverted into a screened intake sump and pumped via pipeline to the Felton Booster Station located near Graham Hill Road. Water is then pumped via pipeline from the Felton Booster Station to Loch Lomond Reservoir for storage and later use.

The Project Components of the Proposed Project include the modification of the City's pre-1914 rights and post-1914 permits and licenses by adding the Agreed Flows as minimum streamflow requirements to improve conditions for listed coho salmon and steelhead. The Agreed Flows would be part of the terms and conditions of any Lake and Streambed Alteration Agreement issued by CDFW for the HCP. This may result in physical changes to the environment and would likely improve current movement of fish or wildlife species and should improve the habitat for other life stages of listed fish species found in the affected streams. This will be discussed further in the EIR.

- (e-f) The modification of the City's existing water rights via the Proposed Project would result in operational changes to the City's water system, and may eventually result in the construction of the Felton Diversion Fish Passage Improvements and construction of or improvements to intertie connections, which are the project's Programmatic Components.

Implementation of the Project or Programmatic Components of the Proposed Project is not anticipated to result in conflicts with local policies or ordinances protecting biological resources, adopted habitat conservation plans, natural community conservation plans, or other approved habitat conservation plans. This, however, will be addressed in the EIR.

Additionally, the Agreed Flows would be included in the terms and conditions of any Streambed Alteration Agreement issued by CDFW for HCP – related activities, that may result in physical changes to the environment that could therefore potentially conflict with local policies or ordinances protecting biological resources, adopted habitat conservation plans, natural community conservation plans, or other approved habitat conservation plans. However, implementation of the Agreed Flows would likely improve current movement of fish or wildlife species and should improve the habitat for other life stages of fish species found in the affected streams. This will be discussed further in the EIR.

## 5. Cultural Resources.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>5. CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES. Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(a-d) Modification of existing water rights included in the Project Components of the Proposed Project would not result in impacts related to cultural resources. However, the Programmatic Components of the Proposed Project may result in impacts to cultural or paleontological resources, as implementation may include future construction of the Felton Diversion Fish Passage Improvements and construction of or improvement to intertie connections. This construction could potentially affect cultural or historic resources. These impacts will be addressed at a programmatic level in the EIR.

(e) State Assembly Bill (AB) 52, effective July 1, 2015, recognizes that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.

The law established a new category of resources called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.

Public Resources Code section 21074 defines a “tribal cultural resource” as either:

- (1) Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that is either listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) A resource determined by the lead agency chooses, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource.

Public Resources Code section 21084.2 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” The Public Resources Code requires the lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a Proposed Project. Native American tribes have not contacted the City to request consultation. Construction associated with Programmatic Components of the Proposed Project is of limited scope and would primarily occur in previously disturbed soils. For these reasons, less than significant impacts to tribal cultural resources are anticipated, however appropriate notifications will be conducted per AB 52.

## 6. Geology and Soils.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>6. GEOLOGY AND SOILS. Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> <li>i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</li> <li>ii. Strong seismic ground shaking?</li> <li>iii. Seismic-related ground failure, including liquefaction?</li> <li>iv. Landslides?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a) The San Andreas Fault is located approximately 11.5 miles northeast of the City. The San Gregorio Fault is located approximately nine miles southwest of the City. There are no active fault zones or risks of fault rupture within City limits (City of Santa Cruz, 2012). The modification of existing water rights for the Project Components of the Proposed Project would not involve the development of new structures, or place people or structures at risk or result in impacts related to seismic ground shaking and liquefaction. The Programmatic Components of the Proposed Project would be primarily underground and subject to detailed code requirements intended to allow pipelines and other infrastructure to withstand major earthquakes. Therefore, potential impacts due to seismic ground shaking, liquefaction, and landslide would be less than significant, and this issue will not be addressed in the EIR.
- (b) The modification of existing water rights through the Project Components of the Proposed Project would not result in impacts from substantial soil erosion or loss of topsoil.

However, implementation of the Programmatic Components of the Proposed Project may include future construction of the Felton Diversion Fish Passage Improvements and construction of or improvement to intertie connections. Soil disturbance from this construction has the potential to lead to erosion. These impacts will be addressed at a programmatic level in the EIR.

- (c) The Programmatic Components of the Proposed Project may include future construction of the Felton Diversion Fish Passage Improvements and intertie connections. This construction could be located on unstable geologic units or soil that may increase the potential for landslides, lateral spreading, subsidence, liquefaction or collapse. These impacts will be addressed at a programmatic level in the EIR.
- (d) The Programmatic Components of the Proposed Project may result in future construction of the Felton Diversion Fish Passage Improvements and intertie connections. This construction could be located on expansive soils with high shrink-swell potential. These impacts will be addressed at a programmatic level in the EIR.
- (e) The Project or Programmatic Components of the Proposed Project do not involve the construction or modification of septic tanks or alternative wastewater disposal systems. There would be no impact. Therefore this issue will not be addressed in the EIR.

## 7. Greenhouse Gas Emissions.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>7. GREENHOUSE GAS EMISSIONS. Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a) Climate change refers to significant changes in measures of climate over a period of time, such as average temperature, precipitation, or wind patterns. Climate change may result from natural processes and human activities that change the composition of the atmosphere and alter the surface and features of land. The City's *General Plan 2030* includes goals, policies and actions on climate change, including reducing community-wide greenhouse gas (GHG) emissions by 30 percent by 2020, reducing 80 percent by 2050 (compared to 1990 levels), and for new buildings to be emissions neutral by 2030 (City of Santa Cruz, 2012a). In June 2012, the City also adopted a Climate Action Plan (CAP) that outlines the actions the City will take over the next ten years to reduce GHGs by 30 percent. The CAP provides City emissions inventories and identifies an emissions reduction target for the year 2020.

Potentially significant GHG impacts would include emissions from Programmatic Component construction activities and Proposed Project operational changes involving pumping of water. The increase in Project-related GHG emissions would be relatively small, and with the reductions in the City's GHG emissions associated with the implementation of the City's CAP, the City's overall GHG emissions would decrease. Although it is anticipated that this impact would be less than significant, this issue will be evaluated at both a Project and Programmatic level in the EIR.

- (b) As discussed above in relation to Question (a), the Proposed Project does not conflict with any plans, policies, or regulations adopted for the purpose of reducing emissions of greenhouse gases. Therefore, this issue will not be addressed in the EIR.

## 8. Hazards and Hazardous Materials.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



- (a-b) The Project Components of the Proposed Project would result in operational changes to the City's water system, however these operational changes would have no effect on the routine transport, use, or disposal of hazardous materials, and therefore these issues as they relate to the Project Components will not be addressed in the EIR. The Programmatic Components of the Proposed Project may include future construction of the Felton Diversion Fish Passage Improvements and intertie connections. Hazardous materials used during construction typically include common petroleum products. When properly used, stored, transported and disposed of, these products do not present a significant hazard to the public or environment. This issue will be addressed at a programmatic level in the EIR.
- (c) The Project Components of the Proposed Project would result in operational changes to the City's water system, however these operational changes would not involve hazardous materials near and existing or proposed school, and therefore hazardous materials issues as they relate to the Project Components will not be addressed in the EIR. The Programmatic Components of the Proposed Project may result in future construction of the Felton Diversion Fish Passage Improvements and intertie connections. As the locations and specifics of construction have not yet been identified, and as there may be some hazardous substances (typically petroleum products) in use during construction, impacts will be addressed at a programmatic level in the EIR.
- (d) The Project Components of the Proposed Project would result in operational changes to the City's water system, however these operational changes would not involve known hazardous materials sites, and therefore hazardous materials issues as they relate to the Project Components will not be addressed in the EIR. The Programmatic Components of the Proposed Project may result in construction of the Felton Diversion Fish Passage Improvements and intertie connections, but the locations and specifics of construction are not yet known. This issue will be addressed at a programmatic level in the EIR.
- (e-f) The Project Components of the Proposed Project would result in operational changes to the City's water system, however these operational changes would not involve local airports, and therefore hazardous materials issues as they relate to the Project Components will not be addressed in the EIR. Santa Cruz County currently has one public use airport, the Watsonville Municipal Airport, located within the City of Watsonville. There are currently two private airports, Las Trancas Airport and Bonny Doon Airport, as well as several heliports located within the County. No significant construction associated with the Programmatic Components of the Proposed Project would occur in the vicinity of these airports; therefore, this issue will not be addressed in the EIR.
- (g) The Project Components of the Proposed Project would result in operational changes to the City's water system, however these operational changes would not affect emergency services, and therefore hazardous materials issues as they relate to the Project Components will not be addressed in the EIR. Future construction associated with the Programmatic Components of the Proposed Project would be relatively minor but may cause temporary road closures which could block emergency vehicles temporarily.

Although the construction is not anticipated to completely block an emergency response plan or emergency evacuation plan, the potential exists that there may be temporary hazards to the public or to the environment. Therefore, this issue will be addressed at a programmatic level in the EIR.

- (h) Cal Fire has mapped the fire hazard severity in several locations throughout the County as moderate or high (Cal Fire, 2018). However, the modification of existing water rights through the Proposed Project would not result in an increase in wildland fires, nor would it increase exposure of people or structures to fire. Programmatic Components may result in future construction of fish passage improvements and intertie connections. Risk of fire would be minimized at construction sites via the use of standard practices such as clearing construction areas of combustible material and ensuring spark arresters are in good working order during project construction. There would be a less than significant impact, and therefore this issue will not be addressed in the EIR.

## 9. Hydrology and Water Quality.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>9. HYDROLOGY AND WATER QUALITY. Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (e.g., the production rate of pre- existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood-hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- (a) The Project Components of the Proposed Project would result in operational changes to the City's water system, however these operational changes would not affect water quality standards or waste discharge, and therefore these issues as they relate to the Project Components will not be addressed in the EIR.

The Programmatic Components of the Proposed Project may result in future construction. Impacts related to sedimentation in watercourses and other potential water quality impacts from future construction will be addressed at a programmatic level in the EIR.

- (b) The Proposed Project area overlays portions of the Santa Cruz Mid-County and Santa Margarita groundwater basins. Project Components of the Proposed Project consist of changes to the City's water rights which may make water available through conjunctive use to recharge, both to allow recovery of these basins and enable potential extraction of recharged water. This issue will be further addressed in the EIR. The Programmatic Components of the Proposed Project include potential future fish passage and intertie improvements. This construction would be relatively shallow and would not impact groundwater. Therefore, potential groundwater impacts from these Programmatic Components will not be addressed in the EIR.
- (c-d) The Project Components of the Proposed Project would alter flow patterns in the San Lorenzo River with beneficial impacts to fisheries and aquatic ecosystems. Also, construction of diversion improvements and interties with neighboring districts considered in the Programmatic Components could lead to erosion or siltation. Therefore, this will be addressed in the EIR.
- (e) Future construction of the Felton Fish Passage Improvements and interties considered in the Programmatic Components have the potential to increase polluted runoff. While it is anticipated that standard management practices would be in place during construction to reduce these impacts, this will be analyzed at a programmatic level in the EIR.
- (f) The Project and Programmatic Components of the Proposed Project would not otherwise substantially degrade water quality beyond the impacts discussed above in relation to Questions (a), (c), and (e). Therefore, no impact would occur.
- (g) The Project and Programmatic Components Proposed Project would not result in the development of housing. No impact would occur.
- (h) The Programmatic Components of the Proposed Project would result in Felton Diversion Fish Passage Improvements, within and adjacent to the San Lorenzo River. These improvements would be designed such that they do not adversely affect flood flows. This issue will be addressed at a programmatic level in the EIR.
- (i) The Programmatic Components of the Proposed Project would result in improvements to the Felton Diversion Fish Passage Improvements, within and adjacent to the San Lorenzo River. These improvements would be designed such that they do not cause a flood hazard. This issue will be addressed at a programmatic level in the EIR.
- (j) A portion of the City's water system is within a tsunami zone, and stream flows potentially affected by the Proposed Project would extend to the Pacific Ocean. Nevertheless, operational changes to the water system associated with the Project Components of the Proposed Project would not put people at risk due to seiche, tsunamis or mudflows.

The Programmatic Components (fish passage and intertie improvements) of the Proposed Project would not result in structures that would put people at risk due to a seiche, mudflow or tsunami. These components of the Proposed Project would be designed to avoid or withstand such hazards. Therefore, this issue will not be addressed at a programmatic level in the EIR.

## 10. Land Use and Planning.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>10. LAND USE AND PLANNING. Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- (a) The Project and Programmatic Components of the Proposed Project would not result in the development of a physical barrier that would divide an established community. There would be no impacts and therefore this issue will not be addressed in the EIR.
- (b) City General Plan goals include ensuring fisheries conservation strategies address and protect water storage, drinking water source quality, and water system flexibility, as well as protect environmental resources (City of Santa Cruz, 2012). County General Plan Objective 5.3.4 requires new water diversions on anadromous fish streams to protect fish populations and provide adequate flow levels for successful fish production (Santa Cruz County, 1994). County General Plan Objectives 5.6.1 and 5.6.3 require implementation of minimum stream flows and maintenance of instream and riparian habitat to protect anadromous fish species. The Proposed Project includes implementation of Agreed Flows and the Felton Fish Passage Diversion Facility Improvements to benefit anadromous fish species while facilitating water system flexibility.

Accordingly, the modification of existing water rights through the Project Components of the Proposed Project is not anticipated to conflict with general plan goals or policies. Implementation of the Proposed Project would result in changes to the City's water right POUs and would require additional analyses of City and County General Plans Goals and Policies and other related plans to ensure consistency. Therefore, further analysis will be provided in the EIR.

- (c) The City is working with CDFW and NMFS to develop a HCP under a separate process from this Proposed Project. Implementation of the Project or Programmatic Components of the Proposed Project is not anticipated to result in conflicts with adopted habitat conservation plans or natural community conservation plans. This, however, will be addressed in the EIR.

## 11. Mineral Resources

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>11. MINERAL RESOURCES. Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a-b) The Project and Programmatic Components of the Proposed Project would not result in impacts related to mineral resources. The minor future construction associated with the Programmatic Components would not preclude the development of any mineral resources. Therefore, this issue will not be addressed in the EIR.

## 12. Noise

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>12. NOISE: Would the project:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a) The modification of existing water rights for the Proposed Project would not result in generation of noise levels in excess of standards. However, the Programmatic Components would include future construction of the Felton Diversion Fish Passage Improvements and intertie connections. As the specific locations of reasonably foreseeable construction has not yet been identified, it is unknown if the project would cause noise impacts to the public or to the environment as a result of construction; therefore, impacts will be addressed at a programmatic level in the EIR.
- (b) The modification of existing water rights for the Proposed Project would not result in generation of ground borne vibration levels in excess of standards. However, the Programmatic Components would include the Felton Diversion Fish Passage Improvements and intertie connections. As the specific locations of reasonably foreseeable construction has not yet been identified, it is unknown if the project would cause vibration impacts to the public or to the environment as a result of construction. Therefore, impacts will be addressed at a programmatic level in the EIR.

- (c) The modification of existing water rights as part of the Proposed Project would not result in an increase in ambient noise levels, however operational changes at the Felton Diversion may result in more frequent pumping hence longer periods of noise-producing operations. This increase in frequency would be minimal and since noise volume would not increase, the impact would be less than significant. Construction of Programmatic Components (fish passage and intertie improvements) would generate noise temporarily during construction work hours and would not result in permanent noise impacts. Therefore, permanent noise impacts from Programmatic Components will not be addressed in the EIR.
- (d) While modification of existing water rights would not create a temporary increase of noise in the project vicinity, construction of the Programmatic Components may generate noise of a temporary nature. Therefore these impacts will be addressed at a programmatic level.
- (e-f) Santa Cruz County currently has one public use airport, the Watsonville Municipal Airport, located within the City of Watsonville. There are currently two private airports, Las Trancas Airport and Bonny Doon Airport, as well as several heliports located within the County. No significant construction associated with the Project or Programmatic Components of the Proposed Project would occur in the vicinity of these airports. The Proposed Project would not expose people in the vicinity of the airport to excessive noise levels. Therefore, this issue will not be addressed in the EIR.

### 13. Population and Housing

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>13. POPULATION AND HOUSING. Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a) Population and housing growth within the region is influenced by limited developable land, employment opportunities, traffic patterns, and housing costs. Growth within the region is occurring consistent with applicable City and County General Plans. The Proposed Project would implement the Agreed Flows and is needed to address existing drought-year deficiencies and meet existing demands. The Proposed Project would not increase the City's overall water supply to accommodate growth, but would rather improve the flexibility of the City's water supply by facilitating operational efficiency.



Although impacts are anticipated to be less than significant, this issue will be addressed further in the EIR.

- (b-c) The Programmatic Components of the Proposed Project would involve only future minor construction projects that would not involve or affect housing. This issue will not be addressed in the EIR.

#### 14. Public Services

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>14. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physical altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</b>				
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a) While the modification of water rights is not anticipated to result in impacts related to fire protection services, construction of intertie connections may result in future construction within roadways. This construction could temporarily affect fire response due to temporary land closures. This issue will therefore be addressed at a programmatic level in the EIR.
- (b) While the modification of water rights is not anticipated to result in impacts related to police services, construction of intertie connections may result in future construction within roadways. This construction could temporarily affect police response due to temporary lane closures. This issue will therefore be addressed at a programmatic level in the EIR.
- (c-e) The modification of existing water rights would not affect schools, parks, or other public facilities as the effects are predominantly related to water system flexibility and in-stream flows. Potential construction associated with Programmatic fish passage and intertie improvements would be within existing developed areas, rights of way, or roadways and therefore would not affect schools, park, or other public facilities beyond those discussed above in Questions (a) and (b). There would be no impact; therefore, this issue will not be addressed in the EIR.

## 15. Recreation

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>15. RECREATION. Would the project:</b>				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- (a-b) Santa Cruz offers residents and visitors a wide range of parks, open space, beaches, trails, and recreational opportunities. The City has responsibility for management, maintenance, and operation of several thousand acres of parks and open space land and various community/ recreational facilities including the Loch Lomond Recreation Area, and also oversees development of new parks and improvements within City-owned facilities. In the project area, the San Lorenzo Riverwalk trail provides pedestrian and bicycle access to the multi-use path on the river levee. The Project and Programmatic Components of the Proposed Project do not include activities or construction that would impact recreation, although the changes to the Newell Creek license (License 9848) and the Felton permits (Permits 16123 and 16601) could authorize different operations at Loch Lomond Reservoir. Those different operations might cause some limited fluctuation of the reservoir's water levels. However, these fluctuations would not physically deteriorate or construct/expand recreational facilities. No increased park use would be expected as a result of the Proposed Project, and no construction or expansion of the Loch Lomond Recreational Area (or other parks adjacent to rivers or streams) would occur as a result of the Project. There would be no significant impact; therefore, this issue will not be addressed in the EIR.

## 16. Transportation/Traffic.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>16. TRANSPORTATION/TRAFFIC. Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a-b) The Project Components of the Proposed Project would result in operational changes to the City's water system, however these operational changes would not affect transportation and traffic, and therefore hazardous materials issues as they relate to the Project Components will not be addressed in the EIR. The Programmatic Components of the Proposed Project may result in future construction. Impacts related to traffic congestion, level of service changes, temporary road closures, and other transportation facilities that may be impacted by construction activities will be addressed at a programmatic level in the EIR.
- (c) The Project and Programmatic Components of the Proposed Project would not result in direct impacts related to air traffic patterns. Therefore, this will not be analyzed in the EIR.
- (d) The Project and Programmatic Components of the Proposed Project would not result in hazards associated with road design. Therefore, this will not be analyzed in the EIR.

- (e) The Programmatic Components of the Proposed Project may temporarily affect emergency access. The minor construction that would occur could cause temporary road or lane closures during construction that could impact emergency responders. This issue will be addressed at a programmatic level in the EIR.
- (f) The Proposed Project would not conflict with any traffic and transportation policies, plans, or programs for public transit and bike/pedestrian facilities. Future construction activities associated with the Programmatic Components would be small in scope and short in duration and would not decrease the performance or safety of transportation facilities. Therefore, this issue will not be addressed in the EIR.

## 17. Utilities and Service Systems

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>17. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- (a, c, e-g) The Project and Programmatic Components of the Proposed Project would not result in impacts related to or requiring construction or expansion of wastewater treatment facilities or stormwater facilities.

The Proposed Project would not change wastewater treatment requirements as no additional wastewater would be generated as a result of implementation of the Proposed Project. Further, no additional solid waste would be generated as a result of the Proposed Project, and thus compliance with regulations related to solid waste would not change. While implementation of the Programmatic Components of the Proposed Project would result in future construction, this would be limited to the Felton Diversion Fish Passage Improvements and intertie connections and would not impact wastewater treatment, stormwater facilities, or solid waste generation. There would be no impact. These issues will not be addressed in the EIR.

- (b) The Project Components of the Proposed Project would result in operational changes to the City's water system, and would allow the City and possibly neighboring water districts more flexibility in meeting their needs. These changes and associated impacts, if any, will be analyzed in the EIR. No construction of new or expansion of existing water facilities would be required as a result of the Project Components, however fish passage and intertie improvements (Programmatic Components) may be constructed in the future if needed. Potential impacts to utility systems from future Programmatic Components will be addressed in the EIR.
- (d) The Project and Programmatic Components of the Proposed Project would not require additional water supply entitlements. The Proposed Project only would involve changes to the City's water supply operations and facilities, which would not change overall demands on the City's water system that could require expanded entitlements. Therefore this issue will not be addressed in the EIR.

## 18. Mandatory Findings of Significance.

ENVIRONMENTAL IMPACTS Issues (and Supporting Information Sources):	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>18. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, threatened, or rare species or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- (a) The proposed changes to the City's existing water rights and the minor future construction projects that may result thereafter have the potential to cause limited and temporary degradation of the environment due to construction activities. However, the Proposed Project would not reduce the habitat of a fish species (and would in fact improve the habitat with the Agreed Flows), threaten a plant or animal community, or substantially reduce the number or restrict the range of an endangered, threatened, or rare species. Impacts as a result of construction will be discussed further in the EIR at a programmatic level.
- (b) Cumulative impacts will be addressed in the EIR.
- (c) An evaluation of environmental effects that would have direct or indirect adverse effects on human beings will be analyzed further in the EIR.

## VI. REFERENCES AND DATA SOURCE LIST

City of Santa Cruz General Plan and EIR:

Adopted June 26, 2012. *General Plan 2030*. Available online at: <http://www.cityofsanta-cruz.com/departments/planning-and-community-development/general-plan-2030>.

April 2012. "City of Santa Cruz *General Plan 2030* Final EIR." [SCH#2009032007] Certified June 26, 2012. Includes Draft EIR document, dated September 2011. Available online at: <http://www.cityofsantacruz.com/departments/planning-and-community-development/general-plan-2030>.

City of Santa Cruz Adopted Plans:

Adopted August 2016. *2015 Urban Water Management Plan*. Prepared by City of Santa Cruz Water Department.

Adopted 2013. *City of Santa Cruz Local Hazard Mitigation Plan 2012-2017*. Adopted by City Council on February 28, 2006 and certified by the California Coastal Commission on May 9, 2008. *City-wide Creeks and Wetlands Management Plan*.

Adopted June 2012. *Climate Action Plan*. Prepared by City of Santa Cruz Climate Action Team. Available online at <http://www.cityofsantacruz.com/home/showdocument-?id=27824>.

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Adopted June 24, 2003. San Lorenzo Urban River Plan; A Plan for the San Lorenzo River, Branciforte Creek, and Jessie Street Marsh. Prepared by the City of Santa Cruz San Lorenzo Urban River Plan Task Force, with assistance from the Rivers, Trails and Conservation Assistance Program of the National Park Service. Available online at: <http://www.cityofsanta-cruz.com/home/showdocument?id=6415>.

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County of Santa Cruz, 2014. Santa Cruz Integrated Regional Water Management Plan. Available online at: <http://www.santacruzirwmp.org/plan-update2014/>. Accessed August 2018.

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## Santa Cruz County General Plan:

Adopted May 24, 1994. 1994 General Plan and Local Coastal Program for the County of Santa Cruz, California. Effective December 19, 1994. Available online at: <http://www.sccoplanning.com/Portals/2/County/userfiles/106/GP%20Chapter%201.pdf>.

Monterey Bay Air Resources District (MBARD), 2017. 2012-2015 Air Quality Management Plan – adopted March 15, 2017. Available online at: [http://mbard.org/wpcontent/uploads/2017/03/-2012-2015-AQMP\\_FINAL.pdf](http://mbard.org/wpcontent/uploads/2017/03/-2012-2015-AQMP_FINAL.pdf). Accessed June 21, 2018.

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Cal Fire, 2018. Santa Cruz County Fire Hazard Severity Zones in SRA. Available online at: [http://frap.fire.ca.gov/webdata/maps/santa\\_cruz/fhszs\\_map.44.pdf](http://frap.fire.ca.gov/webdata/maps/santa_cruz/fhszs_map.44.pdf). Accessed July 17, 2018.

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Western Regional Climate Center (WRCC), 2016. Santa Cruz, California (047916) Period of Record Monthly Climate Summary. Available online at: <https://wrcc.dri.edu/cgi-bin/-cliMAIN.pl?ca7916/>. Accessed August 2018.

Public Policy Institute of California (PPIC), 2015. California's Latest Drought. Available online at: <http://www.ppic.org/publication/californias-latest-drought/>. Accessed August 2018.

National Marine Fisheries Service (NMFS), 2012. Central California Coast Coho Salmon Recovery Plan. Available online at: [http://www.westcoast.fisheries.noaa.gov/protected\\_species-/salmon\\_steelhead/recovery\\_planning\\_and\\_implementation/north\\_central\\_california\\_coast/central\\_california\\_coast\\_coho\\_recovery\\_plan.html/](http://www.westcoast.fisheries.noaa.gov/protected_species-/salmon_steelhead/recovery_planning_and_implementation/north_central_california_coast/central_california_coast_coho_recovery_plan.html/). Accessed August 2018.

Berry, C., Bean, E., Basset, R., Martinez-McKinney, J., Retford, N., and Hagar, J. 2018. North Coast Anadromous Creeks Snorkel Fish Counts and Habitat Survey Data Summary Focus Years 2016 & 2017. Prepared for the City of Santa Cruz Water Department. Santa Cruz, CA.



# SCOPING COMMENTS

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## State Water Resources Control Board

NOV 16 2018

In Reply Refer to  
AM: A017913 et al

City of Santa Cruz Water Department  
c/o Ms. Sarah Easley Perez  
212 Locust Street, Suite C  
Santa Cruz, CA 95060  
[seasleyperez@cityofsantacruz.com](mailto:seasleyperez@cityofsantacruz.com)

Dear Ms. Perez:

### NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT (EIR) FOR SANTA CRUZ WATER RIGHTS PROJECT

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) staff has reviewed the Notice of Preparation and Initial Study (IS/NOP) for the City of Santa Cruz (City) Water Rights Project and appreciates the opportunity to comment as a CEQA Responsible Agency for approval of the water right changes. Pursuant to a November 8, 2018 email, the City agreed to provide the Division until Friday November 16, 2018 to submit a comment letter on the IS/NOP.

### Water Rights Background

The City proposes numerous changes to its existing post-1914 water rights: License 9847 (A017913) on Newell Creek for the Loch Lomond Reservoir, Permit 16123 (A022318) and Permit 16601 (A023710) on the San Lorenzo River for the Felton Diversion Facility, License 1553 (A004017) and License 7200 (A005215) on the San Lorenzo River for the Tait Street Diversion Facility, and pre-1914 water right claims on Liddle Creek, Laguna Creek, and Majors Creek. The City has pending water rights petitions on the subject rights for the Loch Lomond Reservoir and the Felton Diversion Facility, filed in 2006, but in further consideration has proposed to cancel the existing petitions and file new ones in the near future. The new proposed changes include: 1) addition of direct diversion as a method of diversion at the Newell Creek Diversion Dam under License 9847 and the Felton Diversion Facility under Permits 16123 and 16601; 2) addition of the Tait Street Diversion Facility as additional points of diversion to the Felton Diversion Permits and addition of the Felton Diversion Facility as an additional point of diversion to the Tait Street Diversion Licenses; 3) addition of a 30-day average rate of diversion to the Felton Diversion Permits; 4) expansion of the place of use of all existing post-1914 rights to include service areas of neighboring water agencies; 5) addition of environmental flow requirements for purposes of protecting Central California Coast Coho salmon and steelhead; and 6) extension of time to put the water to full beneficial use under Permits 16123 and 16601 for an additional 37 years.

The scope of the Division's comments is limited to the portions of the IS/NOP associated with the proposed changes to the post-1914 water rights which are subject to approval by the State Water Board. Division comments are as follows:

**Comment 1: Minimum Stream Flow Requirements (Agreed Flows)**

The IS/NOP does not specify how the City developed the minimum stream flow requirements (Agreed Flows) with the California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS) as part of the Habitat Conservation Plan development. The EIR should include details of the scientific basis or studies completed for determining an appropriate flow regime that would be protective of Central California Coast steelhead, Central California Coast salmon, and any other applicable fish and wildlife species that may be affected by the flows. Moreover, page 3 of the Initial Study indicates both CDFW and NMFS "tentatively" agreed to the flow requirements. The most recent status of fishery agency support of the Agreed Flows shall be clarified in the EIR. The baseline instream conditions should be clearly described, and any reasonable alternative flow regimes should also be analyzed. Furthermore, the EIR should identify the impacts and constraints to the City's water supply reliability that would occur if changes to the water rights are not approved, but the fishery flows become a requirement. The interrelationship between the development Habitat Conservation Plan and the Santa Cruz Water Rights project should also be described.

**Comment 2: Felton Diversion Fish Passage Improvements**

The "Felton Diversion Fish Passage Improvements" was identified as a "programmatic" component in the IS/NOP. However, it appears that the "Felton Diversion Fish Passage Improvements" could be an important component for the mitigation measures of the water rights project. It is not clear what level of analysis will be conducted at the programmatic level. The stream section near the Felton Diversion Facility is one of the critical habitats for adult migration and spawning of Central California Coast Coho salmon and Central California Coast steelhead. The fish passage development will directly influence the instream habitats. CDFW and NMFS have raised strong concerns regarding fish passage at the Felton Diversion Facility in the past. The EIR shall also evaluate impacts of adding the Felton Diversion Facility as a point of direct diversion.

**Comment 3: Impacts to Biological Resources**

It appears the IS/NOP only focuses on two salmonid species. Please be advised the EIR shall also evaluate impacts to any other species that identified as a candidate, sensitive or special-status species that may potentially be affected by the project.

**Comment 4: Recreation**

The IS/NOP indicates recreational impacts will not occur due to the project so that recreational issues will not be addressed in the EIR. However, the Division was unable to determine from the information provided the extent to which there may be any impacts to recreational users in Loch Lomond Reservoir as well as the San Lorenzo River itself. The EIR shall evaluate the potential for recreational impacts based on implementation of the project.

**Comment 5: General Scoping**

The EIR shall analyze any potential and foreseeable impacts that may be caused by the City's water rights project, including the time extension petitions and change petitions. This shall include an analysis of the changes to the flows and water quality within the affected streams due to the implementation of the "Agreed Flows" in addition to the operational changes that would be afforded through approval of the proposed water rights petitions. The cumulative

impacts of other foreseeable projects on the San Lorenzo River must also be evaluated. The City informed the Division in a meeting on November 6, 2018 that it proposes to withdraw all pending petitions and file new petitions to reflect its new proposal to the existing water rights. Any updates to the City's water rights project included in new change petitions filed in the future shall be discussed in the EIR.

We hope this information is helpful in finalizing the scope of the environmental analysis required for the City's water rights project. If you require further assistance, please contact Jane Ling at (916) 341-5335 or by email at [jane.ling@waterboards.ca.gov](mailto:jane.ling@waterboards.ca.gov). Written correspondence should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Jane Ling, P.O. Box 2000, Sacramento, CA 95814.

Sincerely,

ORIGINAL SIGNED BY:

Sean Maguire, Manager  
Petition, Licensing and Registration Section  
Division of Water Rights

ec: Marianna Aue, Office of Chief Counsel  
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## NATIVE AMERICAN HERITAGE COMMISSION

Cultural and Environmental Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95891  
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October 26, 2018

Sarah Easley Perez  
City of Santa Cruz  
212 Locust Street, Suite C  
Santa Cruz, CA 95060

RE: SCH# 2018102039 Santa Cruz Water Rights Project, Santa Cruz County

Dear Ms. Easley Perez:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**



## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).





7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)



## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.



3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Debbie.Treadway@nahc.ca.gov](mailto:Debbie.Treadway@nahc.ca.gov).

Sincerely,

  
for  
Debbie Treadway  
Environmental Scientist

cc: State Clearinghouse



November 14, 2018

Sarah Easley Perez, Associate Planner  
City of Santa Cruz Water Department  
212 Locust Street, Suite C  
Santa Cruz, CA 95060  
seasleyperez@cityofsantacruz.com

**Subject: Notice of Preparation of an Environmental Impact Report, Santa Cruz Water Rights Project**

The Soquel Creek Water District (District) has received and reviewed your Notice of Preparation (NOP)/Initial Study (IS) of an Environmental Impact Report (EIR) for the Santa Cruz Water Rights Project (Project) being proposed by the City of Santa Cruz Water Department (Water Department). We understand that the Project involves modification of existing City water rights to increase the flexibility of the water system within existing allocations and, once the City's water rights are modified, additional foreseeable activities may occur. As noted in the NOP, the Project includes components that will be considered in the EIR at a "project" level (per California Environmental Quality Act [CEQA] Guidelines Section 15161), as well as components that will be considered in the EIR at a "programmatic" level (per CEQA Guidelines Section 15168). The District is pleased to see the Water Department moving forward with environmental analysis of the Project; which could potentially support further development of water supply options for both the City and the District. Thus, we have taken the time to provide you the information and comments below to help you develop the best evaluation possible and that best serves our communities.

To protect endangered groundwater resources, prevent further seawater intrusion, ensure water reliability and resiliency to its customers, and prepare for climate change, the District developed the Community Water Plan (CWP) in 2015. The CWP is a data driven and community values-based plan, serving as the District's roadmap to meeting its goal of sustainability by 2040. The plan is composed of three main areas of action – promoting water conservation, managing groundwater proactively, and seeking additional water supplies. The District has been coordinating with the Water Department regarding planning and implementation of the surface water supply option of the Community Water Plan: a short-term 5-year water transfer pilot project and a potentially longer-term project that would include transferring treated river water (from Santa Cruz's North Coast Water Supplies and potentially the San Lorenzo River) to the District's system in the winter when there are excess flows. This could allow the District to reduce groundwater pumping (also known as in-lieu recharge). The City Water Department's consideration of the Water Rights Project is an important step in implementing the long-term water transfer effort included in our CWP. The District and Water Department have been working together to consider regional water supply resources, which also includes recycled water, participation in the Santa Cruz Mid-County Groundwater Agency and the evaluation of the Water Department's plan recommended by the Water Supply Advisory Committee (WSAC). Thus, the District provides the following comments on the NOP/IS for the Water Rights Project, and requests consideration of these comments in the EIR to be prepared for the Project to ensure completion of an EIR that complies with the requirements of CEQA, informs decision makers and the public about the potential environmental



effects of the Project, and allows for subsequent decision-making and/or consideration by the District regarding implementation of our CWP and potential tiering of this EIR.

### **Description and Analysis of Project-level Elements**

**Agreed Flows and Water Rights.** The NOP/IS included a brief overview of Purpose and Need, and the existing Agreed Flows commitments and Water Rights. However, the NOP/IS does not include substantial quantified information on the existing and proposed revisions to the Agreed Flows in terms of quantification and seasonality of minimum stream flow requirements, and resulting operational restrictions; quantification of proposed Pre-1914 Water Rights changes and the bypass requirements noted; or quantification of changes in water rights associated with Places of Use. The NOP/IS does not include information on the collective water supply changes that could occur with implementation of the Project. Without this additional information regarding the collective change in water supply anticipated under the Project, it is unclear whether changes in water supply could result in environmental effects that are currently identified as less than significant or no impact in the IS checklist. For instance, without understanding expected changes in water supply, it is unclear whether changes in flow could affect vegetation communities and habitat dependent on the existing flow regime, such that aesthetic resource impacts could occur; whether there are agricultural or forest lands that could be directly or indirectly affected; how expected water supply and flow changes would affect the biological resources within or dependent on the creeks/rivers included in the Project; or whether there are tribal cultural properties that relate to the affected water systems. Without understanding the expected changes in water supply, it is unclear whether there would be an increase in available water supply that could support additional growth, and its related effects on population and housing, recreation facilities, public services, and utilities.

We suggest the EIR include information regarding the collective change in water supply anticipated under the Project in the Project Description, as well as detailed impact analyses related to the collective change in water supply anticipated under the Project. The hydrology and water quality discussion indicates that conjunctive use would be analyzed as part of the Project-level analysis to consider the recharge benefits. However, conjunctive use is not described as part of the Project as defined in the NOP/IS. The EIR should either include conjunctive use as part of the Project Description, or if conjunctive use is not part of this Project, the hydrology and water quality analysis in the EIR should only consider conjunctive use as a cumulative project or as part of the Programmatic-level analysis.

### **Description and Analysis of Program-level Elements**

**Foreseeable Actions.** The NOP/IS description of foreseeable future actions is limited to consideration of two programmatic elements: the Felton Diversion Fish Passage Improvements and Interties with adjacent water Districts. The Purpose and Need discussion related to the “Places of Use” (page 5) describes that the City needs to conform and expand the Places of Use on existing City water rights to adjacent water districts in order to “beneficially use existing water rights and to provide opportunity for potential conjunctive use of those surface water rights in combination with groundwater”. The NOP/IS does not discuss the related projects that would be required to allow the adjacent districts to make use of available water supplies via the proposed water rights changes that are being considered. We suggest the EIR describe and analyze at a program level of detail the potential beneficial uses and conjunctive uses, and the associated infrastructure improvements that could occur as a result of the Project and changes to the Places of Use. Or, if those actions are not interrelated and interdependent, we suggest that the EIR explain why that is the case.

The NOP/IS Background and Project Description of programmatic components (page 8 and 9) indicates that the full physical extent and timing of these improvements is not known, thus these activities will be addressed in the EIR at a programmatic level. The IS checklist includes impact

analyses for program elements (such as aesthetics, air quality, ag/forest resources and mineral resources, and water quality) and concludes for many checklist questions that impacts would be less than significant or that no impact would occur. Given that no information regarding the location, construction, or operational requirements for programmatic elements is identified in the NOP/IS, the IS checklist does not include sufficient information on the environmental setting or programmatic elements to be able to adequately assess and/or analyze whether substantial environmental impacts could occur.

We suggest the EIR should include additional project description information about the type and scale of each programmatic element, to the extent that information can be defined and should include a program-level analysis of all environmental topics required under CEQA.

**Related Actions.** We suggest the EIR include an updated summary of planning efforts for all of the elements of the implementation plan recommended by the WSAC, including increased conservation, groundwater storage options through passive and/or active recharge, and advanced treated recycled water or desalination as supplemental or replacement supply in the event groundwater storage proves insufficient to meet the water security goals established by the WSAC. Also, we suggest that the EIR discuss the timing of implementation, including the expected completion of cost estimations for each supply option, as it is understood that if the cost of the overall water rights and water transfer project are estimated to be more than 130% of the cost of a recycled water or desalination option, the City would pursue purified recycled water or desalination as a primary supplemental water supply project instead of the water rights and water transfer project. It will be important for the public and local water agencies to understand the timing of the cost study, if the City will utilize the 130% cost threshold for its decision making and project approval process, and how it will inform the viability of related projects, such as the water transfer option included in our CWP.

**Cumulative Projects:** We suggest that the EIR consider other regional water supply projects and planning efforts, both in terms of direct environmental impacts from construction and operation of the anticipated regional water supply projects; as well as the long-term operational impacts of the water supply management projects anticipated. The analysis should include all anticipated water supply projects within the Santa Cruz Mid-County Groundwater Agency (MGA) planning area at a programmatic level and for future project-level EIR for the City's in-lieu and/or aquifer storage and recovery project. Currently the District is considering its Pure Water Soquel Project and other projects within the Mid-County region could be developed by other municipal agencies or perhaps through the MGA.

**CEQA Alternatives:** While acknowledging that CEQA alternatives must meet most of the Project objectives, while reducing one or more significant impacts of the Project, which are not yet known – the District is interested in understanding whether the Water Department has evaluated the other WSAC recommendations (such as recycled water) for their ability to provide for the required fish enhancements. This could include, but not be limited to, the use of recycled water for irrigation (to offset potable water demands of your surface water sources, purified recycled water for groundwater recharge or reservoir augmentation (to supplement potable water demands), and river/creek augmentation (whereby treating recycled water to directly into a flowing source to increase fish flows). We suggest the EIR should consider alternative means for meeting the Agreed Flows and fish enhancements proposed as part of the Project.

We appreciate the ongoing collaboration with the Water Department and looks forward to reviewing the project-level and programmatic-level EIR on your Water Rights Project when it is available. If you have any follow-up requests related to this letter, please don't hesitate to contact me.

Sincerely,



Ron Duncan, General Manager  
Soquel Creek Water District



**Environmental Committee for the SLV**  
**VALLEY WOMEN'S CLUB of San Lorenzo Valley**  
**PO Box 574, Ben Lomond, CA 95005**  
**831/338-6578**  
**[www.valleywomensclub.org](http://www.valleywomensclub.org)**

**November 14, 2018**

**RE: NOP City of Santa Cruz Water District Water Rights**

**To Whom It May Concern:**

**First may I say that we are pleased to see that the well-being of the endangered Coho and Steelhead are a crucial part of your planning. We are hopeful that this will begin to provide improved viability for these vital fish species.**

**We have several concerns that we wish addressed before or during the NOP.**

**First and foremost, there are too many references to the Habitat Conservation Plan which has not been completed, so we cannot tell whether we agree with them or not, particularly in relation to stream flow. Will the Agreed Flows be sufficient during drought year? How can we evaluate whether they are sufficient to mitigate the amount of water being removed from the River at various locations. Hence the HCP should have been and should be completed before continuing the EIR process.**

**When were the Agreed Flows negotiated? Do they take into account the significant streambed changes in the River during large storms? An example of this is evident in the Rincon area of the San Lorenzo River – the new multiple channels reduce the depth of the water as it is spread over a far wider area – can we be assured that the**

**amount of flow will insure adequate depth during drought and low rain years. This is a significant danger to the fish migration.**

**We are concerned that allowing year-round diversion, increasing diversion at Felton during the summer would potentially reduce the crucial habitat between Felton and Santa Cruz.**

**We find the reasoning assessing the level of impact regarding population and housing growth on page 32 of concern. Even if annual water extraction is not increased, the city will be able to extract more during dry and drought years. This will thus increase the available water during those years, with the potential to allowing greater population growth. This brings into question the assertion that, "The Proposed Project would not increase the City's overall water supply to accommodate growth."**

**One more thing is the Mandatory Findings checklist on page 38 should have both 18a and b checked as potentially significant issues despite mitigation, because there is no way to evaluate that mitigation, and previously stated.**

**Respectfully submitted**

**Nancy B. Macy, Chair  
Environmental Committee for the SLV**



WATER FOR SANTA CRUZ  
COUNTY

Ms. Sarah Easley Perez  
Via email

November 14, 2018

Re: Comments on scope of the EIR for the “Santa Cruz Water Rights Project”.

Dear Ms. Easley Perez,

This letter is being submitted to comment on the EIR proposed to be undertaken in support of the City’s plan to modify existing City Water rights.

First and foremost, Water For Santa Cruz County (WFSCC) recognizes the critical importance of the city’s application for an expansion in place of use of the San Lorenzo River water to include all the water districts in the North County. Accordingly, we applaud the district’s leadership in taking this step as it opens up the real potential to develop a regional water solution that will use and take advantage of the water sources in one area and the storage in another in a combined manner that can provide increased water supply security for all the water districts in the North County region.

Second, here are six comments and related recommendations to the changes proposed in the Santa Cruz Water Rights Project document dated October 15, 2018 ( 48 pages).

- 1. Regarding the pre-1914 water rights to be amended by the City Council Resolution: Pages 7 and 8 of the Santa Cruz Water Rights document mention that the city wishes to modify its pre-1914 water rights to apply Agreed Flows as minimum bypass to North Coast diversions.**

**Comment:**

The EIR should include a calculation of the amount of available water that will be reduced by implementing the proposed Fish release bypass flows on the North Coast streams Majors, Laguna and Liddell. This should be done for each year for the 10 year 2009 – 2018 period and include the calculations by month for each of those years.

- 2. Regarding the post – 1914 water rights to be amended through change petitions filed with State Water Resources Control Board (SWRDC) Page 7:**

**Comment:**

- a. The EIR should include a calculation of the amount of available water that will be reduced by implementing the proposed Fish release bypass flows below Tait St. Again, this calculation should be done for each year for the 10 year 2009 – 2018 period, including the calculated amounts by month as well.

- b. The EIR should also include a calculation of the amount of available water that will be reduced by implementing the change of the cfs requirement for minimum bypass flows on the San Lorenzo at Felton Diversion for adult and spawning fish flows from 20 to 40 cfs in the months of December through May. Once again, this calculation should be done for each year for the 10 year 2009 – 2018 period, including the calculated amounts by month for each year as well.

### 3. Regarding the methodology of the study:

**Comment:** For all water flow changes, the EIR should present the results in a form at least as detailed as the following, which is taken from the Annual Report of the Santa Cruz Water Department (2010) page 37.

MONTHLY WATER PRODUCTION BY SOURCE OF SUPPLY												
2010												
MILLION GALLONS												
Source	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Coastal Sources	69.24	102.93	146.51	145.81	137.58	113.90	96.22	78.45	64.72	57.97	72.00	82.
San Lorenzo River *	101.65	40.46	58.90	47.72	108.06	199.01	220.28	219.13	188.10	152.69	79.20	53.
Newell Creek	40.30	47.32	32.43	26.29	31.05	11.43	8.34	9.20	44.04	46.80	52.18	61.
Beltz Wells	0.76	4.75	0.11	0.00	0.43	21.08	27.48	27.11	25.76	28.64	14.17	1.
TOTALS	211.95	195.46	237.95	219.82	277.12	345.42	352.32	333.89	322.62	286.10	217.55	198.

\* Monthly totals for San Lorenzo River include water produced from Tait wells No. 1 and 4; see below for breakdown of Tait Well production  
Note: San Lorenzo River here in Source of Supply is water pumped from the San Lorenzo River and Tait wells when run.  
It does not include any other source. The figure is from the Monthly Production report.

ANNUAL WATER PRODUCTION BY SOURCE OF SUPPLY											TEN YEA
2001 - 2010											AVERAG
MILLION GALLONS											
Source	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	
Coastal Sources	1,326.52	1,386.21	1,296.96	1,315.44	1,487.18	1,603.83	848.65	843.54	814.50	1,168.06	1,209.
San Lorenzo River *	1,908.98	1,882.47	1,917.89	1,984.36	1,573.34	1,610.20	2,261.56	2,064.85	2,037.81	1,468.54	1,871.
Tait Wells	93.98	93.74	--	--	--	--	--	--	--	--	--
Newell Creek	842.37	537.95	748.46	652.63	583.80	467.31	487.82	530.39	197.16	410.95	545.
Beltz Wells	171.35	143.10	129.66	123.62	84.62	118.48	178.94	165.11	172.44	151.40	143.
TOTALS	4,343.20	4,043.46	4,092.97	4,076.05	3,728.94	3,799.82	3,776.97	3,603.89	3,221.90	3,198.95	3,769.

\* Beginning 2000, San Lorenzo River totals include water produced from Tait wells.  
Note: There is unaccounted for coast blow off at Tait Wells.  
Source: Monthly Production/ SCADA Monthly System Reports

Contact: Terry McKinney, Production Superintendent

### 4. Regarding the effect of the revised minimum bypass flows:

**Comment:**

Regarding the San Lorenzo River calculations, once we know the amount of the proposed reduction, the EIR needs to evaluate the effect on the river's system of increasing the daily cfs permitted to be taken to Loch Lomond from the Felton Diversion to 40 cfs when conditions for fish flows downstream are being met. For example, increase the city's daily permissible take from 20 cfs to 40 cfs when the San Lorenzo river flows exceed 65 cfs and are below 400 cfs.

**Comment:**

The EIR should also include an evaluation of the benefit of increasing the maximum annual take

- 5. Regarding the proposed action by the City Council to “modify City water rights to incorporate the Agreed Flows”, and ‘ commit the City to these flows regardless of the outcomes of these processes. Page 8.**

**Comment:** Please evaluate the risks to the City of committing to reduced flows in advance of having negotiated a long sought HCP.

- 6. Regarding public access to the process:**

**Comments:**

All scoping questions should be public information and available verbatim on demand by December 1, 2018.

All public comment on the Draft EIR should be public information and available verbatim on demand within 15 days of the close of the comment period.

We look forward to your responses to these points and believe their inclusion will not only make the document more complete but also more usable going forward.

Again, we wholeheartedly support the Department’s work in proceeding for modification of the City’s water rights to allow wider used of our water resources and believe these additions would be assistive to that end.

Water for Santa Cruz County

By:

Scott McGilvray

Randa Solick

John Aird

Becky Steinbrunner

Monica McGuire

Cc: Rosemary Menard



**From:** Ken Macy <kmacy@earthlink.net>

**Sent:** Wednesday, October 31, 2018 12:46 PM

**To:** Sarah Easley Perez <seasleyperez@cityofsantacruz.com>

**Cc:** Linda Fawcett <lindafawcett45@att.net>; Julie Haff <Haff.julie@gmail.com>; 'Joe Griffin' <griffinjoe9451@gmail.com>; Karen McNamara <karen.mcnamara@sbcglobal.net>

**Subject:** NOP EIR

Hello Sarah,

The Rotary Club of San Lorenzo Valley has received your document *Notice of Preparation of an Environmental Impact Report*. I think a few of our members will attend your informational meeting at Highlands Park in Ben Lomond.

Also, at some point, we invite you or some other representative from your department to come to one of our meetings and make a short presentation on the projects that you and planning. I can put you in touch with our speaker coordinators.

Here is the club website: <https://portal.clubrunner.ca/6779>

Regards,  
Ken Macy, Treasurer  
SLV Rotary Club.

Bruce Ashley  
PO Box 2955  
Santa Cruz, CA 95063  
831 429 8300  
ba@phot.com

November 14, 2018

Sarah Easley Perez, Associate Planner  
City of Santa Cruz Water Department  
212 Locust Street, Suite C  
Santa Cruz, CA 95060

**Comments on scope and content of Environmental Impact Report for the  
Santa Cruz Water Rights Project**

I'd like to commend the City Water Department on its consideration and concern for the threatened and endangered fish species in the streams and river that make up Santa Cruz's water supply. And particularly the HCP planning, proposed fish ladder improvements at the Felton Diversion, and habitat improvements mentioned at the scoping meeting. However, I believe that the EIR as proposed cannot be undertaken until the HCP process is completed with citizen participation and environmental review. The HCP process is intended to include citizen participation. Thus far, the HCP process has been carried out behind closed doors with negotiations absent public input. When will citizens be given the opportunity to provide input to the HCP process? Input from the public should have been requested by the city before Agreed bypass Flows were established. This NOP assumes that Agreed Flows are acceptable mitigation and pose no impact to fisheries. I believe this may be a false assumption.

I am concerned about when the Agreed Flows were negotiated? The stream structure is dynamic and may change greatly after large stormflow events. Given the long history of these negotiations, have the Agreed Flows taken into account the recent streambed changes in the Rincon area of the San Lorenzo River Gorge? The wetted channel has split, dividing winter flows into multiple channels with shallower conditions than previously. Do the bypass flows now need to be greater now to insure adequate adult steelhead and coho migration?

I think it is important to consider not just minimum bypass flows for the Salmon and Steelhead in the San Lorenzo affected by this project, but also the quantity of flows overall. The success of the fish migration and rearing are increased by "ideal" flow rates compared to just "minimal" survival volumes that are in the Agreed Flows. Wouldn't it be important to consider how flows might be decreased, especially in normal and dry

water years at specific times and places by the modified diversions rates under this plan? A normal year March flow at the Big Trees gauge on the San Lorenzo might be 200cfs, but with the proposed change in Rights and increased maximum diversion rate, the Felton diversion infrastructure may be capable of reducing the bypass well below 100 cfs; maybe even lower, to the minimum amount, say 25cfs, to provide water for Conjunctive use. How would this affect impact late season fish migration through the Rincon Gorge area below?

The fish need protected instream flows especially during dry and drought years. Yet this is when the city water supply is most tested. Any project that will allow modified water diversion rate and greater total volume than is possible under the existing water rights and infrastructure will significantly increase the negative impact to steelhead and coho salmon.

If you add the Tait Street diversion point of diversion to the Felton diversion permit, then up to the Agreed Flow bypass at Felton may be diverted at Tait Street instead of the 6 cfs limit that presently is permitted at Tait Street. Increasing the number of diversion points will facilitate the city's ability to increase diversion rate compared to existing conditions. This may greatly impact adult salmonid passage to Tait Street during dry and drought years, as well as quicken sandbar closure during spring and early summer to curtail smolt outmigration.

If the proposed project adds the Felton diversion as a point of diversion for the Tait Street diversion permit, you expand the season of diversion at Felton by including it as a year round point of diversion under the Tait Street diversion permit. Then 6 cfs (or a different Agreed Flow bypass) intended for the reach downstream of Tait Street may be diverted at Felton in the summer, greatly reducing steelhead rearing habitat between Felton and Santa Cruz. The fish need all of the available streamflow during the dry season, downstream of Felton to maintain good habitat and growing conditions. I think, items 4a and 4d on page 18 in the environmental checklist should be checked as potentially significant issues, despite mitigation.

The proposed project will allow an increase in diversion rate above the current 20 cfs limit at Felton. Because the project proposes to increase the maximum diversion rate at Felton, it will allow diversion of a larger proportion of stormflows than under existing conditions during dry and drought years when adult salmonid passage conditions are already limited. This may have significant impact to adult salmonid fish passage during dry/drought years if the Agreed Flows are inadequate. On page 18, the NOP asserts that "changes in stream flows would result in impacts (likely beneficial) on aquatic special-status species." I believe that changes in streamflow, such as increasing the diversion rate at Felton during the winter and spring of a dry or drought year may impede adult salmonid passage. Without seeing the Agreed Flow bypasses that were negotiated and some modeling of how the system would function, it's hard for me to know how effective they would be.

Would it be possible to include in the EIR some graphic depictions of various scenarios

that portrayed the comprehensive picture of the water flow rates that will be diverted from the San Lorenzo by location at different times of the year in different water years under the proposed project compared to existing conditions? There are many possible variations in water use and weather and I believe this type of modeling has already been undertaken. The problem is making some significant scenarios comprehensible. A visual, graphic depiction of the river with the various diversions and bypass flows quantified could help us to understand the dynamics better. Perhaps a dozen of these graphics could let us see more exactly the how the proposed Project will operate?

In addition, I would like to suggest that as part of the Mitigations for Environmental Impacts, section 4d in the checklist regarding, movement of migratory fish, you include fiscal support for the Culvert (Level Control Device) at the San Lorenzo River Lagoon exit. And as the number of Adults adult salmonids in the San Lorenzo watershed is at a critically low point, as a mitigation measure, I strongly recommend that you consider providing financial support for our local fish hatchery, the Monterey Bay Salmon and Trout Project, to recover and restore our steelhead and salmon populations.

Best Wishes,

*Bruce Ashley*



WATER DEPARTMENT  
212 Locust Street, Suite C, Santa Cruz, CA 95060 ♦ 831-420-5200

(please print)  
Name: Catherine Borrowman  
Organization (if any): Natural Resources Communications  
Do you represent this Organization? Yes: ☒ No: ☐  
Address: 1315 Laurel St.  
City, State, ZIP: Santa Cruz CA 95060  
E-mail: cborrowman@baymoon.com Telephone: 831-227-6412

**Santa Cruz Water Rights Project**  
**Written Comments on the Scope of the Environmental Impact Report (EIR)**  
(please print)

Is the County of Santa Cruz required to approve or review the Santa Cruz Water Rights Project EIR? It was not listed in the NOP.  
Please clarify in the EIR if the City of Santa Cruz will have the right to use water from the Felton and/or the Tait Diversion above the Agreed Flows when the base flows from the Santa Margarita Groundwater Basin into Bean Creek are higher after a conjunctive use project fills up the Basin.  
Why is the City not requesting to increase the amount of water diverted in the wetter months when there will be more flow after storm events? I thought the In Lieu / ASR strategy relies on the practice of diverting more during and after storm events, treating it, and delivering it to areas relying on groundwater. If the City will not be allowed to divert more winter flow water, but instead would be diverting everyday that there is more water than the Agreed Flows up to the monthly limit, please clarify if this is expected to meet the City's needs as a drought supply solution if climate change occurs. If storms are more intense and less frequent, there will be less runoff to divert and more because the watershed will not absorb the quantity of water in hard rains. There is also greater potential that the diversion structures may get damaged by rocks and logs moving downstream in high flows. If we need to rely on water from Loch Lomond and groundwater when we can't operate the surface water system, we would need to be able to recover banked water. Please discuss how climate change hydrological

Please note: Comments, including personal information, become public information and may be released to interested parties if requested.

(See Reverse for Additional Information)

Page 1 of 2

models provide data that supports the reasonable & beneficial uses of water →

## Written Comment Form

### Public Scoping Ends: November 14, 2018

To ensure that comments will be considered during the scoping period, the City of Santa Cruz Water Department must receive written comments by the close of the public scoping period (**5:00 PM, Wednesday, November 14, 2018**). There will be additional opportunities to comment on the Draft EIR for the project during the Draft EIR public review period anticipated for the summer of 2019.

**Please either leave this sheet at the "comment table" before you leave today or send by mail or email to the address below.**

### Send comments to:

Sarah Easley Perez, Associate Planner  
City of Santa Cruz Water Department  
212 Locust Street, Suite C  
Santa Cruz, CA 95060  
831-420-5327  
[seasleyperetz@cityofsantacruz.com](mailto:seasleyperetz@cityofsantacruz.com)

*Please note that your address, phone number, e-mail address, or other personal identifying information in your comment, is part of your entire comment. Comments—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.*

from surface water sources, Will these change petitions cause the City to lose seniority with its water rights?

Will increased flexibility with water rights enable the City to make cold water releases from Loch Lomond to improve the temperature in stream for anadromous fish one day when the water supply project(s) provide the needed reliability and Loch Lomond is no longer our only insurance in drought conditions?

If Agreed Flows are included in water rights, will this limit the City's flexibility in managing the water system before the In Lieu / ASR project components (interties and new wells) are operational? In 2014, the City had to request a temporary reduction in flow releases for health and safety purposes during rationing. Please address in the EIR the short term environmental impacts of an extended drought from 2020 to 2025 if the Project may affect them.

Kevin Collins  
P.O. Box 722 Felton, CA 95018  
europa@cruzio.com 831-335-4196

Sarah Easley Perez, Associate Planner  
City of Santa Cruz Water Department  
212 Locust Street, Suite C  
Santa Cruz, CA 95060

November 14, 2018

Subject: Notice of Preparation of an EIR addressing the Santa Cruz Water Rights Project.

To proceed with this water rights modification before the 17 years of delay in completing a City Habitat Conservation Plan is backwards public policy.

Any EIR prepared in this reverse of priorities will be invalid. The establishment of base flows after diversions at Felton and Tate St. cannot avoid the impact on salmonids attempting to pass through the lower San Lorenzo Gorge and its rock cascades that are major impediments to fisheries migration during drought years. The same is true of critical riffles that change every year in response to sediment and cobble movement in the riverbed. The depth of these riffles is understood to be a point of contention between the City Water Dept. and NOAA / NMFS and the CA Department of Fish and Wildlife. This is despite any recent attempt to avoid this long standing dispute.

Sediment and other pollution loads in the San Lorenzo are not declining. I have seen no evidence that any improvement in water quality has occurred.

I find this proposed sequence of events to be bizarre and legally invalid.

A Water Rights Modification EIR must follow after final agreement on the astonishingly long delayed endangered species HCP that the City undertook on its own accord.

Soliciting public comment on a plan that has remained secret is inviting legal challenges to any secondary EIR.

Regards,

A handwritten signature in black ink, appearing to read "Kevin Collins", is shown on a light gray rectangular background.

Kevin Collins





WATER DEPARTMENT  
212 Locust Street, Suite C, Santa Cruz, CA 95060 ♦ 831-420-5200

Name: LYDIA HAMMACK (please print)  
Organization (if any): VALLEY WOMEN'S CLUB - ENVIRONMENTAL  
Do you represent this Organization? Yes: ☐ No: ☒ COMMITTEE  
Address: 12561 COLEMAN AVE PRIVATE CONCERNED CITIZEN  
City, State, ZIP: FELTON, CA  
E-mail: L.HAMMACK @ ATT.NET Telephone: 831-335-5489

**Santa Cruz Water Rights Project**  
**Written Comments on the Scope of the Environmental Impact Report (EIR)**  
(please print)

PLEASE STUDY THE METHODS  
OF INJECTION OF WATER  
BACK ~~HA~~ INTO WELLS.

WHAT KIND OF PRESSURE  
IS PLANNED?

SOUNDS TOO MUCH LIKE  
ERRATIC. WHICH CAN  
CAUSE EARTHQUAKES

THANK YOU

*Lydia Hammack*

Please note: Comments, including personal information, become public information and may be released to interested parties if requested.

(See Reverse for Additional Information)

Page 1 of 2



November 14<sup>th</sup> 2018  
Mark D. Lee, MURP-CEM, MBA, BA, AA  
Environmental Project Manager  
220 East Terrace Drive  
Ben Lomond, CA 95005-9667  
(831) 335-4997  
Email: [MDLee4125@gmail.com](mailto:MDLee4125@gmail.com)

Sarah Easily Perez, Associate Planner  
City of Santa Cruz Water Department  
212 Locust Street, Suite C  
Santa Cruz, CA 95060  
(831)-420-5327

Subject: Critique of proposed Water Rights Project Notice of Preparation Scope of Work -Amended

Dear Ms. Perez;

I have reviewed the City of Santa Cruz proposed Notice of Preparation Scope of Work (per CEQA 15802) for the Santa Cruz Water Rights Project amending and I find it woefully inadequate and not reflective of the true short and long term environmental impacts on of the City's proposed water consumption and water usage and how it will affect 20,000 water consumers within the San Lorenzo Valley Water District. The City's assumption that this proposal (CEQA Section 15168). The proposed Program EIR to increase water importation and diversion by the City of Santa Cruz from the San Lorenzo Valley does not have adverse long term impacts on water consumption; including potential subsequent 'enabling' policies for reselling our SLVWD derived water for the Soquel Creek Water District and other POU's. The City's proposed amendment to its water right permits cumulatively will long term dramatically affect our own Coho salmon, steelhead trout, other fish and reptiles living within the riparian eco-systems of the San Lorenzo River and eastern and northern tributary system above the Felton diversion dam and Newell Creek junction within the San Lorenzo Water District and Santa Margarita Ground Water Basin.

SLVWD is already experiencing its own 7 years of drought; 25% mandatory water conservation measures and 65% water rate increases and is struggling to meet its commitment to supplying surface water to ground water dependent City of Scotts Valley. Due to limited water supply and storage, both the San Lorenzo Valley Water District and City of Scotts Valley face potentially inadequate water supplies and its critical shortages during these drought years is of real concern. We are very concerned that the City of Santa Cruz will overdraft the Santa Margarita Ground Water Basin, with the increased diversion allowed by your 1941 water permits.

The City's proposed scope of work lacks full and thorough understanding our how your proposed Program and Project EIR program "enabling" policies and project construction impacts will affect the physical environment; seismic risks; ground water hydrological risks, and long term growth inducing population impacts requiring potentially further water permit amendments. There is absolutely no analysis of economic-financial impacts regionally from diverting surface water to the City without evaluating the long term impacts against a backdrop of erratic and inconsistent supply of surface and ground water resources originating in the San Lorenzo Valley Water District and City of Scotts Valley Water District as alluded to in "draft" Scope of Work findings and checklist selection of levels of impact (per CEQA 15082) concerns this reviewer.

Lets start! In Page 5 and 6 your Scope of work proposal refers to expanded POU's, yet Soquel Creek Water District is not part of the Santa Margarita Ground Water provisional volunteer organization and therefore there is not requirement by the San Lorenzo Valley Water District to provide water through 'conjunctive use'. In fact the City of Santa Cruz itself is a 2<sup>nd</sup> tier member of the Santa Margarita Ground Water Agency. The Scope of Work needs to explain the long term mechanisms, short term and long term environmental impacts on water and pricing of water importation away from San Lorenzo Valley Water District and its impacts on this proposed water allocation scenario a great possibility of causing water scarcity risks that may occur within the San Lorenzo Valley Water District. The Scope of Work for a future does not address this at all. We are requesting a detailed analysis of the Felton Diversion project; its costs; and environmental costs and long term adverse impacts of amending Felton Permits 16123, Felton Permits 16601, Newell Creek L.9847 and Tait L 7200,

1553 to be used for Municipal, domestic, industrial, recreational and fire protection, including the long term adverse impacts on Newell Creek and Loch Lomond.

CEQA sections 15126 and 15126.2 Consideration and Discussion of Significant Environmental Impacts is not being address as Potentially Significant Issues instead of Potentially Significant Unless Mitigation Incorporated on Page 27 for Environmental Impacts under Section 9 Hydrology and Water Quality and should be. I disagree with the City's initial analysis found on page 28

(b.) ... "Project Components of the Proposed Project consists of changes to the City's water rights which may make water available through conjunctive use to recharge, both to allow recovery of these basins and enable potential of recharged water. This issue (appears to be conveniently side stepped and not realistically evaluated because ground water recharge has never been done successfully nor proven to actually work, especially along the compressed sandstone structure along the coast) will be further addressed in the EIR" is a sadly disappointing statement and is not adequate, may cause potentially significant water quality and may result in a loss and waste of valuable water.

The City's proposed Scope of Work does not provide sufficient technical and financial impacts from the information provided and alluded to in Table 3 on page for the San Lorenzo Water District to make any meaningful critiques and amendments. If the EIR enabling policy for future water exchanges to Soquel Creel Water District is to be included in this analysis in the Program DEIR, you must include analysis on how water redistribution to the City of Santa Cruz and Soquel Creek Water District affects San Lorenzo Valley and Scotts Valley Water District (as part of the whole Santa Margarita Water Ground Water Agency Soquel Creek Water District is part of their own GWA. San Lorenzo Valley Water District would will need further detailed analysis of the long term impacts of increasing flows, increasing volume and diverting or exporting water to the City of Santa Cruz (and Soquel Creek Water District)

This reviewer does not see any analysis nor rationale for extending the Felton Permit for 25 years without adequate economic and environmental impacts that may affect the long term water usage of both surface and well water of the full membership of the Santa Margarita Ground Water Agency. The request for adding 25 year without any knowledge of how this extension will affect the sustainability of the San Lorenzo Water District with the region's current history and propensity for wild swings in rainfall and draught cycles; is very troublesome and recommend shortening this extension time to 5 years. (found in on Page 8)

The reviewer takes exception with the City's findings on page 32, Section 13 Population and Housing Impacts (a.) Induce substantial population growth in an area, either directly for proposing new homes and businesses or indirectly the extension of infrastructure is Less than Significant is direct conflict with the findings on page 35 the proposed Scope of Work anticipates Potentially Significant Impacts unless Mitigation is incorporated in Section 16 Transportation and Traffic (a.) Impacts on performance of circulations systems, intersections, streets, highways, freeways, pedestrian, bicycle paths or mass transit (b.) congestion management and (c.) emergency access. Yet on page 35 ... " this will not be analyzed in the EIR. This needs further elaboration in the Scope of Work and DEIR and completely ignores the sub regional growth inducement impacts from potentially sending water onto Soquel Creek Water District under "Growth-Inducing Impacts of the Proposed Project" as required per CEQA 15126.2 (d.)

We are also concerned that the City of Santa Cruz Water Advisory Committee has advised the City and made water usage policy recommendations to amend City's water right permits dating back to 1941; was completed in a vacuum without including detailed analysis of permit amendment proposals without any participation by local ratepayers groups and the SLVWD Board of Directors that may have impacts on the District's own capital facilities projects and environmental impacts of the San Lorenzo Valley Water District.

This concludes my comments and recommendation to the City of Santa Cruz regarding the proposed Notice of Preparation Scope of Work for the Water Rights Project.

Thank you  
Mark D. Lee



WATER DEPARTMENT  
212 Locust Street, Suite C, Santa Cruz, CA 95060 • 831-420-5200

Name: Monica McQuire (please print)

Organization (if any): \_\_\_\_\_

Do you represent this Organization? Yes: ☐ No: ☐

Address: 20 Mahalo Meadow Rd. + Bus. Addr. 9099 Soquel Dr. Bldg. 2

City, State, ZIP: Corralitos CA 95076 Aptos CA 95003

E-mail: monica.healingcoach@gmail.com Telephone: 831 465-1851  
land line

**Santa Cruz Water Rights Project**  
**Written Comments on the Scope of the Environmental Impact Report (EIR)**

Re: Water Dedicated To maintain a certain flow <sup>(please print)</sup> ~~for~~ <sup>level</sup> for fish:

- Will you please include all calculations for the next 10 years (2009-2018) based on HISTORICAL data, especially for dry years?
- and • Compare how you would calculate water available for Santa Cruz City?
- and • " " " " " " for Conjunctive Use?
- and • Explain your rationale for ~~the~~ choices?

Will you also please evaluate the risks of not having a habitat conservation plan in place before The <sup>SC</sup> City Council takes over to dedicate minimum fish flows?

Will you please explain all rationale and possibilities of consolidating all of our Region's water Districts?

and - Especially describe all rationale and possibilities of overcoming issues between The SCMU and The SC CWD (Santa Cruz Muni Water & Soquel Creek water District) BY AT LEAST consolidating THESE two districts? (which have such complementary assets and needs)

(Great Excess water flow into the Mont. Bay and Great Water Aquifer Storage Space)

Monica McQuire  
11-14-18

**From:** Jerry Paul <jpaul@ix.netcom.com>  
**Sent:** Wednesday, November 14, 2018 4:59 PM  
**To:** Sarah Easley Perez <seasleyperez@cityofsantacruz.com>  
**Subject:** EIR

Sarah Easley Perez, Associate Planner

City of Santa Cruz Water Department

212 Locust Street, Suite C

Santa Cruz, CA 95060

[seasleyperez@cityofsantacruz.com](mailto:seasleyperez@cityofsantacruz.com)

Re: Santa Cruz Water Rights Project dEIR

Dear Ms. Easley-Perez,

I would like to thank you for the two well-run public meetings last week to explain the Initial Study results and CEQA process. I found them very welcoming and transparent, and really appreciated the public question and answer sessions.

I also applaud the proposal to expand POUs.

I am submitting the following comments for the public record regarding the draft Environmental Impact Report for the Santa Cruz Water Rights Project ("Proposed Project").

Please click "Reply" to verify receipt of this document.

Thank you very much.

Sincerely,

Jerome Paul

120 South Morrissey Ave.

Santa Cruz, CA 95062

831-457-0910

[jpaul@ix.netcom.com](mailto:jpaul@ix.netcom.com)

=====

1. Please include in all future reports related to the Proposed Project all public comments and questions verbatim.
2. Please insure that all public comment and questions related to the Proposed Project be made conveniently available verbatim on demand within 15 days of receipt.
3. Time-shift (storage) from wet times to times of relative scarcity — Since it is entirely possible that, presently and in the coming decades, the Proposed Project's measures listed on page 7, Table 3 (modification of City water rights, Places of Use ("POUs"), diversion methods & points, etc.) may be insufficient to provide 100% of the water needed by endangered and threatened species habitat in every month, worst case. Please estimate the shortfall in each respective month.
4. Regional inclusivity middle half of the County (a.k.a. North County) Seeing as how expansion of the list of Places of Use ("POU List") is key to providing the operational flexibility to substantially enhance a great many desirable environmental outcomes, please optimize the POU list with foresight, to include additional parties.
5. Please thoroughly evaluate the environmental merits of a regional "Universal POU" to include: aquifers, groundwater agencies, the County, public but independent pumpers (e.g., Cabrillo College, UCSC...), future entities as appropriate, private pumpers, and last but not least, environmentally threatened and/or endangered species habitat. An explicit and direct environmental POU would tend to radically reduce the decades of conflicts and delays between water agencies and environmental regulators, and make for fast solutions on the spot. A Universal POU would henceforth improve flexibility of operation, responsiveness to crises, a larger base to support threatened and endangered species, reduced consumption of energy, economic benefits, and a lot more.

6. Please thoroughly analyze the “energy chain” all of the way back to its sources, which are largely terrible environmentally. Monterey Bay utility gets sustainable energy, but takes it from a pool, which leaves the rest of the world using more coal, nuclear, hydroelectric, etc.
7. Once aquifers are filled using the new operational and POU conveniences contemplated by this dEIR, storage can be used much more aggressively for habitat and for boosting endangered and threatened species populations. Please estimate how many extra GPY would become available once the two main aquifers of the region are recharged to optimal levels
8. Higher bypass thresholds result in fewer diversion days, so consider raising limits per day.
9. Consider fire protection over wider region EIR forest saved, assets saved, money saved,...
10. shortening of days of diversion at Felton should be compensated by more CFS per day when available
11. Diversions: Trading tens, or taking 80% of what remains until City reaches physical diversion capacity limit of some 70 CFS total in a flow which might be thousands of CFS.
12. Both ongoing and temporary to fill a .....
13. Consider sea level rise
14. Deliver timed patterns of flow: e.g., Day 1, 2, 3, 4 may have CFS flow of 1, 0, 7, 3,.
15. SCWD now has a record of the level of the water in Loch Lomond over the past 50 years; please use it to develop a statistical model for predicting on each day of each rainy season the optimal amount of river water to harvest during that day to add to storage for habitat releases in later days of higher environmental need (be they stream augmentations, or



WATER DEPARTMENT  
212 Locust Street, Suite C, Santa Cruz, CA 95060 ♦ 831-420-5200

11/14/18

Name: Becky Steinbruner (please print)

Organization (if any): \_\_\_\_\_

Do you represent this Organization? Yes: ☐ No: ☐

Address: 3441 Redwood Drive

City, State, ZIP: Aptos, CA 95003

E-mail: KIGTKB@yahoo.com  
(5X)

Telephone: 831-685-2915

**Santa Cruz Water Rights Project**  
**Written Comments on the Scope of the Environmental Impact Report (EIR)**  
(please print)

Dear Ms. Easley-Perez,

I submitted comment recently but did not receive an acknowledgement of your receipt. Because my computer system is problematic, I am submitting here a hard copy of my comments, with minor grammatic edits.

I would also like to submit the following additional comment:  
1) Please evaluate and describe the Habitat Restoration Plan agreements in terms of process, content and risks associated with City Council Action to Codify Pre-1914 stream flows.

Thank you

1/14/18

Dear Ms. Easley-Perez,

I would like to thank you for the two well-run public meetings last week to explain the Initial Study results and CEQA process. I found them very welcoming and transparent, and really appreciated the public question and answer sessions.

I am submitting the following comments for the public record regarding the draft Environmental Impact Report for the Santa Cruz Water Rights Project. Thank you very much.

Sincerely,  
Becky Steinbruner  
3441 Redwood Drive  
Aptos, CA 95003  
831-685-2915  
ki6tkb@yahoo.com

- 1) Please include in verbatim all NOP public comments submitted in the Draft EIR.
- 2) Please define "limited water service area along the coast north of the City..." in terms of residential, commercial and agricultural uses and address possible Project impacts to these customers.
- 3) Please include quantifiable amounts of water available from North Coast streams sources and the San Lorenzo River source for transfer and in lieu storage with neighboring water municipalities in dry years and very dry years, based on historic data.
- 4) Please define and explain the differences between post-1914 licensed (Newell Creek) versus permitted (San Lorenzo River) sources (page 4) and describe any environmental impacts.
- 5) Please clearly identify required volumes in all surface water sources for fish populations and show historic data of these flow maintenance levels in very dry and dry years.
- 6) Include consideration of a possible Santa Cruz City and Soquel Creek Water District consolidation as an alternative and describe impacts on Place of Use if the two agencies were consolidated.
- 7) Please include an evaluation of using neighboring inactive quarries for additional water storage and groundwater recharge.
- 8) Please evaluate necessary pipeline and increased intertie connection sizes to accommodate maximum conjunctive use needs and environmental benefits for Santa Cruz City and neighboring water agencies.
- 9) Please describe the proposed "travelling brush system" mentioned in the Initial Study related to the Felton Diversion Fish Passage Improvements.
- 10) Please include and evaluate Ranney Collectors to augment surface water collection from the San Lorenzo River during large storm events or post-wildland fire events when streamflow turbidity levels are high as a method of increased security of quality water supply.
- 11) Please include discussion of San Lorenzo River fully-dedicated rights vs. Soquel Creek adjudicated rights and the associated environmental implications.
- 12) Please evaluate project design alternatives with a goal of minimal energy use to supply treatment plant and intertie connections with water for Santa Cruz City and regional conjunctive use security during emergencies with long-term power outages (page 24) and relate them to the Santa Cruz City and County Emergency Response Plans and Disaster Preparedness Plans.
- 13) Please do evaluate the environmental benefit of enhanced water supply availability for Santa Cruz and neighboring agencies with conjunctive use to provide increased fire protection supplies in Santa Cruz



City and neighboring agencies wildland/urban interface and watershed protection areas (page 24-26, Item 8h).

14) Please do evaluate the potential impact on groundwater levels and stream flows in Soquel Creek and Aptos Creek with indirect effects of in lieu passive recharge (page 28, 9b and page 33 item 14a) and conjunctive use.

20) Please incorporate recent known stream flow increases noted in Soquel Creek when Soquel Creek Water District ceased pumping at Main Street Well in environmental assessments of conjunctive water use impacts.

21) Please evaluate possible increase in development of housing/urban growth in MidCounty areas due to Project and Programmatic impacts (page 32).

22) Please evaluate possible impacts of adding Mount Hermon, Trout Gulch Water Mutual and PureSource Water to Programmatic intertie connections for enhanced conjunctive use and consider groundwater recharge collection projects in those areas where soils have been identified by Dr. Andy Fisher and the Recharge Initiative to be favorable for passive recharge projects.

23) Please describe preliminary design concepts of the Felton Diversion Fish Passage Improvements with a focus on long-term maintenance and environmentally-sustainable security.

Thank you for accepting my comments.

Sincerely,  
Becky Steinbruner  
3441 Redwood Drive  
Aptos, CA 95003  
831-685-2915  
ki6tkb@yahoo.com

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