

1.0 INTRODUCTION

This document is a Program Environmental Impact Report (Program EIR) for the proposed Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan. The purpose of the Master Plan is to establish the continuous alignment, connecting spurs, and set of design standards for a bicycle/pedestrian (multi-use) trail for the length of Santa Cruz County.

The MBSST Network corridor stretches the entire length of Santa Cruz County from the San Mateo County line north of Davenport past the Pajaro River in Watsonville and briefly into Monterey County. The trail would extend through unincorporated Santa Cruz County and portions of the cities of Santa Cruz, Capitola, and Watsonville. The southernmost segment (segment 20) would extend into Monterey County. The MBSST Network corridor would primarily align with the former Santa Cruz Branch Rail Line right-of-way, a 32-mile, continuous travel corridor, 31-miles of which are now owned by the Santa Cruz County Regional Transportation Commission (RTC). North of the railroad right-of-way, the trail would align along the west side of Highway 1 for 7.5 miles, for a combined trail length of 39.2 miles. Other proposed new trails outside of the primary MBSST corridor would comprise 10.4 additional miles of paved and unpaved coastal spur trails. The trail network would span a combined total of 49.6 miles of bicycle and pedestrian facilities.

1.1 PROJECT BACKGROUND

The MBSST is a two-county bicycle and pedestrian pathway project championed by Congressman Sam Farr to foster appreciation for the Monterey Bay National Marine Sanctuary. Through the Congressman's efforts, \$4.5 million has been secured through federal appropriations and earmarks. The California Coastal Conservancy granted \$250,000 toward the preparation of the Master Plan and another \$2.2 million has been committed from RTC discretionary sources. The trail would run the length of the Santa Cruz County coast from the San Mateo County line to Monterey County line. The Transportation Agency for Monterey County (TAMC) will be responsible for Monterey County sections (from Lover's Point in Pacific Grove), while the RTC is responsible, in partnership with various local government entities, for the Santa Cruz County segments.

On May 6, 2010, the RTC decided to purchase 31- miles of the 32 mile Santa Cruz Branch Rail Line from Union Pacific for \$14.2 million. On January 19, 2011, the RTC secured approval and funding from the California Transportation Commission for purchase of the Santa Cruz Branch Rail Line. On October 12, 2012, the RTC successfully closed escrow, placing title of the branch line into public ownership.

The planning process for the Master Plan involved stakeholder interviews and public workshops. The majority of stakeholder interviews were conducted over a three-day period (October 25, 26 and 27, 2011) at the RTC office. A total of 68 people representing 52 stakeholder groups were interviewed. The information received ranged from specific trail design standard suggestions, alignment ideas and destination linkages to adjacent land use compatibility issues, safety concerns and natural resource protection needs.



The first of two workshop series was held on three consecutive evenings in North, Mid and South county locations from December 13 to December 15, 2011; approximately 200 members of the public attended. The goal of the workshop series was to bring the community into the Trail Network development early in the process, with the focus on soliciting ideas for new alignment opportunities, connection points, and design elements as well as reviewing the opportunities and constraints that had been identified.

The second workshop series was held on four consecutive nights from November 26 to November 29, 2012 in Santa Cruz, Davenport, Live Oak, and Watsonville. The purpose of this workshop series was to receive public input on the Draft Master Plan.

The RTC prepared a Notice of Preparation (NOP) of a Program EIR for the proposed MBSST Network Master Plan and distributed the NOP for agency and public review on August 23, 2012 for a 30-day review period. The review period was extended for an additional 68 days, ending on November 30, 2012. The RTC received eight letters in response to the NOP. The RTC also conducted two public scoping meetings during the NOP comment period, which took place in Santa Cruz (September 5, 2012) and Aptos (September 6, 2012). Comments on the scope of the EIR were also taken at the Master Plan workshop series held in November 2012.

To be as concise as possible and as allowed by CEQA, the Program EIR identifies common environmental topics of concern expressed in the scoping comments. Table 1-1 below summarizes these environmental topics of concern, beginning with the most common comments received. Not all comments received are summarized below. The table focuses on comments pertinent to CEQA. Comments related to the merit of the proposed project or design of the proposed MBSST Network are outside the purview of CEQA analysis, and are therefore excluded from this table. The NOP and Initial Study prepared for the project as well all comment letters received are presented in Appendix A.

**Table 1-1
 Summary of Scoping Comments**

Topic of Concern Index	Comment Received	Response/Reference to Location of Topic in EIR
Topic No. 1	Several commenters expressed concern related to safety, including conflicts among trail users (pedestrian and bicycles), conflicts between trail users and vehicles or rail services (particularly in narrower parts of the corridor), line of sight visibility along the rail corridor (so rail operators can see trail users), and safety hazards related to the geologic instability of the northern reach. Additional safety concerns raised by commenters included the feasibility of access and response times for emergency services to the more rural portions of the trail. Another commenter noted that a well-lit bridge over Highway 1 was preferable to an underground tunnel.	Conflicts among trail users are described in Section 4.12, <i>Public Safety and Services</i> . Conflicts between trail users and other modes of travel (vehicles and rail) are described in Section 4.11, <i>Transportation/Traffic</i> . Geologic stability is addressed in Section 4.6, <i>Geology/Soils</i> . Emergency access and response times are discussed in Section 4.12, <i>Public Safety and Services</i> . Design-related safety concerns are also addressed in Section 4.12, <i>Public Safety and Services</i> .
Topic No. 2	Several people commented on transportation-related impacts, including the consideration of a net change in trips (including both additions for maintenance and reductions through increased active commuting), the potential for reduced	Transportation-related impacts are discussed in Section 4.11, <i>Transportation/Traffic</i> .



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	congestion, improved connectivity to activity centers, and a recommendation that automobile speeds be reduced.	
Topic No. 3	Two commenters raised issues related to the proposed phasing of the MBSST Network Master Plan. One suggested that the EIR include an analysis of this phased implementation, while the other questioned the longevity of the EIR.	As the proposed Master Plan includes a phased approach to implementation, the EIR analyzes the project as it would be implemented. As a reasonable worst case scenario, the EIR also assumes full implementation by 2040. This EIR is considered a Program EIR, as described below in Section 1.3. Information in this Program EIR can be used with subsequent environmental documentation for specific trail segments through individual jurisdictions, including segments implemented in the future. However, this Program EIR does not preclude any requirement for individual jurisdictions to undergo further environmental review for implementation of specific trail segments.
Topic No. 4	Two commenters suggested that the EIR consider impacts to endangered and sensitive species.	Impacts to endangered and sensitive species are addressed in Section 4.4, <i>Biological Resources</i> .
Topic No. 5	A commenter suggested that commenting on the scope of the EIR prior to release of the public draft Master Plan was not ideal, and suggested extending the public comment period to allow the time to review the draft Master Plan before providing suggestions for the scope of the EIR.	Based on this comment, the NOP comment period was extended from 30 days to 98 days, ending approximately one month after release of the draft Master Plan document.
Topic No. 6	A commenter suggested that the EIR consider the potential for rail service to increase as a result of the proposed MBSST Network.	Current rail service is limited to freight trains and seasonal recreation service. It is not anticipated that the MBSST Network project would increase rail service.
Topic No. 7	A commenter asked whether the trail would provide equestrian access.	Equestrian use on the MBSST Network would be limited to the north coast area extending from Wilder Ranch to Davenport.
Topic No. 8	A commenter suggested that the trail design could physically divide an established community by preventing people from crossing the existing railroad tracks at various mid-block locations, as is current practice.	This issue is discussed in Section 4.11, <i>Transportation/Traffic</i> .
Topic No. 9	A commenter suggested that the project description include a discussion of the required approvals and clarify whether future CEQA review would be required. This commenter additionally requested clarification regarding whether the EIR is a Program or Project EIR.	This EIR is considered a Program EIR and subsequent environmental review may be required; refer to Section 1.3 below. Required approvals and permits are described in Section 2.0, <i>Project Description</i> .
Topic No. 10	A commenter requested that greenhouse gas (GHG) emissions and sea level rise be discussed.	These issues are discussed in Section 4.7, <i>Greenhouse Gas Emissions/Climate Change</i> .



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Topic No. 11	A commenter suggested that cultural and historic resources be discussed in the EIR.	These issues are discussed in Section 4.5, <i>Cultural Resources</i> .

1.2 PURPOSE AND LEGAL AUTHORITY

In order to implement the MBSST Network project, discretionary approval of the RTC is required. This renders the project subject to the requirements of the California Environmental Quality Act (CEQA). In accordance with Section 15121 of the *State of California Environmental Quality Act (CEQA) Guidelines*, the purpose of an EIR is to serve as an informational document that:

"...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project..."

This Program EIR serves as an informational document for the public and the RTC decision makers. The RTC will review and consider the information in the Program EIR, along with any other relevant information, in making final decisions regarding the proposed MBSST Network Master Plan. The process will culminate with an RTC Commission meeting to consider certification of a Final EIR, adoption of a Statement of Overriding Considerations, and approval of the MBSST Network Master Plan.

1.3 TYPE OF EIR

This EIR is considered a Program EIR under the *CEQA Guidelines* (Section 15168 and 15180(b)). Information in this Program EIR can be used with subsequent environmental documentation for specific trail segments through individual jurisdictions, and if necessary, to focus further environmental assessment on discussion of new effects that had not been considered previously. This Program EIR does not preclude any requirement for individual jurisdictions to undergo further environmental review for implementation of specific trail segments.

The degree of specificity required in this EIR corresponds to the degree of specificity involved in the underlying activity (the proposed MBSST Network project) which is described in the Program EIR. The *CEQA Guidelines* provide the standard for the degree of specificity on which this document is based. Section 15146 of the *CEQA Guidelines* states:

- (a) *An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.*
- (b) *An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be*



expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.

The analysis provided in this Program EIR is intended to provide sufficient information to understand the environmental impacts of the proposed MBSST Network project at a planning level and to permit a reasonable choice of alternatives so far as the environmental aspects are concerned and is intended to allow informed decision making and public participation. As a program-level EIR, this document focuses on the broad changes to the environment that would be expected to result from implementation of the proposed MBSST Network project, including the construction of approximately 50 miles of bicycle and pedestrian facilities within Santa Cruz County and the cities of Santa Cruz, Capitola, and Watsonville.

It should be noted that subsequent environmental review may also be required, particularly if an individual trail segment differs from what is analyzed herein. In such instances, this Program EIR may be used as a tiering document, as described in Section 15152 of the *CEQA Guidelines*. Subsequent review, if required, may include a Negative Declaration, Mitigated Negative Declaration, EIR Addendum, or site-specific Project EIR.

Review under the National Environmental Policy Act (NEPA) may also be required for individual segments, if the segment is funded whole or in part by federal funds.

1.4 SCOPE AND CONTENT

This EIR addresses the issues determined to be potentially significant by the Initial Study (refer to Appendix A). The analysis is guided by input gathered during the NOP and scoping process, as summarized in Table 1-1, and consultation with RTC staff. The issues that have been identified to be addressed in this EIR include:

- *Aesthetics*
- *Agricultural Resources*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Geology/Soils*
- *Greenhouse Gas Emissions*
- *Hazards and Hazardous Materials*
- *Hydrology and Water Quality*
- *Noise*
- *Transportation/Traffic*
- *Public Services and Safety*

This EIR addresses the issues referenced above and identifies potentially significant environmental impacts, including project-specific and cumulative effects, of the project in accordance with the provisions set forth in the *CEQA Guidelines*. In addition, this EIR recommends feasible mitigation measures, where possible, that would reduce or eliminate significant adverse environmental effects.



EIR preparers consulted pertinent RTC policies and guidelines, background documents prepared by the County of Santa Cruz and cities of Santa Cruz, Capitola, and Watsonville, as well as previously certified EIRs within these jurisdictions. A full reference list is contained in Section 7.0 of this EIR.

An alternatives analysis has been completed in accordance with Section 15126(d) of the *CEQA Guidelines*. The analysis can be found in Section 6.0 of this EIR. The alternatives evaluated include the CEQA-required “No Project” Alternative and two alternative alignments. In accordance with the requirements of CEQA, the EIR also identifies the “Environmentally Superior Alternative” among the alternatives assessed.

1.5 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The *CEQA Guidelines* define “lead,” “responsible” and “trustee” agencies. The Santa Cruz County RTC is the lead agency for the project because it has the principal agency responsibility for acting on the proposed MBSST Network project.

A “responsible agency” refers to a public agency other than the “lead agency” that has discretionary approval over the project. As individual segments will be implemented by local jurisdictions, the County of Santa Cruz and cities of Santa Cruz, Capitola, and Watsonville are responsible agencies for the MBSST Network project. For segment 20, which extends into Monterey County, the County of Monterey and TAMC would be responsible agencies. For segments where the MBSST Network crosses state highways (e.g. Highway 1), Caltrans would also be a responsible agency. In addition, if individual segments proposed for implementation encroach onto properties managed by other agencies, these agencies may also be responsible agencies for those segments. Possible responsible agencies include, but are not limited to, the California Department of Parks and Recreation, Bureau of Land Management, Caltrans, and/or United States Fish and Wildlife Service (who manages the Ellicott Slough National Refuge Reserve).

A “trustee agency” refers to a state agency having jurisdiction by law over natural resources affected by a project. As biological resources or State-owned lands may be affected by the MBSST Network project, the California Department of Fish and ~~Game~~ Wildlife and the California State Lands Commission would be a trustee ~~agency~~ agencies.

1.6 ENVIRONMENTAL REVIEW PROCESS

The major steps in the environmental review process, as required under CEQA, are outlined below. The steps are presented in sequential order.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092). The NOP may be accompanied by an Initial Study that identifies the issue areas for which the proposed project could create significant environmental impacts. An NOP for the proposed MBSST Network project was released on



August 23, 2012 for a 30-day review period. The review period was extended for an additional 68 days, ending on November 30, 2012.

2. **Draft Environmental Impact Report (DEIR) Prepared.** The DEIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and, h) discussion of irreversible changes.
3. **Notice of Completion.** A lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of DEIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public, and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless the Clearinghouse (Public Resources Code Section 21091) approves a shorter period.
4. **Final EIR.** A Final EIR (FEIR) must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and, d) responses to comments.
5. **Certification of FEIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the FEIR has been completed in compliance with CEQA; b) the FEIR was presented to the decision-making body of the lead agency; and, c) the decision making body reviewed and considered the information in the FEIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or, c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations



that sets forth the specific social, economic, or other reasons supporting the agency's decision.

8. **Mitigation Monitoring Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA legal challenges [Public Resources Code Section 21167(c)].

