

8.0 ADDENDA and ERRATA/ COMMENTS and RESPONSES

8.1 ADDENDA and ERRATA

This section of the Final EIR for the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan presents minor modifications to the Draft EIR text following publication. Deletions are noted by ~~strikeout~~ and insertions by underline. Individual typographical corrections are not specifically indicated here. A section by section breakdown of deletions and insertions are provided in Section 8.1. Deletions and insertions made in direct response to a comment are reflected in Section 8.2.

The changes incorporated into this EIR correct minor errors or clarify information. The changes do not result in presentation of new substantial adverse environmental effects that cannot be mitigated by existing mitigation.

A global distinction was added throughout the EIR to clarify that the Santa Cruz County Regional Transportation Commission now owns 31-miles of the 32-mile Santa Cruz Branch Rail Line right-of-way.

Executive Summary

The following text on page ES-3 has been revised for consistency with the Final Master Plan:

Trail Crossings and Intersections. The proposed MBSST Network would require the construction of ~~17~~ 23 new, pre-engineered bridges; retrofitting of ~~one~~ 1 existing bridge; ~~and would require 93~~ 76 roadway crossings (including 1 undercrossing); ~~or~~ and 20 railway crossings (including 1 undercrossing).¹

The *Project Prioritization* section on page ES-3 has been revised as follows:

The proposed MBSST Master Plan prioritizes projects based on the following criteria:

- *Proximity to activity centers*
- *Population density*
- *Coastal access connectivity*
- *Trail segment cost*
- *Trail segment length*
- *Minimal or no Number of bridge crossings*

¹ The precise number of bridges and roadway/railway crossings may differ from the MBSST Network Draft Master Plan (October 2012) and the figures presented in Section 2.0, Project Description. However, the information included herein is considered the most up to date and accurate information regarding the planned improvements at the time of DEIR preparation. It is anticipated that the Final Master Plan will be updated to reflect this information. In addition, ~~the~~ the actual improvements proposed on any given segment may vary from what is described herein and will be reviewed prior to implementation. Given the programmatic nature of this DEIR, supplemental environmental analysis may be required depending on the final segment design.

- *Limited right-of-way*
- *Gap closures (and connections to existing and planned non-motorized facilities)*
- *Public input*

In addition, Table ES-1 has been updated where appropriate, based on revisions to impact statements or mitigation measures. These changes are outlined below.

Section 2.0 Project Description

The language on page 2-5 of the EIR has been modified to read as follows:

There is a seasonal passenger rail service that operates between the City of Santa Cruz ~~and to the northern reach, south of Davenport and the City of Watsonville~~ to east of Manresa State Beach.

The footnote on page 2-13 has been amended as follows:

~~The improvements listed for each segment on the following pages may differ from the MBSTT Network Draft Master Plan (October 2012) and the figures included in this section. However, the information included herein is considered the most up to date and accurate information regarding the planned improvements at the time of DEIR preparation. It is anticipated that the Final Master Plan will be updated to reflect this information. In addition, t~~The actual improvements proposed on any given segment may vary from what is described herein and will be reviewed prior to implementation. Given the programmatic nature of this DEIR, supplemental environmental analysis may be required depending on the final segment design.

The description of Segment 3: Upper Coast Dairies at Scott Creek on page 2-13 has been modified to read as follows:

Segment 3: Upper Coast Dairies at Scott Creek. The Upper Coast Dairies at Scott Creek segment extends for 1.11 miles from Scott Creek Beach to the intersection of Davenport Landing Road and Highway 1, along a small northern stretch of property owned by Coast Dairies (refer to Figure 2-6c and 2-6d). Segment 3 is the northernmost stretch where the publicly held coastal land is sufficiently wide to offer ample space for trail alignment options. Segment 3 proposed improvements include:

- *1.11 miles (5,870 LF) multi-use paved path*
- *One (1) pre-engineered bike/pedestrian bridge, 150-foot span*

The description of Segment 4: Davenport Landing/End of Railroad Tracks on pages 2-13 and 2-14 has been modified to read as follows:

Segment 4: Davenport Landing/End of Railroad Tracks. The Davenport Landing/End of Railroad Tracks segment extends for 3.64 miles from the intersection of Davenport Landing Road and Highway 1 to the end of the railroad tracks (refer to Figure 2-6d). This segment would include a new multi-use paved path trail on the west side of Highway 1 until connection with the

northernmost extent of the railroad right-of-way, just south of the intersection of Davenport Landing Road, Highway 1, and Cement Plant Road. The trail would become a “rail trail” at this location and would include a paved multi-use path on the east side of Highway 1. Segment 4 proposed improvements include:

- 1.38 miles (7,300 LF) multi-use paved path
- 1.41 miles (7,470 LF) coastal bluff trails
- 0.85 miles (4,510 LF) on-street ~~improvements and/or sidewalks~~ bike lanes
- ~~Four~~ Three (3) road crossings
- One (1) rail crossing

The description of *Segment 5: Davenport and Wilder Ranch* on page 2-14 has been modified to read as follows:

Segment 5: Davenport and Wilder Ranch. The Davenport and Wilder Ranch segment is the longest segment, extending for 10.~~5566~~ miles from Davenport to the existing Wilder Ranch staging area and trailhead parking lot. The rail corridor through this segment begins to narrow in places with the rail line and Highway 1 in close proximity to one another as they parallel their way along the coast.

This segment is broken up into three sub-segments (refer to Figures 2-6d through 2-6g). Sub-segment 5.1 starts at the Highway 1 rail crossing just up the coast from downtown Davenport and ends at the existing Highway 1 informal pull-off parking area at Bonny Doon Beach. Sub-segment 5.2 starts at the Bonny Doon Beach parking lot and continues down coast to Scaroni Road. Sub-segment 5.3 begins at upper Scaroni Road and ends at the existing Wilder Ranch staging area. Sub-segment 5.1 proposed facilities include:

- 1.49 miles (7,890 LF) multi-use paved path
- 1.~~267~~ miles (6,~~6890~~ LF) coastal bluff trails
- *Parking lot improvements to existing dirt lot near the Davenport Overlook*
- ~~Two (2) road or rail~~ crossings
- One (1) rail crossing

Sub-segment 5.2 proposed facilities include:

- 2.58 miles (13,630 LF) multi-use paved path
- 1.~~760~~ miles (8,~~960~~ 8,430 LF) coastal bluff trails
- ~~Three (3) road or rail~~ crossings
- One (1) rail crossing

Sub-segment 5.3 proposed facilities include:

- 3.51 miles (18,520 LF) multi-use paved path
- 0.11 miles (570 LF) coastal bluff trails
- ~~Twelve (12) road or rail~~ crossings

- One (1) rail crossing

The description of *Segment 6: Wilder Ranch Trail Head/Shaffer Road* on page 2-15 has been modified to read as follows:

Segment 6: Wilder Ranch Trail Head/Shaffer Road. Segment 6 would extend for 1.49 miles from the existing trailhead facilities at Wilder Ranch to down coast from the Schaffer Road/Moore Creek rail bridge trestle crossing near Antonelli Pond (refer to Figure 2-6g). This segment of the MBSST Network has some level of duplication with the existing Wilder Ranch Class I facilities running along the coastal side of Highway 1. The Wilder Ranch State Park trailhead provides parking, restrooms, and serves both travelers arriving by car or along existing multi-use trail from the south. An existing below-grade tunnel crossing of Highway 1 provides connectivity to existing trails leading to inland portions of the Wilder Ranch State Park trail network and the UC Santa Cruz campus lands. Segment 6 proposed facilities include:

- 1.36 miles (7,160 LF) multi-use paved path
- 0.13 miles (670 LF) coastal bluff trails
- ~~One (1) pre-engineered bike/pedestrian bridge, 200-foot span~~
- ~~Six (6) rail or roadway crossings~~
- Four (4) roadway crossing
- Two (2) rail or culvert crossings

The description of *Segment 7: Coastal Santa Cruz* on page 2-16 has been modified to read as follows:

Segment 7: Coastal Santa Cruz. The coastal Santa Cruz segment extends for 3.10 miles from Antonelli Pont to the Pacific Avenue and Beach Street intersection in the City of Santa Cruz (refer to Figure 2-8a). This segment represents the transition from a rural and agricultural environment in the northern reach to an urban and built-up environment in the central reach. This segment boasts several existing trail system networks as well as recreational facilities such as Wilder Ranch State Park, Younger Lagoon Reserve, Antonelli Pond Park, Natural Bridges State Beach, and connectors to the Cliff Drive coastal walk. The proposed trail facility would be located within the rail right-of-way on the coastal side of the rail tracks with at-grade crossings at Swift Street, Fair Avenue, Almar Avenue, and Rankin Street. The trail would cross from the coastal side of the tracks to the inland side at the Rankin Street at-grade crossing, and parallel the inland rail right-of-way toward Neary Lagoon Park. Segment 7 proposed facilities include:

- ~~3.02 miles (15,930 LF) multi-use paved path~~
- 2.17 miles (11,450 LF) multi-use paved path along rail right-of-way
- 0.85 miles (4,480 LF) multi-use paved path along the coastal side of the rail right-of-way
- 0.08 miles (410 LF) ~~Class III~~ on-street bike route
- ~~Eighteen Fifteen (18 15) rail or roadway crossings~~

- Three (3) rail crossings
- One (1) pre-engineered bike bridge

The description of *Segment 8: Santa Cruz Beach Boardwalk* on page 2-24 has been modified to read as follows:

Segment 8: Santa Cruz Beach Boardwalk. The Santa Cruz Beach Boardwalk segment extends for 0.77 miles through the City of Santa Cruz, from Beach Street to the San Lorenzo River Rail Bridge crossing (refer to Figure 2-8a). This existing segment of the MBSST Network consists of a two-way cycle-track which follows the coastal side of Beach Street to the San Lorenzo River Rail Bridge. The two-way cycle-track continues between the pedestrian beach boardwalk and the one-way travel lanes along Beach Street. Segment 8 proposed facilities include:

- ~~0.38~~ 0.77 miles (2,000 4,070 LF) on-street facilities (Class II, III, and sidewalks)
- One (1) pre-engineered bike and pedestrian bridge, 300/400-foot span
- Improvements of striping to existing cycle track with future roadway roundabout at Pacific Avenue and Beach Street (2,000 LF)
- Upgrade existing rail trail to the minimum eight- (8-) foot standard from Depot Park to the intersection of Pacific Avenue and Beach Street
- Two (2) road crossings
- One (1) rail ~~or road~~ crossing

The description of *Segment 9: Twin Lakes* on page 2-24 has been modified to read as follows:

Segment 9: Twin Lakes. The Twin Lakes segment extends for 1.73 miles from the eastside of through the City of Santa Cruz to the middle of Live Oak in the unincorporated County, from the San Lorenzo Bridge crossing, over the Harbor, to the 17th Avenue at-grade railroad crossing (refer to Figures 2-8a and 2-8b). The multi-use paved path would cross from the coastal side of the tracks to the inland side at 17th Avenue. The existing San Lorenzo River Rail Bridge (part of Segment 8) offers pedestrian access on the bridge superstructure. However, the attached pedestrian walkway on the inland side of the bridge is narrow and difficult to accommodate passing pedestrian and cyclists walking their bikes across the bridge. Existing facilities along this segment include both off-street and on-street trails and sidewalks as well as sandy beach routes within the City of Santa Cruz. Segment 9 proposed facilities include:

- 1.53 miles (8,100 LF) multi -use paved path
- 0.20 miles (1,040 LF) on-street facilities (Class II, III, and sidewalks)
- ~~One~~ Three (13) pre-engineered bike/pedestrian bridge crossings, 200-foot span
- ~~Five Four (54) rail or road crossings~~
- Two (2) rail crossings

The description of *Segment 10: Live Oak – Jade Street Park* on page 2-24 has been modified to read as follows:

Segment 10: Live Oak – Jade Street Park. The Live Oak – Jade Street Park segment extends for 1.50 miles from the 17th Avenue at-grade railroad crossing in ~~Santa Cruz~~ Live Oak to Jade Street Park at 47th Avenue in Capitola (refer to Figure 2-8b). This segment would include a new multi-use trail on the inland side of the tracks. However, the railroad right-of-way is narrow (approximately 30 feet wide) through this segment, posing a constraint to multi-use trail development. Existing surface street bike lanes and pedestrian sidewalks through this segment would serve as alternate access until design solutions are identified. Segment 10 proposed facilities include:

- 1.50 miles (7,940 LF) multi-use paved path
- Relocation of 1.50 miles (~~7,940~~ 5,280 LF) of rail track and signal arm assemblies
- One (1) pre-engineered bike/pedestrian bridge crossing, 200-foot span (Rodeo Gulch Creek)
- ~~Five-Four (54)~~ Five-Four (54) rail-or road crossings
- One (1) rail crossing

The description of *Segment 11: Capitola – Seacliff* on page 2-25 has been modified to read as follows:

Segment 11: Capitola – Seacliff. The Capitola – Seacliff segment extends for 3.20 miles through Capitola, from Jade Street Park at 47th Avenue to State Park Drive (refer to Figures 2-8b and 2-8c). This segment is characterized by extreme topography, dense urban development, and infrastructure constraints. The greatest challenge in this segment of the trail is the rail trestle crossing of Soquel Creek. The current rail trestle passes through an historic district. Discussions are currently ongoing regarding improvements to this bridge trestle due to structural conditions. Coastal trail access through this area would continue on existing surface streets and sidewalks to cross Soquel Creek and navigate through Capitola Village. Segment 11 proposed facilities include:

- 3.20 miles (16,880 LF) multi-use paved path
- Bike and pedestrian facilities to be included in any design plans for rail bridge replacement of the Soquel Creek rail crossing
- ~~One Two (12)~~ One Two (12) pre-engineered bike/pedestrian bridges, ~~50-foot span~~
- ~~Ten Eight (108)~~ Ten Eight (108) rail-or road crossings
- One (1) rail crossing

The description of *Segment 12: Aptos Village* on page 2-25 has been modified to read as follows:

Segment 12: Aptos Village. The Aptos Village segment extends for 1.14 miles from State Park Drive to Rio Del Mar Boulevard in Aptos. As shown in Figures 2-6c and 2-6d, this segment crosses Highway 1 into Aptos Village and then crosses back over Highway 1 before heading southwest to the coastline. This

segment would include two rail bridge crossings over Highway 1, four other rail bridge crossings, and would require redesign of existing parking along Soquel Drive in Aptos Village. The new facility would include a multi-use paved path on the inland side of the railroad tracks in the northern half of the segment and on the side of the tracks in the southern half. Segment 12 proposed facilities would include the following:

- 1.14 miles (6,030 LF) multi -use paved path
- Three (3) pre-engineered bike/ped bridges, bridge spans vary
- One (1) modification to an existing bridge
- ~~Eight Three (83) rail or~~ road crossings
- One (1) rail crossing

The description of *Segment 13: Rio Del Mar – Hidden Beach* on page 2-25 has been modified to read as follows:

Segment 13: Rio Del Mar – Hidden Beach. The Rio Del Mar – Hidden Beach segment extends for 0.85 miles from Rio Del Mar Boulevard to Cliff Drive/Hidden Beach in Aptos (refer to Figures 2-8d and 2-8e). This segment contains steep hillsides on either side of the alignment, and may require retaining walls to accommodate the proposed width of the trail. The close proximity of residences along this segment may also require privacy fences on the rail right-of-way boundary. Segment 13 proposed improvements include:

- 0.85 miles (4,510 LF) multi -use paved path
- One (1) existing undercrossing connection to Rio Del Mar Boulevard
- One (1) pre-engineered bike/pedestrian bridge, 200-foot span
- ~~One (1) road or rail crossing~~

The description of *Segment 14: Seascape* on page 2-31 has been modified to read as follows:

Segment 14: Seascape. The Seascape segment extends for 1.17 miles from Cliff Drive/Hidden Beach to Seascape Park in the Rio del Mar area (refer to Figure 2-8e). The proposed trail would use an existing rail trestle as a grade-separated crossing on the south abutment and cross under the tracks to the inland side of the rail corridor. The trail would continue on the inland side of the tracks next to Sumner Road with an at-grade street crossing at Clubhouse Drive. The trail would continue down the coast between Sumner Road and the rail tracks to the next trestle crossing near Sumner Road and Dolphin Drive. This segment includes several existing unpaved trails that would connect the proposed new facility to the beach. Segment 14 proposed improvements include:

- 1.17 miles (6,160 LF) multi -use paved path
- ~~One Two (12) road or rail~~ crossings
- One (1) trail undercrossing of the existing rail bridge at Hidden Beach

The description of *Segment 15: Manresa State Beach* on page 2-31 has been modified to read as follows:

Segment 15: Manresa State Beach. The Manresa State Beach segment extends for 1.37 miles from Seascapes Park to the Manresa State Beach railroad bridge at San Andreas Road in unincorporated Santa Cruz County (refer to Figures 2-8e and 2-10a). This segment would include a new multi-use paved path on the inland side of the railroad tracks, and would connect to Manresa State Beach via existing, unpaved trails. This segment would include two rail bridge crossings. The multi-use paved path would cross to the coastal side of the tracks near the end of this segment. Segment 15 proposed improvements include:

- 1.37 miles (7,240 LF) multi-use paved path
- Two (2) pre-engineered rail bridge crossings, one ~~200~~300-foot span, one ~~100~~225-foot span
- ~~Five~~ Four (54) road ~~or rail~~ crossings
- One (1) rail crossing

The description of *Segment 16: Ellicott Slough* on page 2-33 has been modified to read as follows:

Segment 16: Ellicott Slough. This segment extends for 2.66 miles from the existing rail bridge crossing of San Andreas Road at Manresa State Beach to Buena Vista Drive in unincorporated Santa Cruz County (refer to Figure 2-10a). Within this segment, the proposed multi-use paved path would begin to head inland toward Watsonville. Manresa State Beach provides coastal access with public parking, restrooms, an accessible scenic overlook, and picnic areas, stairs and ramps down to the beach, drinking water, and State Park controlled gated access to the parking lot off San Andreas Road. The proposed trail would be located on the coastal side of the tracks connecting to the inland State Beach public facilities. Segment 16 proposed facilities include:

- ~~2.18~~ 1.78 miles (~~11,500~~ 9,400 LF) multi-use paved path along the rail right-of-way
- 0.40 miles (2,100 LF) multi-use paved path along coastal trail
- 0.48 miles (2,530 LF) on-street facilities (Class II, III, and sidewalks) bike lanes
- ~~Four~~ Two (42) road ~~or rail~~ crossings
- One (1) rail crossing

The description of *Segment 17: ~~Gallighan~~ Harkins Slough* on page 2-33 has been modified to read as follows:

Segment 17: ~~Gallighan~~ Harkins Slough. The ~~Gallighan~~ Harkins Slough segment extends for 4.00 miles from the Buena Vista Drive and San Andreas Road intersection to Lee Road (refer to Figure 2-10a). This segment is heavily wooded with several smaller rail trestle bridge crossings over small drainages and sloping ravines, and may require retaining walls on the uphill side of the ravines. This segment would include a new multi-use paved path on the inland side of the railroad tracks, and would pass by agricultural fields, a mineral quarry, and wooded slopes as it descends toward the Gallighan Slough-Harkins Slough

wetland area. The Harkins Slough is seasonally flooded and a 400 foot segment of the trail may need to be a boardwalk type bridge structure to cross the wetland area to reach the south side of the Slough. Segment 17 proposed facilities include:

- 4.0 miles (21,140 LF) multi-use paved path
- ~~Four~~ Seven (47) ~~pre-engineered rail bridge/culvert~~ crossings
- ~~Two~~ Three (23) road ~~or rail~~ crossings

The description of *Segment 18: Watsonville Slough Open Space Trails* on page 2-33 has been modified to read as follows:

Segment 18: Watsonville Slough Open Space Trails. The Watsonville Slough open space trails segment extends for 4.01 miles from Lee Road to Walker Street in the City of Watsonville (refer to Figures 2-10b and 2-10c). This segment would include a new multi-use paved path on the inland side of the railroad tracks, which would cut across agricultural fields before entering the southeastern portion of the City of Watsonville. The proposed alignment crosses the Ohlone Parkway at-grade rail crossing and connects to the Watsonville Wetlands trail system. This segment ends east of the industrial areas on the inland side of the tracks, just as they connect to Walker Street in the City of Watsonville. Segment 18 proposed facilities include:

- 1.20 miles (6,350 LF) multi-use paved path
- 2.81 miles (14,820 LF) on-street facilities (Class II, III, and sidewalks)
- ~~Five~~ Two (52) road ~~or rail~~ crossings
- One (1) rail culvert crossing

The description of *Segment 19: Walker Street, City of Watsonville* on pages 2-33 and 2-34 has been modified to read as follows:

Segment 19: Walker Street, City of Watsonville. This segment extends for ~~0.65~~ 0.47 miles from Walker Street to the north bank of the Pajaro River in the City of Watsonville (refer to Figures 2-10c). This segment would be part of the City of Watsonville bike facility network. Segment 19 starts as an existing Class II bike lane facility at the intersection of Walker Street and Coastal Beach Street. New Class II bike lanes would be added along Walker Street and sidewalks on the inland side of the street south of Riverside Drive, all the way to the terminus of Walker Street, to connect with the Pajaro River levy trail network. Segment 19 proposed facilities include:

- ~~0.47 miles~~ 0.29 miles (2,460 1,510 LF) ~~multi-use paved path~~ existing on-street facilities (Class II)
- 0.18 miles (950 LF) on-street facilities (Class II, ~~III, and~~ sidewalks)
- New sidewalks on the inland side of Walker Street
- One (1) road ~~or rail~~ crossing

The description of *Segment 20: Pajaro River* on page 2-34 has been modified to read as follows:

Segment 20: Pajaro River. The Pajaro River segment is the final segment of the proposed MBSST Network corridor, and would extend for 0.74 miles from the north bank of the Pajaro River to Railroad Avenue in Monterey County (refer to Figure 2-10c). This segment is a short connection that includes a new pre-engineered bridge crossing the Pajaro River. This segment would extend through County of Monterey jurisdiction, and would require cooperation with the Transportation Agency for Monterey County (TAMC) and the County of Monterey. The purpose of segment 20 is to provide a regional connection to the existing and proposed Pajaro River levee-top trail network in Watsonville and the Monterey County section of the Monterey Bay Sanctuary Scenic Trail, which will span the entire coast of the Monterey Bay National Marine Sanctuary, from Pacific Grove to Santa Cruz. Segment 20 proposed facilities include:

- 0.74 miles (3,930 LF) multi-use paved path
- One (1) new pre-engineered bike/pedestrian bridge, 200-foot span
- 3,930 feet of fencing for agricultural operations and safety

The following text on page 2-40 has been revised for consistency with the Final Master Plan:

The proposed MBSST Network would require the construction of ~~17~~ 23 new, pre-engineered bridges; retrofitting of ~~one~~ 1 existing bridge; ~~and would require~~ 93 ~~76~~ roadway crossings (including 1 undercrossing); ~~or~~ and 20 railway crossings (including 1 undercrossing).²

The following text on page 2-41 has been revised for consistency with the Final Master Plan:

Type 3 Crossing: New Multi-Use Trail Bridge. Where retrofit of existing rail bridge structures is infeasible, a new separate trail bridge parallel to the existing rail bridge structure could be constructed. This scenario would include new abutments, a prefabricated bridge, and permitting for the new crossing. A total of ~~17~~ 23 such bridges are planned for the length of the MBSST Network.

Additional bridge design considerations, including consideration of drainage way characteristics, bridge length and placement, load consideration, aesthetics, and rail track realignment/relocation, are described ~~on page 5-15 in Section 5.3 of the proposed~~ Master Plan.

² The precise number of bridges and roadway/railway crossings may differ from the MBSST Network Draft Master Plan (October 2012) and the figures presented in Section 2.0, Project Description. However, the information included herein is considered the most up to date and accurate information regarding the planned improvements at the time of DEIR preparation. It is anticipated that the Final Master Plan will be updated to reflect this information. In addition, ~~the~~ The actual improvements proposed on any given segment may vary from what is described herein and will be reviewed prior to implementation. Given the programmatic nature of this DEIR, supplemental environmental analysis may be required depending on the final segment design.

Roadway and Railway Crossings. The proposed trail alignment would intersect public and private roadways and/or the railway at ~~93~~ 96 locations. ~~Eleven~~ Ten types of treatments are included in the MBSST Master Plan for these crossing locations.

The following text on page 2-42 has been revised for consistency with the Final Master Plan:

~~Figures 5.8 through 5.10 in the proposed Master Plan detail roadway crossing concepts that illustrate how the trail would interact with existing streets and with the rail tracks.~~

Custom Crossing Treatments. Twenty six custom crossing treatments are identified in the MBSST Network Master Plan. Each custom treatment contains unique features not found in Types A through K above. The custom treatments are depicted in ~~Figures 5.14 through 5.38~~ Figures F-4 through F-30 in the ~~proposed~~ Master Plan. The locations of these treatments are shown in ~~Figures 5.11 to 5.13~~ F-1 to F-3 in the proposed Master Plan. Please refer to ~~Chapter 5~~ Appendix F of the proposed MBSST Network Master Plan.

The following text on page 2-43 has been revised for consistency with the Final Master Plan:

Bollards. The purpose of bollards is to keep unauthorized motorists off the path. Bollards would be removable for emergency and maintenance access, light in color, reflectorized for visibility, lit with solar-powered LED lights (where feasible), and between 36 inches tall and 46 inches tall. Bollards, if used, would be positioned at least 5 feet apart and include diversion striping on the pavement.

Text on page 2-44 has been revised for consistency with the Final Master Plan:

A concept for future trail access/staging areas is identified in Figure ~~5-58~~ of the proposed Master Plan.

Text on page 2-50 regarding equestrians on the trail has been revised as follows:

Equestrians on Trails. Equestrian use on the MBSST Network would be limited to the north coast area extending from Wilder Ranch to Davenport, i.e. along segments 5.1, 5.2, 5.3 and 6. Equestrians would utilize the existing facilities located in Wilder Ranch. The proposed Master Plan suggests specific design considerations when planning for equestrian use on multi-use paths, including trail width of at least 8 feet with a vertical clearance of at least 10 feet, separated a minimum of three feet from the paved multi-use path.

The *Project Prioritization* discussion on page 2-50 has been revised as follows:

The proposed MBSST Master Plan prioritizes projects based on the following criteria:

- *Proximity to activity centers*
- *Population Density*
- *Coastal access connectivity*

- *Trail segment cost*
- *Trail ~~s~~Segment length*
- *~~Minimal or no~~ Number of bridge crossings*
- *Limited right-of-way constraints*
- *Gap closures (and connections to existing and planned non-motorized facilities)*
- *Public input*

The specific methodology for project prioritization, including the points awarded to each of the above criteria, is described in ~~Chapter 6~~ Appendix E of the MBSST Network Master Plan.

All phases of the MBSST design and implementation may require various outside agency sources to match local funding. Outside funding sources may include, but would not be limited to: the Federal Highway Administration (FHWA) (including Federal Lands Highway Funds, Recreational Trails Program, and Transportation, Community and System Preservation Program); California Transportation Commission (including the Transportation Alternatives Program); Caltrans (including the Highway Safety Improvement Program, Bicycle Transportation Account, and Community-Based Transportation Planning Program, and Environmental Enhancement Program); the National Park Service (NPS) (including the Land and Conservation Fund, and the Rivers, Trails, and Conservation Assistance); the California Coastal Conservancy; the California Department of Parks and Recreation (Habitat Conservation Funds); California State Parks (Statewide Park and Community Revitalization Program); the Wildlife Conservation Board (Public Access Program); and the Resources Agency (River Parkways Program).

Text on page 2-51 has been amended as follows:

The following describes the RTC's implementation responsibilities in greater detail:

- ~~*Phasing - Using the Master Plan identified phasing as a guide, the RTC would coordinate with implementing entities to identify segments that are to be implemented.*~~
- *Funding - Upon identification of a segment, the RTC would organize a funding strategy to design, construct, and maintain the segment. RTC staff would assist implementing entities in developing fundable projects, matching projects with funding sources, and helping to complete competitive funding applications. In some cases, RTC may act as the project sponsor or cosponsor.*
- *Progress - Through board presentations, website notifications, and other venues, the RTC would provide regular updates to the public regarding the status of the trail development.*
- *Oversight - The RTC would work closely with implementing entities, planning, parks, and public works staff to implement trail segments.*
- *Coordination - Finally, should the RTC incur additional operating expenses to coordinate implementation, maintenance, operation and liability of the trail through agreements with implementing entities, funding would need to be identified.*

The descriptions of the roles and responsibilities of the Trail Manager and Trail Ranger have been clarified as follows on pages 2-53:

Trail Manager. A primary contact point (the Trail Manager) would be identified and be made available to the general public within their jurisdictions for general inquiries and management. The RTC board would work to identify the agency most appropriate to house a Trail Management Program and how to fund a Trail Manager, Trail Ranger, and/or an Adopt-A-Trail Coordinator position. The Trail Manager would ensure that each element described in the operations and maintenance is completed.

The following list represents the major tasks that may be the responsibility of the Trail Manager:

- *Coordinate development of the MBSST*
- *Organize, coordinate, and implement trail operations plan*
- *Implement maintenance plan and assure adequate funding*
- *Obtain bids and manage contracts for maintenance and improvements*
- *Monitor security and safety of the trail through routine inspections*
- *Oversee maintenance and rehabilitation efforts*
- *Manage and respond to issues and incidents*
- *Act as the local trail spokesperson with the public, including elected officials, and respond to the issues and concerns raised by trail users*
- *Develop and manage an emergency response system in coordination with local fire and police*
- *Respond to direction regarding development and construction of the project and ongoing maintenance*
- *Maintain records*
- *Manage an operation and maintenance budget*
- *Pursue outside funding sources*

The following list represents the major tasks that may be the responsibility of the Trail Ranger:

- *Trail patrol*
- *Ensure temporary trail closure gates are open or closed, should they be needed*
- *Ensure temporary trail closure signage is in place*
- *Ensure maintenance needs are addressed*

The following text on page 2-53 and 2-54 has been revised for consistency with the Final Master Plan:

Emergency Vehicle Access. The Trail Manager would be responsible for observing trail operations to ensure the trail can accommodate all emergency (police and fire) vehicles that might need to access the trail. Where removable bollards are installed, the Trail Manager would ensure that all appropriate agencies have ~~the keys for~~ direct access. The MBSST itself is generally accessible from adjacent public rights-of-way. However, where

it is not, a minimum 10 feet of pathway clearance and 12 feet of vertical clearance would be provided.

Trail and Rail Operation Interface. There are few universally accepted national standards or guidelines to dictate trails facility design adjacent to active railroad tracks, therefore trail designers would work closely with the railroad operator and maintenance staff to achieve a suitable design. Well-designed trails can meet the operational requirements of railroads, often providing benefits in the form of reduced trespassing and dumping. ~~However, a poorly designed trail would compromise safety and function for both trail users and the railroad.~~

The following text has been added to page 2-55:

- Signage would direct trail users to nearby restroom facilities

Ability for Trail Closures

- *The trail would be designed with the ability for its physical closure (of isolated segments) in the event it becomes necessary to facilitate permitted spraying*
- ~~Notification to the Trail Manager of impending spraying activity would be the responsibility of the agricultural operators~~
- Agricultural operators are responsible for notifying the Agricultural Commissioner of any impending spraying activity

Figures 2-2, 2-6a through 2-6g, 2-8a through 2-8e, 2-9, and 2-10a through 2-10e have been updated. Please refer to Section 2.0, *Project Description*, for the updated figures. The revisions made to these figures are minor, and were included in the EIR for consistency with the Final Master Plan. It should also be noted that the revised Figure 2-9 shows a connection from the City of Watsonville to the coast near Palm Beach. This is not a newly proposed segment of the trail, but rather a proposed on-street facility on West Beach Street, which was previously included on Figure 2-10d and analyzed in the Draft EIR.

Section 4.1 Aesthetics

The following change has been made to the text on page 4.1-21 to clarify the role of the Trail Ranger:

Finally, the proposed MBSST establishes a Trail ~~Manager~~ Ranger who would be responsible for the day-to-day maintenance of the trail facility components. The Trail ~~Manager~~ Ranger would be responsible for landscape maintenance, trash clean up and disposal, graffiti removal, and repairs to trail components.

Section 4.2 Agricultural Resources

The following amendments have been made to the text on pages 4.2-19 to 4.2-20:

The proposed MBSST Network project contains several design features intended to limit potential conflicts between agricultural operations and trail users. This includes the installation of continuous fencing between the trail and most adjacent agricultural properties, which would discourage access to neighboring lands. In addition, notices would be posted at entrances to the trail of on-going agricultural activities, stating that the trail user agrees to use of the trail at his/her own risk. Implementing entities would require pet waste removal and provide dog waste bag dispensers at trailheads. Rural areas may include a simple regulation sign requiring pet owners to collect their pet waste, and dogs may also be restricted in trail sections that are adjacent to agricultural lands where sensitivity relating to contamination exists. Trail users would additionally be advised that agricultural operations will be occurring and may include pesticide spraying, agricultural dust and debris, and burning activities in accordance with State and local laws and ordinances. Finally, notices would state that the trail may be subject to closure without notice to accommodate such activities.

The following amendments have been made to the text on page 4.2-20 to clarify the role of the Trail Ranger:

The trail would be designed with the ability for its physical closure (of isolated segments) in the event it becomes necessary to facilitate permitted spraying. The Trail Manager would work to establish a plan for receiving notices of impending spraying activity and follow-up actions, as appropriate, and the Trail Ranger would be responsible for ensuring that temporary trail closure gates are open or closed, should they be needed.

Finally, the proposed MBSST establishes a Trail ~~Manager~~ Ranger who would be responsible for the day-to-day maintenance of the trail facility components, including trash clean up and disposal, graffiti removal, and repairs to trail components. The Trail Manager would ensure that each element described in the operations and maintenance plan is completed. The establishment of a formal trail operations and maintenance plan would help ensure adequate maintenance of the trail corridor and facilities, thereby reducing litter-related conflicts.

Section 4.7 Greenhouse Gas Emissions

The following amendments have been made to the text on page 4.7-32 to clarify the role of the Trail Ranger:

In accordance with the O&M Plan, the Trail ~~Manager~~ Ranger would be responsible for monitoring security and safety of the trail through routine inspections, while the Trail Manager would be responsible for overseeing

maintenance and rehabilitation efforts; and managing and responding to issues and incidents. Through routine maintenance and inspections, it is anticipated that the Trail Manager and/or Trail Ranger would identify any areas of the trail that are experiencing excessive coastal erosion as a result of sea level rise.

Section 4.8 Hazards and Hazardous Materials

The language on page 4.8-7 of the EIR has been modified to read as follows:

There is a seasonal passenger rail service that operates between the City of Santa Cruz ~~and to the northern reach, south of Davenport~~ and the City of Watsonville to east of Manresa State Beach.

The following amendments have been made to various portions of the text on page 4.8-24 to clarify the role of the Trail Ranger:

In addition, in the event of a chemical or pesticide spill on an agricultural property adjacent to the trail, the Trail ~~Manager~~ Ranger would be responsible for closing the trail, in accordance with the responding agency's direction, and would only reopen the trail after the responding agency with jurisdiction over the spill indicates that it is safe to do so.

This would allow the Agricultural Commissioner's office to inform RTC and/or implementing entities of all spraying within 100 feet of the trail so that the RTC and Trail Manager and/or Trail Ranger could take appropriate action (e.g., closure of that segment of the trail to prevent access and exposure).

HAZ-3(a) Trail Closure. A communication system shall be established between the Santa Cruz County Agricultural Commissioner's office, the RTC and/or implementing and managing entities, to convey any notices of intent to spray chemicals in a timely manner. The Trail ~~Manager~~ Ranger or its designee shall be responsible for closing trail segments during and following application of agricultural chemicals, and posting additional warning signs, as appropriate.

The language on page 4.8-25 of the EIR has been modified to read as follows:

The active rail line is currently used very infrequently for seasonal passenger services from Santa Cruz to the northern reach, south of Davenport ~~and the City of Watsonville to east of Manresa State Beach,~~ and to transport perishables (including raspberries, strawberries, and other agricultural products), lumber, and biofuels within Watsonville.

The following changes have been made to the text on page 4.8-26 to clarify the role of the Trail Ranger:

In the case of a railway or roadway accident involving hazardous materials in the vicinity of the MBSST Network, the Trail ~~Manager~~ Ranger would be responsible for closing the trail in the vicinity of the accident, in accordance with Fire

Department direction, and would only reopen the trail after the appropriate entity (CHP, Caltrans, or Fire Department) indicates that it is safe to do so.

The Trail Manager ~~and Trail Ranger~~ is are responsible for managing and responding to issues and incidents along the trail (refer to Section 2.0, *Project Description*). In the case of a pipeline rupture in the vicinity of the MBSST Network, the Trail ~~Manager~~ Ranger would be responsible for closing the trail in the vicinity of the accident, in accordance with Fire Department direction, and would only reopen the trail after the appropriate entity (CHP, Caltrans, or Fire Department) indicates that it is safe to do so.

The following change has been made to the text on page 4.8-27 to clarify the role of the Trail Ranger:

In the event of a wildland fire near the northern reach, the Trail ~~Manager~~ Ranger would be responsible for closing the trail, in accordance with Fire Department direction, and would only reopen the trail after the Fire Department with jurisdiction over the fire indicates that it is safe to do so.

The following changes have been made to the text on page 4.8-28 to clarify the role of the Trail Ranger:

In the event of a wildland fire near the central reach, the Trail ~~Manager~~ Ranger would be responsible for closing the trail, in accordance with Fire Department direction, and would only reopen the trail after the Fire Department with jurisdiction over the fire indicates that it is safe to do so.

In the event of a wildland fire near the Watsonville reach, the Trail ~~Manager~~ Ranger would be responsible for closing the trail, in accordance with Fire Department direction, and would only reopen the trail after the Fire Department with jurisdiction over the fire indicates that it is safe to do so.

Section 4.10 Noise

The language on page 4.10-7 of the EIR has been modified in two places to read as follows:

There is a seasonal passenger rail service that operates between the City of Santa Cruz ~~and to the northern reach, south of Davenport~~ and the City of Watsonville to east of Manresa State Beach.

Railroad operations along the MBSST Network are currently limited to seasonal passenger rail service that operates between the City of Santa Cruz and the northern reach south of Davenport and the City of Watsonville to east of Manresa State Beach as well as ~~and~~ weekday freight trips in the Watsonville/Pajaro area.

Section 4.11 Transportation and Traffic

The language on page 4.11-3 of the EIR has been modified to read as follows:

b. Existing Rail Network. The MBSST Network corridor would primarily align with the Santa Cruz Branch Rail Line railroad right-of-way, a 32-mile, continuous travel corridor, 31-miles of which are now owned by the RTC. The railroad generally runs along the coast, parallel to the Pacific Ocean, except where it turns inland near Manresa State Beach. From there, the tracks run inland toward Watsonville and ultimately end at the Watsonville Junction. The rail right-of-way would serve both rail service and bike/pedestrian trail functions. There would be 14 20 locations where the trail would cross the railroad tracks (in one case via an existing undercrossing) as it switches from one side to the other or would travel over existing culverts adjacent to the rail line.

Table 4.1-11 has been revised as follows:

Table 4.11-1
Connections with the Existing Roadway Network

Crossing	Roadway	Jurisdiction	Classification
Segment 4			
4	Private Rd	County of Santa Cruz	Private Road
2	Private Driveway (RMC Pacific)	County of Santa Cruz	Private Road
3	State Route (SR) 1	County of Santa Cruz	Minor Arterial
	<u>Private Road</u>	<u>County of Santa Cruz</u>	<u>Private Road</u>
4	<u>n/a (rail crossing)</u>	<u>County of Santa Cruz</u>	<u>n/a</u>
Segment 5			
5-20	Private Roads, including Highway 1, Wilder Ranch Park (3-7), Scaroni Road (2), and <u>Agricultural Private Crossings (14 7)</u>	County of Santa Cruz	<u>Private Road</u> <u>Various</u>
Segment 6			
21-24	<u>Private Roads (Wilder Ranch Park (3))</u>	County of Santa Cruz	Private Road
25	Shaffer Rd	City of Santa Cruz	Local
Segment 7			
26	Natural Bridges Dr	City of Santa Cruz	Collector
27	Swift St	City of Santa Cruz	Collector
28	Fair Ave	City of Santa Cruz	Collector
29	Almar Ave	City of Santa Cruz	Collector
30	Rankin St	City of Santa Cruz	Local
31	Seaside St	City of Santa Cruz	Local
32	Younglove Ave	City of Santa Cruz	Collector
33	Bellevue St	City of Santa Cruz	Local
34	Dufour St	City of Santa Cruz	Local
35	Palm St	City of Santa Cruz	Local
36	Lennox St	City of Santa Cruz	Local
37	Bay St	City of Santa Cruz	Arterial
38	California St	City of Santa Cruz	Collector
	<u>Private Roads (2)</u>	<u>City of Santa Cruz</u>	<u>Private Road</u>
Segment 8			
41	Pacific Ave/Beach St (2)	City of Santa Cruz	Arterial
42	<u>Main St</u>	<u>City of Santa Cruz</u>	<u>Local</u>
43	<u>Westbrook St</u>	<u>City of Santa Cruz</u>	<u>Local</u>
44	<u>Cliff St</u>	<u>City of Santa Cruz</u>	<u>Local</u>

Table 4.11-1
Connections with the Existing Roadway Network

Crossing	Roadway	Jurisdiction	Classification
Segment 9			
51	Mott Ave	City of Santa Cruz	Local
52	Seabright Ave	City of Santa Cruz	Arterial
53	7 th Ave	City of Capitola	Collector
54	El Dorado Ave	City of Capitola	Local
Segment 10			
55	17 th Ave	City of Capitola	Minor Arterial
56	30 th Ave	City of Capitola	Collector
57	38 th Ave	City of Capitola	Local
58	41 st Ave	City of Capitola	Arterial
Segment 11			
59	47 th Ave	City of Capitola	Collector
60	49 th Ave/Cliff Dr	City of Capitola	Local/Minor Arterial
61	Monterey Ave	City of Capitola	Arterial
62	Grove Lane	County of Santa Cruz	Private Road
63	New Brighton Rd	County of Santa Cruz	Local
64	Estates Dr	County of Santa Cruz	Local
65	Mar Vista Dr	County of Santa Cruz	Local
	<u>Private Road</u>	<u>County of Santa Cruz</u>	<u>Private Road</u>
Segment 12			
66	State Park Dr	County of Santa Cruz	Minor Arterial
67	Aptos Creek Rd	County of Santa Cruz	Local
68	Bayview Hotel Driveway	County of Santa Cruz	Private Road
69	Trout Gulch Rd	County of Santa Cruz	Collector
Segment 13			
70	Clubhouse Dr	County of Santa Cruz	Local
Segment 14			
	<u>Clubhouse Dr</u>	<u>County of Santa Cruz</u>	<u>Local</u>
74	Seascape Blvd	County of Santa Cruz	Local
Segment 15			
72	EVA (Seascape)	County of Santa Cruz	Private Road
73	Camp St. Francis/agricultural Access	County of Santa Cruz	Private Road
74	Private agricultural access Roads (2)	County of Santa Cruz	Private Road
75	Camino Al Mar	County of Santa Cruz	Private Road
Segment 16			
76	Private Driveway	County of Santa Cruz	Private Road
77	Spring Valley Rd	County of Santa Cruz	Local
Segment 17			
78	Elicott Slough Rd Private Roads (2)	County of Santa Cruz	Local Private Road
79	Buena Vista Drive	County of Santa Cruz	Minor Collector
Segment 18			
80-81	Private Crossing	County of Santa Cruz	Private Road
82	Lee Rd	City of Watsonville	Minor Arterial
83	Ohlone Parkway	City of Watsonville	Minor Arterial
Segment 19			
84	Walker St/Beach St <u>Riverside Dr</u>	City of Watsonville	Minor Arterial/Arterial

Source: Caltrans California Road System (CRS) Maps.

Table 4.11-2 has been revised as follows:

**Table 4.11-2
Class II Bicycle Facilities Connecting
to the MBSST Network Corridor**

Crossing	Existing Roadway	Bicycle Facilities
<i>Segment 6</i>		
25	Shaffer Rd	Bike Lanes (Proposed)
<i>Segment 7</i>		
26	Natural Bridges Dr	Bike Lanes
27	Swift St	Bike Lanes
28	Fair Ave	Bike Lanes
37	Bay St	Bike Lanes
38	California St	Bike Lanes
<i>Segment 8</i>		
41	Pacific Ave/Beach St	Bike Lanes / Cycletrack
<i>Segment 9</i>		
52	Seabright Ave	Bike Lanes
53	7 th Ave	Bike Lanes
<i>Segment 10</i>		
55	17 th Ave	Bike Lanes
56	30 th Ave	Bike Lanes
57	38 th Ave	Bike Lanes (Proposed)
58	41 st Ave	Bike Lanes
<i>Segment 11</i>		
59	47 th Ave	Bike Lanes
60	49 th Ave/Cliff Dr	Bike Lanes (on Cliff Dr)
64	Monterey Ave	Bike Lanes
<i>Segment 12</i>		
66	State Park Dr	Bike Lanes
<i>Segment 18</i>		
83	Ohlone Parkway	Bike Lanes (Proposed)
<i>Segment 19</i>		
84	Walker St/Beach St	Bike Lanes, Bike Route

Sources: City of Santa Cruz Bicycle Transportation Plan, 2008; City of Capitola Bicycle Plan, 2005; City of Watsonville Draft Trail and Bicycle Master Plan, 2012; County of Santa Cruz Bicycle Plan, 2011.

The language on page 4.11-12 has been revised as shown:

Trail Crossing Methodology. The proposed MBSST Network project includes ~~93~~ 96 locations where the path would cross a public or private street or driveway, or would cross the railway, with most of these (approximately ~~84~~ 76) occurring at existing street crossings of the rail line.

Table 4.11-4 has been revised as shown on the following page:

Table 4.11-4
Summary of Selected Road Crossing Treatments

Crossing	Description	Recommended Crossing Treatment		Jurisdiction	Custom Crossing?
		Type	Description		
Segment 4					
4	Private Rd	J	The trail is on the east side of the tracks. Provide a standard private road crossing	County	
2	Private Driveway (RMC Pacific)	F	The trail is on the east side of the tracks. Provide a standard midblock crossing, as use is expected to exceed 20 pph at least once daily by employees.	County	
3	State Route (SR) 1	A,D	To/from the north the trail aligns on the east side of the tracks and to/from the south it's on the west side. This creates a trail at-grade rail crossing, which will need to be integrated into the existing SR 1 crossing of the rail. The addition of the trail crossing requires modifying the rail signal, together with the addition of an active enhanced crossing for trail users to cross SR 1.	County	X
Segment 5					
4	Davenport Parking Lot	A	The proposed trail is on the west side of the tracks. A new railroad crossing is proposed to formalize a popular pedestrian crossing between a parking lot on the east side of the tracks and Davenport Beach on the west side, and to allow east-west access to the trail. The new railroad crossing could be accomplished with installation of a new pedestrian-only rail signal.	County	X
5-24	Private Roads, including Wilder Ranch Park (3), Scaroni Road (2), and Agricultural Crossings (11)	J	The trail is on the west side of the tracks. Provide standard private road crossings at all 20 locations.	County	
Segment 6					
21-24	Private Roads (Wilder Ranch Park)	J	The trail is on the west side of the tracks. Provide standard private road crossings at all 4 locations.	County	
25	Shaffer Rd	A, F	The trail is on the west side of the tracks. A new railroad crossing is proposed to formalize a popular pedestrian crossing between two existing dead ends of Shaffer Road on either side of the tracks. The new railroad crossing should include pedestrian rail signal improvements. The City plans new roadway crossing with bike lanes. Additional markings would be required on street crossing for bike guidance.	Santa Cruz	X
Segment 7					
26	Natural Bridges Dr	F	The trail is on the west side of the tracks. Provide a standard midblock crossing.	Santa Cruz	
27	Swift St	E	The trail is on the west side of the tracks. Provide a passive enhanced crossing.	Santa Cruz	
28	Fair Ave	E	The trail is on the west side of the tracks. Provide a passive enhanced crossing.	Santa Cruz	
29	Almar Ave	E	The trail is on the west side of the tracks. Provide a passive enhanced crossing.	Santa Cruz	
30	Rankin St	H	The trail is on the west side of the tracks. Provide connection facilities, adding a crosswalk at the intersection of Rankin St/ Seaside St., together with a path on the south side of Seaside St. between Rankin St and the rail crossing location 100 ft east.	Santa Cruz	X
31	Seaside St	F, I	The trail is on the west side to/from the north and on the east side to/from the south. Rather	Santa Cruz	X

Table 4.11-4
Summary of Selected Road Crossing Treatments

Crossing	Description	Recommended Crossing Treatment		Jurisdiction	Custom Crossing?
		Type	Description		
			than the trail crossing along Seaside St, it may be possible to locate the trail in a vacant triangular parcel on the SW corner of Seaside/Younglove St. While the trail will not cross Seaside, it will cross the rail, with the crossing to be oriented perpendicular to the tracks. The existing vehicular rail crossing of Seaside St will remain, and since it is unsignalized, it's recommended that the new rail-trail crossing also be provided without signal equipment.		
32	Younglove Ave	H	The trail is on the east side of the tracks. Provide a pedestrian connection to the intersection of Younglove Ave and Seaside St and adding a crosswalk on the southeast leg of the intersection.	Santa Cruz	X
33	Bellevue St	F	The trail is on the east side of the tracks. Provide a standard midblock crossing.	Santa Cruz	
34	Dufour St	F	The trail is on the east side of the tracks. Provide a standard midblock crossing.	Santa Cruz	
35	Palm St	J	The trail is on the east side of the tracks. Provide a standard private crossing (existing barricades prohibit vehicle travel across rail tracks).	Santa Cruz	
36	Lennox St	F,H	The trail is on the east side of the tracks. Provide pedestrian connection along the north side of the street and a bicycle connection via SLM in Lennox Street, to minimize the distance pedestrians and bicyclists have to travel in the street at this acute angled crossing. Provide a standard midblock crossing at the far easterly end of the existing rail-street crossing.	Santa Cruz	X
37	Bay St	D	The trail is on the east side of the tracks. Provide an active enhanced midblock crossing.	Santa Cruz	X
38	California St	E,G	The trail is on the east side of the tracks. Provide traffic calming at the intersection of Bay St/California St (north) to reduce the curb radii and travel speeds of NB right turning vehicles. Move the trail crossing 20 feet north of the existing crossing on California Street, to increase the distance from the Bay St intersection. The path should shift to the north side of the City's water treatment plant access road via a standard midblock crossing on the access road so that it minimizes interference with truck movements at the intersection with California Street. Curb extensions and a passive enhanced crossing should be provided at the relocated street crossing. Barriers should be installed as necessary to discourage crossings at the existing location.	Santa Cruz	X
39, 40	Neary Lagoon Park (2)	A	The trail is on the east side of the main line tracks. The 2 new railroad crossings are spur track crossings rather than mainline crossings. May need to tie into rail signal controls due to high volume of trail pedestrians/bicyclists expected at this popular Santa Cruz location.	Santa Cruz	X
<i>Segment 8</i>					
44	Pacific Ave/Beach St	A	The trail is on the east side of the tracks. The city has designed a roundabout to control the intersection of Pacific Ave/Beach St, which includes pedestrian and bicycle crossing facilities of the streets but does not extend north to the railroad. There is an existing sidewalk crossing of the tracks on the west side of Pacific Avenue, and while the street crossing has signalized rail equipment, the sidewalk/ pedestrian facility is not. Modify this railroad signal to include pedestrian crossing signals, allowing trail users to use the new roundabout to cross Beach Street, and travel along the boardwalk, some distance west of the tracks. Concept plans also include the recommended trail crossing features for the existing intersection conditions should the roundabout not be pursued by the City.	Santa Cruz	X

Table 4.11-4
Summary of Selected Road Crossing Treatments

Crossing	Description	Recommended Crossing Treatment		Jurisdiction	Custom Crossing?
		Type	Description		
42	Main St	K	The trail is on the west side of the tracks. No additional improvements.	Santa Cruz	
43	Westbrook St	K	The trail is on the east side of the tracks. No additional improvements.	Santa Cruz	
44	Cliff St	K	The trail is on the east side of the tracks. No additional improvements.	Santa Cruz	
45-50	Boardwalk Crossings (6)	K	The trail is on the east side of the tracks. No additional improvements.	Santa Cruz	
<i>Segment 9</i>					
51	Mott Ave	F	The proposed trail is on the east side of the tracks and this street crossing of Mott Ave is approximately 20 feet north of the north leg of the intersection of Mott Ave/Murray Street. However there is a partial road closure of Mott Ave at the crossing, with SB traffic prohibited at the crossing. The NB crossing is situated such that a standard midblock crossing is recommended.	Santa Cruz	
52	Seabright Ave	B	The trail is on the east side of the tracks. Modify the traffic signal at the intersection of Seabright Ave/Murray Street to add pedestrian phases to north leg of the intersection for crossing Seabright Ave. There may be a concern for westbound queuing in the through/right turn combined lane on Murray Street. Although not part of these concept plans, the need and feasibility in providing a westbound right turn lane should be explored.	Santa Cruz	X
53	7 th Ave	A,D	To/from the north the trail is on the east side and to/from the south the trail is on the west side. This represents a rail crossing, which will need to be integrated into the existing signalized rail crossing. Trail users can use the existing sidewalks on both sides of the street to travel south of the tracks approximately 50 feet, and cross 7th Avenue on the north leg of the intersection of 7th Ave/Harbor Beach Court. As an alternative, the crosswalk could be located north of the crossing. This street crossing includes an active enhanced crosswalk, and the rail signal should be modified to add pedestrian gates and barriers on either side of 7th Ave. One parking space would be eliminated on the west side of the street.	Capitola	X
54	El Dorado Ave	A	The trail is on the west side of the tracks. A new railroad crossing is proposed, to formalize a popular pedestrian crossing between El Dorado Ave and the Simkins Swim Center. The new railroad crossing should include a new pedestrian-only rail signal.	Capitola	X
<i>Segment 10</i>					
55	17 th Ave	A,C	To/from the north the trail is on the west side and to/from the south the trail is on the east side. This represents a rail crossing, which will need to be integrated into the existing signalized rail crossing. Trail users can use the existing sidewalks on both sides of the street to travel south of the tracks approximately 30 feet, and cross 17th Avenue on the north leg of the intersection of 7th Ave/Simkins Swim Center driveway. This street crossing includes an active enhanced crosswalk and improved median. The rail signal should be modified to add pedestrian gates and barriers on either side of 17th Ave.	Capitola	X
56	30 th Ave	E	The trail is on the east side of the tracks. Provide a passive enhanced midblock crossing	Capitola	
57	38 th Ave	E	The trail is on the east side of the tracks. Provide a passive enhanced midblock crossing.	Capitola	
<i>Segment 11</i>					
58	41 st Ave	D	The trail is on the east side of the tracks. There is sidewalk on both sides of the street	Capitola	X

Table 4.11-4
Summary of Selected Road Crossing Treatments

Crossing	Description	Recommended Crossing Treatment		Jurisdiction	Custom Crossing?
		Type	Description		
			between the railroad and Melton St to the north. Provide an active enhanced crosswalk on the south side of Melton Ave. Alternatively, install a HAWK signal on either the south leg of Melton St or just on the north side of the tracks.		
59	47 th Ave	A,H	To/from the north the trail is on the east side and to/from the south the trail is on the west side. This represents a rail crossing, which will need to be integrated into the existing signalized rail crossing. Trail users can use the existing crosswalk on 47th Ave at the intersection of 47th Ave/Portola Dr. This leads the trail users outside the railroad crossing barrier on the east side and also to a controlled crossing of 47th Ave. The existing walkway on the west side of 47th Ave should be extended across the tracks to the crosswalk. Pedestrian gates and barriers should be added to the rail signal.	Capitola	X
60	49 th Ave/Cliff Dr	A, D	The trail is on the west side of the tracks. A new railroad crossing is proposed, to formalize a popular pedestrian crossing between 49th Ave/Prospect Ave and Cliff Drive/Capitola Wharf. The new railroad crossing should include a new pedestrian-only rail signal located at 49 th Ave/Prospect Ave and also a connection to a passive enhanced midblock crosswalk located in proximity to the existing crosswalk on Cliff Drive.	Capitola	X
61	Monterey Ave	D	The trail is on the west side of the tracks. To avoid expensive railroad signal changes, the trail users will be directed to cross Monterey Avenue in a new midblock crosswalk 50 feet south of the tracks. Barriers at the back of sidewalk must be placed to prevent pedestrians crossing within the existing rail barriers. Existing sidewalk is available on both sides of Monterey Ave. Provide an active enhanced midblock crosswalk.	Capitola	X
62	Grove Lane	J	The trail is on the west side of the tracks. Provide a standard private crossing treatment.	County	X
63	New Brighton Rd	J	The trail is on the west side of the tracks. Provide a standard private crossing treatment.	County	
64	Estates Dr	J	The trail is on the west side of the tracks. Provide a standard private crossing treatment.	County	
65	Mar Vista Dr	A,H	To/from the north the trail is on the west side and to/from the south the trail is on the east side. The existing rail signal must be modified to add pedestrian gates and barriers on both sides of Mar Vista Dr, and the trail users must be provided guidance (barriers) and connection facilities to cross 2 streets, including a new sidewalk on the west side of the street between the tracks and Cedars Street, a new crosswalk on Cedar Street at its intersection with Mar Vista Dr, and a new crosswalk on the south leg of Mar Vista Dr at Cedar St. A sidewalk connection is also needed on the east side of Mar Vista Dr between Cedar St and the new trail entrance on the north side of the tracks.	County	X
<i>Segment 12</i>					
66	State Park Dr	C, G, H	The proposed trail is on the east side of the tracks. Provide a HAWK signal and medians on State Park Dr at the south leg of its intersection with Sea Ridge Rd. This HAWK signal location should eliminate the need to modify the railroad signal on State Park Dr. Sidewalk must be added on the east side of State Park Dr between the new trail and Sea Ridge Rd, to connect to the new HAWK crossing.	County	X
67	Aptos Creek Rd	E,G	The trail is on the east side of the tracks. Provide a passive enhanced midblock crossing on Aptos Creek Rd and install a striped or raised curb extension on the SE corner of the	County	X

**Table 4.11-4
Summary of Selected Road Crossing Treatments**

Crossing	Description	Recommended Crossing Treatment		Jurisdiction	Custom Crossing?
		Type	Description		
			intersection of Aptos Creek Rd/Soquel Dr., in an effort to reduce the speed of right turning vehicles. Crossing should consider planned traffic signal installation at Soquel Drive intersection.		
68	Bayview Hotel Driveway	J	The trail is on the east side of the tracks. Provide a standard private crossing, and if the private crossing is paved, add a marked crosswalk.	County	
69	Trout Gulch Rd	A,H	To/from the north the trail is on the east side and to/from the south the trail is on the west side. A trail at-grade rail crossing should be added to the north side of Trout Gulch Rd, including a 10 foot long sidewalk between Aptos St and Soquel Dr, and incorporated into the rail signal controls, including pedestrian barriers and gates. Provide a marked crosswalk on Trout Gulch Rd on the west leg of its intersection with Aptos St. The trail to/from the north appears to require removal of 7 parking spaces in a shopping center. Crossing should consider planned traffic signal installation at Soquel Drive intersection.	County	X
<i>Segment 13</i>					
70	Clubhouse Dr	H	The proposed trail is on the east side (it appears on RRM May update as switching from the west to the east at Hidden Beach Park to the north, which is not a study crossing). Provide connection facilities, including a curvilinear sidewalk from both trail heads that lead to a new crosswalk on Clubhouse Dr at its intersection with Sumner Ave, which is presently a stop-controlled approach. Install pedestrian barriers to guide trail users to the new intersection crosswalk.	County	X
<i>Segment 14</i>					
71	Seascape Blvd	H	The trail is on the east side of the tracks. The trail must deviate towards Sumner Ave to align the trail outside the existing rail signal at Seascape Blvd. There is a landscaped area that appears sufficiently wide to accommodate the necessary sidewalks. Provide a new crosswalk on the west leg of the intersection of Seascape Blvd/Sumner Ave. The landscaped median in Seascape Blvd will need to be reconstructed to accommodate the new crosswalk.	County	
<i>Segment 15</i>					
72	EVA (Seascape)	J	The proposed trail is on the east side of the tracks. The EVA for Seascape currently is equipped with rail signal equipment, including lights and signs but no barriers. Consistent with this approach, pedestrian should be permitted to pass the EVA without modifying the rail signal equipment. Provide a standard private crossing treatment, as the EVA is cordoned off, restricting vehicular crossing of EVA and therefore functioning like a private street.	County	
73	Camp St. Francis/ agricultural access	J	The trail is on the east side of the tracks. Provide a standard private crossing treatment.	County	
74	Private agricultural access	J	The trail is on the east side of the tracks. Provide a standard private crossing treatment.	Count	
75	Camino Al Mar	I, J	To/from the north the trail is on the east side of the tracks and to/from the south the trail is on the west side of the tracks. A connection across the tracks is necessary but signalization	County	X

Table 4.11-4
Summary of Selected Road Crossing Treatments

Crossing	Description	Recommended Crossing Treatment		Jurisdiction	Custom Crossing?
		Type	Description		
			appears unnecessary. In addition, provide a standard private crossing across Camino Al Mar.		
Segment 16					
76	Private Driveway	J	The trail is on the west side of the tracks. Provide a standard private crossing treatment.	County	
77	Spring Valley Rd	A,E,H	To/from the north the proposed trail is on the west side of the tracks and to/from the south the trail is on the east side. This creates a trail at-grade rail crossing, which will need to be integrated into the existing Spring Valley Rd crossing of the rail. The proposed trail crossing requires modifying the rail signal, together with the addition of connecting sidewalks or paths to the adjacent school campus and a passive enhanced midblock crosswalk on Spring Valley Road east of the tracks. Barriers should be installed at trail/street intersections to guide trail users towards the new crosswalk.	County	X
Segment 17					
78	Elicott Slough Rd	J	The trail is on the east side of the tracks. Provide standard private crossing treatment.	County	
79	Buena Vista Drive	J	The trail is on the east side of the tracks. Provide standard private crossing treatment.	County	
Segment 18					
80-84	Private Crossing	J	The trail is on the east side of the tracks. Provide standard private crossing treatment. (2)	County	
82	Lee Rd	H	The trail is on the east side of the tracks. Lee Rd is stop-controlled at the rail crossing. This is an unsignalized rail-street crossing. Provide a new crosswalk on Lee Road at the trail, with no additional railroad modifications due to the existing controls.	Watsonville	
83	Ohlone Parkway	F,H	The trail is on the east side of the tracks. This is an existing signalized rail crossing and in order to avoid the expense associated with modifying the signal for pedestrian controls, the trail should be redirected north 50 feet. Both the existing and proposed crossing locations represent a standard midblock crossing of a low-volume road that has excellent sight distance. New connection facilities are needed on both sides of the street.	Watsonville	
Segment 19					
84	Walker St/ Beach St	H	The trail is on the east side of the tracks. Add a new crosswalk on the east leg of the intersection of Walker St/Beach St, to provide a connection to the existing bike lanes on Walker St.	Watsonville	

Notes: SLM = Bicycle Shared Lane Markings; pph = pedestrians per hour; EVA = emergency vehicle access;
AWSC = All-Way Stop Controlled; NB = Northbound; SB = Southbound

Section 4.12 Public Safety and Services

The following change has been made to the text on page 4.12-16 to clarify the role of the Trail Ranger:

Mitigating Design Features. The proposed MBSST Network project contains risk management strategies and design guidelines that would limit potential adverse impacts related to emergency access and response times. For example, the Trail Manager ~~and Trail Ranger~~ would be responsible for observing trail operations to ensure the trail can accommodate all emergency (i.e. police, EMS, and fire) vehicles that might need to obtain access. In addition, removable bollards would be installed at various locations along the MBSST Network to prevent unauthorized motorists from entering the trail. Where removable bollards are installed, the Trail ~~Manager~~ Ranger would ensure that all appropriate agencies (i.e. fire, police, and EMS service providers) have the keys for access.

The following change has been made to the text on page 4.12-18 to clarify the role of the Trail Ranger:

The Trail ~~Manager~~ Ranger would be responsible for the day-to-day operation and maintenance of the MBSST Network.

Section 6.0 Alternatives

The following change has been made to the text on page 6-15 to clarify the role of the Trail Ranger:

A Trail ~~Manager~~ Ranger would also continue to be responsible for landscape maintenance, trash clean up and disposal, graffiti removal, possible trail closures, and repairs to trail components in accordance with a trail operations and maintenance plan.

8.2 COMMENTS AND RESPONSES

This section includes the comments received during circulation of the Draft Environmental Impact Report (EIR) prepared for the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan and responses to those comments. Where a comment resulted in a change to the Draft EIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeouts (~~strikeouts~~) where text is removed and by underlined font (underline font) where text is added. The changes incorporated into this EIR correct minor errors or clarify information. The changes do not result in presentation of new substantial adverse environmental effects that cannot be mitigated by existing mitigation.

The Draft EIR was circulated for a 45-day public review period that began on June 7, 2013, and concluded on July 22, 2013. The Santa Cruz County Regional Transportation Commission (RTC) received 14 comment letters on the Draft EIR. In addition, the RTC conducted two public meetings during the Draft EIR review period to provide a summary of the document and receive community input. The first meeting was held at the Loudon Nelson Community Center in Santa Cruz on June 25, 2013. The second meeting was held at the City of Watsonville Civic Plaza Community Room on June 27, 2013. The commenters and the page numbers on which each commenter's letters appear (as applicable) are listed below.

Commenter	Page No.
1. Scott Morgan, Director State Clearing House	8-29
2. Lee Otter, Transportation & Public Access Liaison and Karen Geisler, Coastal Program Analyst, California Coastal Commission	8-32
3. Jennifer Calate, Associate Transportation Planner and District 5 Development Review Coordinator, Caltrans	8-40
4. Melissa A. Farinha, Environmental Scientist, California Department of Fish and Wildlife	8-46
5. Felix Ko, P.E., Utilities Engineer, Rail Crossing Engineer Section, Public Utilities Commission	8-52
6. Cy R. Oggins, Chief, Division of Environmental Planning and Management, State Lands Commission	8-59
7. Dee Woods	8-86
8. Leslie Dwyer	8-88
9. Diane K. Vaillancourt	8-90
10. Diane Levine	8-92
11. Sandra L. Cohen	8-94
12. Timothy J. Morgan, Attorney, Law Offices of Timothy J. Morgan	8-96
13. Timothy J. Morgan, Attorney, Law Offices of Timothy J. Morgan	8-115
14. Linda Wilshusen, Planning and Project Management	8-123
15. Public Comments Received at Draft EIR Comment Meeting in Santa Cruz	8-130
16. Public Comments Received at Draft EIR Comment Meeting in Watsonville	8-131



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

July 23, 2013

Cory Caletti
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue
Santa Cruz, CA 95060



Subject: Monterey Bay Sanctuary Scenic Trail Network Master Plan
SCH#: 2012082075

Dear Cory Caletti:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 22, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2012082075
Project Title Monterey Bay Sanctuary Scenic Trail Network Master Plan
Lead Agency Santa Cruz County Regional Transportation Commission

Type EIR Draft EIR

Description The purpose of the Master Plan is to establish the continuous alignment and set of design standards for a multi-use trail for the length of Santa Cruz County. The proposed trail alignment typically follows the Santa Cruz Branch line right-of-way (a 32-mile, continuous travel corridor now owned by the Santa Cruz RTC), and is separated into three reaches: The northern reach; the central reach; and the Watsonville reach. The project would include 49.6 miles of bicycle and pedestrian facilities. Implementation would require land clearing, grading, and construction (including asphalt, fencing, signage, landscaping, and other improvements). Administration of the proposed MBSST would involve the RTC, the local jurisdictions including the cities of Santa Cruz Capitola, and Watsonville, and the County of Santa Cruz, and any other implementing entity.

Lead Agency Contact

Name Cory Caletti
Agency Santa Cruz County Regional Transportation Commission
Phone 831 460 3200 **Fax**
email ccaletti@scrtc.org
Address 1523 Pacific Avenue
City Santa Cruz **State** CA **Zip** 95060

Project Location

County Santa Cruz
City Santa Cruz, Capitola, Watsonville
Region
Lat / Long
Cross Streets multiple
Parcel No. multiple
Township

Range

Section

Base

Proximity to:

Highways multiple
Airports multiple
Railways multiple
Waterways multiple
Schools multiple
Land Use Multiple; primary corridor aligns with Santa Cruz Branch Rail Line right-of-way

Project Issues Agricultural Land; Air Quality; Biological Resources; Archaeologic-Historic; Geologic/Seismic; Other Issues; Toxic/Hazardous; Water Quality; Noise; Traffic/Circulation; Public Services; Aesthetic/Visual; Coastal Zone; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Minerals; Population/Housing Balance; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Vegetation; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 5; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 06/07/2013 **Start of Review** 06/07/2013 **End of Review** 07/22/2013

Letter 1

COMMENTER: Scott Morgan, Director, State Clearinghouse, Office of Planning and Research

DATE: July 23, 2013

RESPONSE:

Response 1.1

The commenter acknowledges that the EIR has complied with State Clearinghouse requirements pursuant to the California Environmental Quality Act. No further response is necessary.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



July 22, 2013

To:

Cory Caletti, Senior Transportation Planner/Project Manager
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue
Santa Cruz, CA 95060



From: California Coastal Commission
Lee Otter, Transportation & Public Access Liaison
Karen Geisler, Coastal Program Analyst *KG*

Memorandum

**Draft Environmental Impact Report, Monterey Bay Sanctuary Scenic Trail Network Master Plan
Santa Cruz County Regional Transportation Commission, June 2013 (SCH #2012082075)**

Overall: We recommend certification of the subject Draft Environmental Impact Report (DEIR), subject to a commitment to pursue the additional study regarding connections across the Pajaro River as suggested at the end of this memorandum. We further recommend that the applicable elements of the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan be incorporated in the four applicable Local Coastal Programs (LCPs) that cover the Coastal Zone area of Santa Cruz County.

2.1

Relationship to previous comments. On December 21, 2012 we submitted written comments on the *Monterey Bay Sanctuary Scenic Trail Network Draft Master Plan*. Those comments were in addition to a substantial body of informal map edits and map notes previously provided to Santa Cruz County Regional Transportation Commission (SCCRTC) staff. The additional comments below reference and supplement our comments of December 21, 2012, and are specifically in response to the DEIR for the MBSST Network Master Plan, dated June 2013.

2.2

General comments. Our reaction to the MBSST Network Plan DEIR is that it confirms and underscores the environmental and public access value of SCCRTC's recent acquisition of the County's coastal rail corridor. The Network Plan integrates alignment plans for the coastal rail corridor, coastal bike routes and the various pedestrian accessways. As indicated by the DEIR, the rail corridor will function as the "spine" of the system, making possible a continuously-connected, "braided" coastal trail network.

2.3

Specifically, implementation of the Network Plan will assure continuity for the MBSST and the California Coastal Trail (CCT) around the northern perimeter of Monterey Bay. This will be made

Santa Cruz County RTC
Draft EIR for MBSST Network Master Plan
Preliminary Comments
Page 2

possible through rehabilitation of the coastal railroad, and its reuse as an alternative transportation corridor. Accordingly, it represents a major step forward for public access along the entire Santa Cruz County coast, consistent with the Coastal Act's public access and recreation policies. And, because the MBSST Network will provide the premier vantage points for viewing and learning about the Monterey Bay National Marine Sanctuary, implementation of the MBSST Network Plan will present important opportunities for interpretation and environmental education.

2.3

Future implementation process. As we noted in our comments of December 21, 2012, we recognize that much of this plan will be implemented on a project-by-project basis. Each individual project will likely represent only a fraction of the distance for each of the plan's identified segments. Each will be subject to project-specific environmental review, including consideration of alternatives. Many of the projects will also require coastal development permits from the respective local governments--or upon appeal or in "original jurisdiction" areas, from the Coastal Commission itself.

2.4

Incorporation into Local Coastal Programs recommended. The MBSST Network Plan will provide the framework for planning non-automotive transportation infrastructure throughout the Santa Cruz County Coastal Zone. It will influence the kinds, location, and intensity of development in each of the County's four Coastal Zone jurisdictions: County of Santa Cruz, City of Santa Cruz, City of Capitola and City of Watsonville. Each of these has delegated coastal permit authority, and each has a certified Local Coastal Program (LCP) as a standard of review. The regulation of coastal zone development is also delegated through the University of California's Long Range Development Plan (LRDP), and through the Public Works Plan (PWP) for Wilder Ranch State Park.

2.5

Coastal Commission staff strongly recommends that each of these LCPs, as well as the LRDP and PWP, be updated to incorporate the respective applicable elements of the MBSST Network Plan. The Coastal Commission encourages your continued search for planning grants and other forms of support for such LCP updates. After the completion of each respective local government's review process, the updated portions of each LCP will be submitted to the Coastal Commission as prospective LCP amendments. Comparable hearing and adoption procedures apply to LRDP and PWP amendments.

Updating of the LCPs (and LRDP and PWP as needed) to incorporate the applicable elements of the MBSST Network Plan will assure that the Plan can be implemented as intended. The LCP (and LRDP and PWP) updates will provide for continuity and effective connectivity of bikeways and coastal trail segments across jurisdictional boundaries. In addition, opportunities for public access to and along the coast will be improved, while respecting the individual character of each community and consistently protecting sensitive coastal resources. Accordingly, environmental impacts resulting from non-congruent local plans would be avoided, and non-automotive transportation choices would be encouraged.

Santa Cruz County RTC
Draft EIR for MBSST Network Master Plan
Preliminary Comments

Page 3

Supplemental study needed for connection to Monterey County portion of the MBSST. Coastal Commission staff finds that while the DEIR provides a commendable focus on the recently-acquired rail corridor, southwards to Watsonville and Pajaro, it does not adequately identify or evaluate the trail system alternatives where the logical alignment for the CCT component falls beyond the limited study area close to the existing rail right of way.

2.6

Section 2.3.1 Existing and Planned Trail Networks—California Coastal Trail. We recommend that this sub-section be amplified to emphasize that the CCT strand of the MBSST system will, wherever feasible, follow a blufftop alignment throughout the length of Santa Cruz County. This is especially applicable for the segment southwards from La Selva and Manresa State Beach through Sunset State Beach. Please see our prior comments on the Network Plan for additional recommendations on this topic.

2.7

Pages 2-37 & 2-38, Figures 2-10d & 2-10e, Watsonville Reach Pajaro River and Shoreline Beach Connection. We believe planning for the area southward from West Beach St. and seaward of Thurwachter Bridge is not sufficient to provide for rational connections to TAMC's projected alignment for that portion of the MBSST south of the Pajaro River. Specifically, we strongly recommend that a joint supplementary study of potential crossings and alignments along the lower Pajaro River be undertaken in partnership with TAMC. And, that this EIR be certified subject to the caveat that this area be subject to a supplementary analysis that identifies and evaluates the various alternatives for crossing the Pajaro River—and effectively connecting the Santa Cruz County portion of the MBSST to its Monterey County counterpart.

Examples of potential alternatives include, but are not limited to:

2.8

- a. Rehabilitating and incorporating the paved bikeway on top of the Corps of Engineers levee, along the north side of the Pajaro River. This levee currently ends at the inland edge of Watsonville Slough. Thus, it falls a few dozen yards short of linking Watsonville to the unpaved sand path crossing the broad beach at the mouth of the Pajaro River. Map correction needed on DEIR p. 2-38.
- b. Using the abandoned alignment of the Pajaro Valley Consolidated Rail Road (PVCRR) and levee-top roadway on the south side of the Pajaro River, as shown in Monterey County's LCP North County Land Use Plan and contemplated in TAMC's plans for the MBSST.
- c. Enhancing the existing, informal, low-profile levee along the inland side of Watsonville Slough, parallel to the Pajaro Dunes development, to include a hiking and biking path. However, we are

Santa Cruz County RTC
Draft EIR for MBSST Network Master Plan
Preliminary Comments
Page 4

not aware of a suitable public right of way at present. Accordingly, such a project would presumably be predicated upon a partnership agreement with adjoining private landowners.

- d. Employing a permanent, seasonal or floating bridge for a pedestrian crossing of Watsonville Slough at its mouth.
- e. Employing a permanent, seasonal or floating bridge for a bicycle and pedestrian crossing of the Pajaro River estuary. Alternatively, an on-call pontoon-boat ferry or self-propelled cable-tethered ferry facility could be evaluated as the least-impacting, most interesting way for hikers and bicyclists to cross the river. A good example of a pontoon boat operation can be seen at Elkhorn Slough Safaris, in Moss Landing.
- f. Agreements with neighboring landowners for effective fencing, positive drainage control, security patrol, right-to-farm covenants, short term closure protocols (e.g., during application of pesticides), crop loss indemnification insurance, and other measures to assure compatibility between agricultural use and trail use.
- g. Interagency protocols for seasonal exclusion zones, symbolic fencing and beach path (or inland) detours to protect Snowy plover nesting areas on the upper beach around the mouth of the Pajaro River.

2.8

Additional comments. Our intention is to provide additional, informal comments for the consideration of the SCCRTC, regarding potential edits and corrections of a minor nature not affecting our recommendation for CEQA certification. These will be forwarded under separate cover, following the CEQA process.

2.9

Letter 2

COMMENTER: Lee Otter, Transportation & Public Access Liaison
Karen Geisler, Coastal Program Analyst
California Coastal Commission

DATE: July 22, 2013

Response 2.1

The comment recommends certification of the Draft EIR subject to a commitment to perform additional study regarding connections across the Pajaro River. The commenter also recommends that applicable elements of the MBSST Network Master Plan be incorporated in the four Local Coastal Programs (LCPs) that cover the Coastal Zone area of Santa Cruz County.

Please see Response 2.8 for a response to the commenter's recommendation for additional study of trail connections across the Pajaro River.

Inclusion of the applicable elements of the MBSST Network Master Plan in the four LCPs that cover the Coastal Zone area of Santa Cruz County would be at the discretion of the jurisdictions which administer each of the LCPs; County of Santa Cruz, City of Santa Cruz, City of Capitola and City of Watsonville. As described in Section 2.8 (Required Approvals and Permits) of the EIR, discretionary approvals from local jurisdictions including plan adoption by the County of Santa Cruz and cities of Santa Cruz, Capitola, and Watsonville may be required prior to construction of individual segments. This could include amendment of the existing LCPs in these jurisdictions. In addition, receipt of Coastal Development Permits (CDPs) could be required, as acknowledged in Section 2.8. In response to this comment, Section 2.8 of the EIR has been amended as follows:

The proposed project requires the certification of this EIR and approval of the Master Plan by the RTC prior to the initiation of the project. In addition, the following discretionary approvals from other agencies may be required prior to construction of individual segments:

- *Local jurisdiction adoption and amendment of existing planning documents (including by the County of Santa Cruz, County of Monterey [for segment 20] and cities of Santa Cruz, Capitola, and Watsonville);*
- *Coastal Development Permit(s) from the County of Santa Cruz, cities of Santa Cruz, Capitola and Watsonville, County of Monterey [for segment 20] or California Coastal Commission;*

Response 2.2

The comment notes that the current set of comments on the Draft EIR is an addition to previous comments dated December 21, 2012 submitted regarding the MBSST Draft Master Plan itself. This comment is noted.

Response 2.3

The commenter describes the environmental and public access values of the MBSST Network Master Plan and the RTC's acquisition of the coastal rail corridor. The commenter also states that the proposed project is consistent with the Coastal Act's public access and recreation policies. This comment is noted.

Response 2.4

The commenter recognizes that future implementation will be on a project-by-project basis and states that each project will require project-specific environmental review, including consideration of alternatives and potentially coastal development permits (CDPs) from the relevant jurisdictions or Coastal Commission.

As discussed in Section 2.8 (Required Approvals and Permits) of this EIR, subsequent environmental review of individual segments may be required, particularly if an individual trail segment differs from what was analyzed in this EIR. In such instances, this Program EIR may be used as a tiering document, as described in Section 15152 of the *State 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. NEPA review could be as simple as a Categorical Exclusion, unless certain criteria are met. For example: (1) significant environmental impacts; (2) substantial controversy on environmental grounds; (3) significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or (4) inconsistencies with any federal, state, or local law. The following amendment has been made to Section 2.8 (Required Approvals and Permits) for clarification:

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. NEPA review could be as simple as a Categorical Exclusion, unless certain criteria are met. For example: (1) significant environmental impacts; (2) substantial controversy on environmental grounds; (3) significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or (4) inconsistencies with any federal, state, or local law.

As noted in the Response to Comment 2.1, Section 2.8 of the EIR notes the potential requirement for receipt of a CDP for an individual trail segment. Text has been added to that section of the EIR referencing the individual jurisdictions which may issue CDPs for segments of the MBSST.

Response 2.5

The commenter recommends that each of four certified LCPs that cover the Coastal Zone area of Santa Cruz County, as well as the University of California's Long Range Development Plan and the Public Works Plan for Wilder State Ranch Park be updated to incorporate the respective applicable elements of the MBSST Network Plan and describes the procedure for the update

process. The comment states that updating the respective plans would assure that the MBSST Network Plan can be implemented as intended, that environmental impacts resulting from non-congruent local plans would be avoided, and that non-automotive choices would be encouraged.

Please see Response to Comment 2.1. Update of the individual Local Coastal Plans would be at the discretion of the relevant jurisdictions and is not under the authority of the RTC.

Response 2.6

The commenter states the opinion that the EIR does not adequately identify or evaluate trail system alternatives where the logical alignment for the California Coastal Trail (CCT) component falls beyond the study area around the existing rail right-of-way.

The project as proposed is designed to maximize the use of the railroad right-of-way and the EIR analyzed the project as proposed. While the MBSST would also serve as the CCT, as described in Section 2.3.1 (Existing and Planned Trail Networks – California Coastal Trail) of the EIR, additional alignments of the CCT planned beyond the MBSST Network are not included as part of the Master Plan. Therefore, the EIR does not identify or evaluate the alternatives mentioned because they are not within the scope of the proposed project. The EIR does analyze several proposed alternatives to the MBSST Network Plan (refer to Section 6.0, *Alternatives*). However, these alternatives were selected to reduce identified environmental effects rather than examine alternate alignments.

Response 2.7

The comment states the opinion that sub-section 2.3.1 (Existing and Planned Trail Networks – California Coastal Trail) in Section 2.0, *Project Description*, should emphasize that the CCT strand of the MBSST system would, wherever feasible, follow a blufftop alignment through the length of Santa Cruz County, particularly for the segment southwards from La Selva and Manresa State Beach through Sunset State Beach.

Please see Response 2.6.

Response 2.8

The commenter states the opinion that planning for the area southward from West Beach Street and seaward of Thurwachter Bridge is insufficient to provide for rational connections to the Transportation Agency of Monterey County's (TAMC) projected alignment for the portion of the MBSST south of the Pajaro River. The comment recommends that a joint supplementary study of potential crossings and alignments along the lower Pajaro River be undertaken in partnership with TAMC and that the EIR be certified subject to a caveat that this supplementary analysis be carried out.

This comment pertains to the design of the MBSST Network Plan as proposed and does not challenge or question the analysis or conclusions in the Draft EIR. In response to this comment the following language has been added to the MBSST Network Master Plan, "*While a footbridge*

or crossing of the Pajaro River and Watsonville Slough are not being proposed as part of this Master Plan, they will provide high-quality beach access. These links are regionally important because the levee-top trail proposed by the City of Watsonville Trails and Greenways Master Plan has the potential not only to complete beach access from the city of Watsonville, but also to provide Coastal Rail Trail continuity around the southern reach of the Monterey Bay. Therefore, a study should be conducted at a later date to identify and evaluate various ways for crossing the Pajaro River and the Watsonville Slough in order to connect the Santa Cruz County portion of the MBSST Network to its Monterey County counterpart and to maximize coastal access opportunities". As described in Section 2.8 (Required Approvals and Permits), subsequent environmental review may be required if the individual trail segment differs from that analyzed in this EIR.

Response 2.9

The commenter states that the Coastal Commission intends to provide additional, informal, comments for RTC consideration regarding potential edits and corrections of a minor nature under separate cover. These comments would not affect the recommendation for CEQA certification.

This comment is noted.

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
Be energy efficient!*

July 22, 2013

PM: Varies
SCH: 2012082075

Ms. Cory Caletti
Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue
Santa Cruz, CA 95060

Dear Ms. Caletti:

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE
MONTEREY BAY SANCTUARY SCENIC TRAIL NETWORK MASTER PLAN (MBSST)**

The California Department of Transportation (Caltrans/Department), District 5, Development Review, has reviewed the above referenced project and offers the following comments.

1. The Department supports local development that is consistent with State planning priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety. We appreciate that the MBSST is doing this in that its intent is to establish a continuous alignment, connection spurs, and a set of design standards for a bicycle/pedestrian (multi-use) trail for the length of Santa Cruz County. These goals are in line with State planning priorities and align with the principles of the California Coastal Trail. 3.1
2. The DEIR still references a “multi-use paved path” and is confusing. A clear distinction should be made between Class I paths and multi-use trails, as defined by the Highway Design Manual (HDM). The term “multi-use” in the HDM is only applied to trails, not paths. A “multi-use path” trail classification is therefore a confusion of terms and could complicate the design phase of a project. Please be aware that all trail segments on the Caltrans Right of way (ROW) must be clearly designed according to the HDM bikeway designations. Any trail segment (even those outside of the Caltrans ROW) not following HDM design standards will not qualify for State or federal funding. For additional information the HDM can be accessed at: <http://www.dot.ca.gov/hq/oppd/hdm/hdmtoc.htm>. 3.2
3. The Traffic Impact Study (TIS) did not include a main-line analysis of the impacts on State Route (SR) 1. The TIS should include an analysis of the SR 1, including the following traffic analysis scenario: project only traffic conditions, existing plus project traffic conditions, cumulative traffic conditions, and cumulative plus project conditions, including project-phasing. To ensure that the traffic impacts of the project are properly evaluated, it is recommended that the TIS be prepared in accordance with the 3.3

Ms. Cory Caletti
 July 22, 2013
 Page 2

Department's "Guide for the Preparation of Traffic Impact Studies." Please visit the Department's Internet site for a copy of these guidelines at:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf. An alternative methodology that produces technically comparable results can also be used.

3.3

4. The DEIR does not mention any safety barriers between the MBSST and SR 1. Safety features that create a positive barrier between trail users, the rail line, and SR 1 and that accommodate for the need of a clear recovery zone should be included in the DEIR.

3.4

5. An engineering analysis will be needed to identify the type of treatments that will be required at the proposed highway crossings and/or intersections. The analysis should evaluate the variety of alternatives based on site-specific operational characteristics. In addition, the DEIR should outline a purpose and need for any future modifications (i.e., to facilitate or enhance pedestrian and/or bike access across SR 1 at specific locations).

3.5

6. Please be aware that in areas where the Department's ROW is environmentally constrained and shoulders are not current standard width, there may be conflicts between providing for a Class I facility and widening the shoulder.

3.6

7. Please note that any work completed in the Department's ROW will require an encroachment permit, and must be done to the Department's engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for obtaining the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditions and requirements. For more information regarding the encroachment permit process, please contact Mr. Steve Senet at (805) 549-3206 or visit the Department's Website at <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

3.7

Thank you for the opportunity to review the DEIR for the MBSST and provide comments. If you have any questions or need further clarification on the items discussed above, please contact me at (805) 549-3099 or by email at jennifer.calate@dot.ca.gov.

Sincerely,

JENNIFER CALATÉ
 Associate Transportation Planner
 District 5 Development Review Coordinator

Ms. Cory Caletti
July 22, 2013
Page 3

bc. J. Olejnik, A. Fukushima, file

Letter 3

COMMENTER: Jennifer Calate, Associate Transportation Planner and District 5
Development Review Coordinator, Caltrans

DATE: July 22, 2013

Response 3.1

The commenter states that the goals of the MBSST Network Plan are in line with State planning priorities and align with the principles of the CCT. This comment pertains to the goals of the MBSST Network Plan and does not challenge or question the analysis or conclusions in the Draft EIR. The comment is noted.

Response 3.2

The comment notes that the Draft EIR references a “multi-use paved path” and recommends that a clear distinction be made between Class I paths and multi-use trails, noting that the term “multi-use” only applies to trails, not paths in the Highway Design Manual.

The Draft EIR utilizes the same terminology as is used in the proposed Master Plan. This comment therefore pertains to the terminology used in the MBSST Network Plan and does not challenge or question the analysis or conclusions in the Draft EIR. In response to this comment, the MBSST Network Master Plan has been amended with the following clarifications:

- Description of multi-use trails have been supplemented with the “Class I” designation in each of the following locations:
 - In the segment description, under the section describing proposed improvements;
 - In each segment Summary Table;
 - In each map legend; and
 - In the Cost Estimate Summary Table in Appendix D.

In addition, the following text has been added to Section 4.0, *Trail Alignment Overview*, of the MBSST Network Master Plan in response to this comment:

Unless otherwise noted, the terms “trails” and “paths” in this document are used synonymously to refer to paved bike/pedestrian multi-use facilities, defined by Caltrans as “Class I Bikeways (Bike Paths)” – Caltrans Highway Design Manual, Chapter 1000 Bicycle Transportation Design, Topic 1003 – Bikeway Design Criteria.

The text above has also been added as a footnote to Section 2.0, *Project Description*, sub-section 2.4.1 (Trail Classifications) of the Final EIR, as shown below.

¹ Unless otherwise noted, the terms “trails” and “paths” in this document are synonymously used to refer to paved bike/pedestrian multi-use facilities, defined by Caltrans as “Class I Bikeways (Bike Paths)” – Caltrans Highway Design Manual, Chapter 1000 Bicycle Transportation Design, Topic 1003 – Bikeway Design Criteria.

Response 3.3

Following correspondence with Caltrans staff, it was determined that in the case of the MBSST Network project, a Traffic Impact Statement as requested in the comment would not be required (Jennifer Calaté, Associate Transportation Planner and District 5 Development Review Coordinator, Personal Communication, August 27, 2013).

The following reference has been added to Section 7.0, *References*:

Jennifer Calaté. Associate Transportation Planner. District 5 Development Review Coordinator, California Department of Transportation. E-mail Communication. August 27, 2013.

No further response is necessary.

Response 3.4

The commenter states that the EIR does not mention provision of safety barriers between the MBSST and State Route (SR) 1 that create a barrier between trail users, the rail line, and SR 1.

As described in Section 2.0, *Project Description*, fencing would be provided along segments of the trail and would be used for safety, security, trespass prevention, environmental impacts, and privacy. The placement and type of fencing would vary depending on the location and agreements between adjacent land owners and the RTC. This would include Caltrans for those areas where the MBSST is located in adjacent to the SR 1.

Response 3.5

The commenter states that an engineering analysis will be needed to identify the type of treatments that would be required at the proposed highway crossing and/or intersections. The commenter also states that the EIR should outline a purpose and need for future modifications (i.e. to facilitate or enhance pedestrian and/or bike access across SR 1 at specific locations).

The specific types of treatment required for the individual highway crossings and/or intersections would be determined as each of the segments is designed. The requirement of an engineering analysis is noted.

As stated in Section 2.7 (Project Goals) of Section 2.0, *Project Description*, one of the overall goals of the MBSST Network project is to provide a continuous trail alignment that maximizes opportunities for a multi-use bicycle and pedestrian trail separate from roadway vehicle traffic spanning the length of Santa Cruz County. Definition of the purpose and need for each aspect of the proposed project, beyond its contribution to achieving the overall goal as a whole, is outside the scope of this EIR.

Response 3.6

The commenter notes that in areas where the Caltrans right-of-way is environmentally constrained and shoulders are not current standard width, there could be conflicts between providing for a Class I facility and widening the shoulder. This comment is noted and will need to be investigated further during the design phase of the individual segments.

Response 3.7

The comment notes that an encroachment permit will be required for any work completed in the Caltrans right-of-way and must be done to Caltrans' engineering and environmental standards.

The Caltrans requirement for receipt of an encroachment permit is listed in Section 2.8 (Required Permits and Approvals) in Section 2.0, *Project Description*. The comment regarding complying with Caltrans' engineering and environmental standards is noted and will be considering during design and construction of the individual segments.

From: Farinha, Melissa@Wildlife [<mailto:Melissa.Farinha@wildlife.ca.gov>]

Sent: Monday, July 22, 2013 6:07 PM

To: info@scrtc.org

Subject: Monterey Bay Sanctuary and Scenic Trail Master Plan Draft Environmental Impact Report SCH#2012082075

Attn: Cori Caletti

The California Department of Fish and Wildlife has reviewed the Monterey Bay Sanctuary and Scenic Trail Master Plan Draft Environmental Impact Report (DEIR). As Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California. In this capacity, CDFW administers the California Endangered Species Act (CESA), the Lake and Streambed Alteration Program (LSA), the Native Plant Protection Act, and other provisions of the Fish and Game Code (FGC) that afford protection to the State's fish and wildlife public trust resources. Pursuant to our jurisdiction, CDFW submits the following comments and recommendations regarding the Project.

Page 4.4-28 States "Take under CESA is restricted to direct mortality of a listed species and does not prohibit indirect harm by way of habitat modification."

To clarify, FGC Section 86 defines "Take" as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Take is not limited to only direct mortality. For example, if a California tiger salamander will be captured and then moved from a project construction site, then such an activity must be authorized by CDFW through an Incidental Take Permit (ITP).

4.1

The Santa Cruz long-toed salamander is a fully protected species and may not be "taken" or possessed at any time as a result of this project.

4.2

Mitigation Measure B-1b: The "restoration plan" mentioned in this measure should be submitted to CDFW for approval before any construction activities commence. In addition, if take of plant species protected under CESA will occur, then an ITP authorizing activities resulting in take is required.

4.3

Mitigation Measure B-1d: Reconnaissance level surveys are not adequate for analyzing the project impacts or potential for take of CESA-listed species. Protocol level surveys should be included to determine presence of CESA-listed amphibians. In addition, there should be a measure specifying that if harm to a designated State Species of Special Concern or a CESA-listed species occurs, then construction shall halt and CDFW Bay Delta Region will be informed within 24 hours, construction will recommence when remedial measures are approved by CDFW.

4.4

Mitigation Measure B-3a: The "final fence design" should be submitted to CDFW for approval before any construction activities commence.

4.5

Additional impacts and correspondent mitigation measures that should be addressed include:

Impacts to marbled murrelet and snowy plovers: The project will become a source of anthropogenic subsidy for both corvids and raptors in the form of food (e.g., garbage and roadkill) and hunting perches (fences). Through anthropogenic subsidy, population densities of corvids and raptors will increase both within and adjacent to snowy plover and marbled murrelet critical habitats. The inflation of corvid and raven densities from the project will result in increased mortality rates and reduced reproduction of both snowy plover and marbled murrelet indirectly. Please include measures to reduce availability of food and hunting perches to corvids and raptors, (e.g., trash receptacles designed to reduce trash escapement and withstand raccoon invasion or perch deterrents installed on fencing).

4.6

Thank You,

Melissa A. Farinha
California Department of Fish and Wildlife
Environmental Scientist - Santa Cruz County
7329 Silverado Trail
Napa, CA 94558

Letter 4

COMMENTER: Melissa A. Farinha, Environmental Scientist
California Department of Fish and Wildlife (CDFW)

DATE: July 22, 2013

Response 4.1

The comment notes that “take” under the California Endangered Species Act (CESA) is not restricted to direct mortality of a listed species, but instead Fish and Game Code Section 86 defines “take” as hunt, pursue, catch, capture, or kill or attempt to hunt, pursue catch, capture or kill. As such, if any animal listed under CESA will be captured and moved, the activity must be authorized through an Incidental Take Permit (ITP). This comment is addressed through modification of the following paragraph on page 4.4-28:

California Department of Fish and Wildlife (formerly the California Department of Fish and Game). The CDFW derives its authority from the Fish and Game Code of California. The California Endangered Species Act (CESA) (Fish and Game Code Section 2050 *et. seq.*) prohibits take of state listed threatened, endangered or fully protected species. Take under CESA ~~is restricted to direct mortality of a listed species and~~ is defined according to Fish and Game Code Section 86 as to hunt, pursue, catch, capture, or kill, or to attempt any of these activities, but it does not prohibit indirect harm by way of habitat modification. The CDFW also prohibits take for species designated as Fully Protected under the Code.

Additionally, CDFW approval was added to Section 2.8 (Required Approvals and Permits) in Section 2.0, *Project Description*, as follows:

The proposed project requires the certification of this EIR and approval of the Master Plan by the RTC prior to the initiation of the project. In addition, the following discretionary approvals from other agencies may be required prior to construction of individual segments:

- *Local jurisdiction adoption (including the County of Santa Cruz, County of Monterey [for segment 20] and cities of Santa Cruz, Capitola, and Watsonville);*
- *Coastal Development Permit(s) from the County of Santa Cruz or California Coastal Commission;*
- *Section 404 Permit(s) from the U.S. Army Corps of Engineers;*
- *Section 1600 Permit(s) from the California Department of Fish and ~~Game~~ Wildlife;*
- *Section 401 Water Quality Certification from the Regional Water Quality Control Board;*
- *Approval by the U.S. Fish and Wildlife Service;*

- Approval by the California Public Utilities Commission Rail Crossing Engineering Section;
- *Caltrans Encroachment Permit(s); and/or*
- *Approval by Federal Railroad Administration.*

Response 4.2

The commenter states that the Santa Cruz long-toed salamander is a fully protected species and may not be “taken” or possessed at any time as a result of this project. The EIR identifies the Santa Cruz long-toed salamander as a fully protected species in Section 4.4, *Biological Resources*, under Impact B-1.

Response 4.3

The commenter states that the restoration plan described in mitigation measure B-1(b) should be submitted to CDFW for approval before any construction activities commence. The commenter also notes that if a take of a plant species protected under CESA will occur, then an Incidental Take Permit (ITP) authorizing activities resulting in take is required.

Mitigation measure B-1(b) in Section 4.4, *Biological Resources*, has been amended in response to this comment, as follows:

B-1(b) Special Status Plant Species Avoidance, Minimization, and Mitigation.

If state listed, CRPR List 1B species, or naturally occurring stands of Monterey Pine are found during special status plant surveys [pursuant to mitigation measure B-1(a)], the implementing entity shall redesign the segment to avoid impacting these plant species. Rare plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent to protect them from harm.

If avoidance is not feasible, seed shall be collected from on-site rare plants prior to removal, and/or from other local populations of plant species to be impacted. Seed shall be distributed in areas not proposed for development that have the appropriate habitat characteristics necessary to support the restoration. Seed collection shall be conducted by a qualified biologist holding a rare plant collection voucher/permit. Topsoil may also be salvaged and distributed over temporarily disturbed areas following completion of construction activities provided it is free of non-native invasive species. For take of any plant species protected under CESA, an incidental take permit shall be obtained authorizing activities resulting in take.

The total number and/or total acreage for each special status plant species that will be impacted shall be determined once the final design of

the project is completed and prior to initiation of ground disturbance activities. Impacted species shall be restored on-site at a minimum of a 2:1 ratio (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. Prior to start of construction activities a restoration plan shall be prepared and submitted for approval to the RTC and/or implementing entity and the CDFW. The restoration plan shall include, at a minimum, the following components:

- *Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);*
- *Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];*
- *Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);*
- *Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);*
- *Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule);*
- *Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);*
- *Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;*
- *An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;*
- *Notification of completion of compensatory mitigation and agency confirmation; and*
- *Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).*

The restoration plan shall be implemented for a period of at least five years or until restoration has been deemed complete based on the established success criteria. All restoration/compensatory mitigation areas shall be permanently protected through a conservation easement or deed restriction.

Response 4.4

The commenter states the opinion that reconnaissance-level surveys are not adequate for analyzing project impacts or potential for take of CESA-listed species. The commenter also states that a measure should be incorporated which specifies that if a CESA-listed or state

Species of Special Concern is harmed, project construction shall be halted and the CDFW consulted.

Regarding the survey effort, reconnaissance-level surveys provide data for a habitat suitability analysis in order to determine whether there is the potential for a special status species to occur and be affected by a proposed project. While the CESA may have stricter standards, this level of survey effort is sufficient for analyzing impacts under CEQA, particularly for a Program EIR. Furthermore, there are no specific survey protocols for all species with potential to occur on-site, and completion of protocol surveys would not result in a substantial change to the mitigation measures prescribed.

Regarding the response to harm of special status species, it is important to point out that harm to a state Species of Special Concern is not treated the same way under the Fish and Game Code as harm to a CESA-listed species. All mitigation measures addressing CESA-listed species and several addressing special status species [e.g., measure B-1(i)] include consultation with the CDFW. The remaining measures are standard and typical of CEQA analyses for similar projects.

Response 4.5

The commenter notes that the “final fence design” in mitigation measure B-3(a) should be submitted to CDFW for approval prior to any construction activities.

The proposed MBSST Network project analyzed in this EIR consists of conceptual design elements. The proposed MBSST Network project would be constructed in segments, with the RTC and/or implementing entities responsible for review and approval of segment-specific designs, and ensuring that required environmental review of these specific designs is completed. The CDFW’s interest in being involved in the design of MBSST is noted and been received by the RTC.

Response 4.6

The commenter requests inclusion of measures aimed at reduction of food availability and hunting perches for corvids and raptors due to an anticipated increase associated with development and use of the MBSST and resultant impacts on marbled murrelet and snowy plovers.

Suitable habitat for marbled murrelet is not present within the proposed project area. Limited areas of suitable habitat were identified for western snowy plover, but data contained in the California Natural Diversity Database (CNDDB) indicated these nesting areas have become unsuitable due to ongoing anthropogenic disturbance. It is unlikely that development of the trail would result in substantially greater effects to either species.

It is agreed that the presence of trash can attract predatory species which can negatively affect a wide variety of wildlife. As described in Section 2.5.3 (Trail Amenities) in Section 2.0, *Project Description*, the project design incorporates the use of trash and recycling receptacles with

animal proof lids (see page 2-41).

With regards to fencing providing additional hunting perches for predatory species, fencing is not proposed along the entire length of the trail, but rather only those locations where user safety, trespassing, agricultural or rail operations, or protection of sensitive resources are a concern. Fencing proposed for rural areas is not expected to exceed 4.5 feet in height, and there are several power poles, trees, and other potential perches already present within the vicinity of the proposed trail. Furthermore, raptors were observed at various locations along the proposed trail during the reconnaissance site visit, indicating that predatory pressure for special status species is already present.

Perch deterrents are generally comprised of spikes or other sharp objects which raptors find uncomfortable to stand on. The addition of these sharp deterrents to fence posts that are 4.5 feet high or lower would be hazardous to trail users and is not recommended.

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



July 22, 2013

Cory Caletti
Sr. Transportation Planner
Santa Cruz County Regional Transportation Commission
1523 Pacific Ave
Santa Cruz, CA 95060

Re: Draft Environmental Impact Report
Monterey Bay Sanctuary Scenic Trail Network Master Plan
SCH # 2012082075

Dear Mr. Caletta,

As the state agency responsible for rail safety within California, the California Public Utilities Commission's (CPUC or Commission) Rail Crossing Engineering Section (RCES) staff recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. The proposed project will greatly increase pedestrians and bicyclists along the rail corridor in Santa Cruz and Monterey County. Working with RCES staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

5.1

The Monterey Bay Sanctuary Scenic Trail Network Master Plan is subject to a number of rules and regulations involving the Commission, including:

- California Public Utilities Code, Sections 1201 et al, which requires Commission authority to construct rail crossings;
- Commission's Rules of Practice and Procedure, which details the Formal Application process for construction or modification of a public crossing; and
- Commission's General Order (GO) 88-B, Rules for Altering Public Highway-Rail Crossings.

5.2

The design criteria of the proposed trail project shall comply with the following GOs:

- GO 26-D, Clearance on Railroads and Street Railroads as to Side and Overhead Structures, Parallel Tracks and Crossings;
- GO 72-B, Construction and Maintenance of Crossings – Standard Types of Pavement Construction at Railroad Grade Crossings;
- GO 75-D, Warning Devices for At-Grade Railroad Crossings;
- GO 118, Construction, Reconstruction and Maintenance of Walkways and Control, of Vegetation Adjacent to Railroad Tracks; and

5.3

Cory Caletti
 SCH # 2012082075
 July 22, 2013
 Page 2 of 3

Crossing Authorizations

RCES staff is available for consultation on crossing safety matters. The following link provides more information on the Commission's GO 88-B and formal crossing application process:
<http://www.cpuc.ca.gov/crossings>.

1. Formal Application

Formal Applications are required for construction of all new at-grade and grade separated crossings along the corridor in accordance with the Commission's Rules of Practice and Procedure. The Santa Cruz County Regional Transportation Commission (SCCRTC) should contact me to arrange diagnostic meetings with all interested parties to discuss relevant safety issues at each crossing location.

5.4

The railroad line consists of numerous private highway-rail crossings. Current landowners with the private railroad crossing agreements are typically liable for any train incidents at their private crossings. Formal Applications may be required for the private railroad crossings adjacent to the proposed trail. RCES staff will deem any private railroad crossings along the trail a "publically used private crossing" and may require safety modifications and/or crossing closures based on necessity of the crossing. Any private crossings in which the properties have alternate access will be required to be closed.

5.5

As part of its mission to reduce hazards associated with at-grade railroad crossings, the Commission's policy is to reduce the number of such crossings. New at-grade crossings would typically not be supported by Commission staff and, long-term planning for the grade separation of the existing at-grade rail crossings should be considered.

5.6

2. GO 88-B Requests

Modification of existing rail crossings is typically authorized through the Commission's GO 88-B process. If interested parties do not reach agreement regarding proposed modifications, a Formal Application to the Commission will be required in order to obtain authorization to implement the modifications.

5.7

Prior to submission of a GO 88-B request for authorization, SCCRTC should arrange a diagnostic meeting with Commission staff and all interested parties to discuss relevant safety issues at each crossing location.

Mitigation Measures:

Safety along the entire rail corridor adjacent to the proposed trail will need to be evaluated. Mitigations include, but are not limited to:

- Installing high security fencing along the railroad right of way between the trail and railroad tracks.

5.8

Cory Caletti
SCH # 2012082075
July 22, 2013
Page 3 of 3

- Installing pedestrian specific safety mitigations at each railroad crossing where the proposed trail borders.
- Placing the trail well away from the railroad tracks to provide separation.
- Accounting for the pedestrian phases at adjacent intersections during railroad preemption.

5.8

As the proposed trail travels adjacent to the existing railroad tracks, CPUC review and authorization will be required at every single existing and proposed railroad crossing, both at-grade and grade separated, along the entire trail corridor. Please call me at (415) 703-3722 or email me at felix.ko@cpuc.ca.gov in order to begin the process. Thank you for your consideration of these comments.

5.9

Sincerely,



Felix Ko
Utilities Engineer
Rail Transit and Crossings Branch
505 Van Ness Ave
San Francisco, CA 94102

Letter 5

COMMENTER: Felix Ko, P.E., Utilities Engineer, Rail Crossing Engineer Section,
Public Utilities Commission

DATE: July 22, 2013

Response 5.1

The commenter states that the California Public Utilities Commission (CPUC) is the state agency responsible for rail safety in California and recommends that project proponents, agency staff and other reviewers work with the Rail Crossing Engineering Section (RCES) early in the project planning process to identify safety concerns and improve the safety of trail users, motorists, and railroad personnel and passengers.

Consultation with the CPUC will continue, as necessary, during design and development of the individual segments in order to identify and address safety issues. It is worth noting that consultation with the CPUC commenced early on in the process, including receipt by CPUC of the Notice of Preparation for the proposed project (refer to Appendix A).

Response 5.2

The commenter notes that the MBSST Network Master Plan is subject to a number of rules and regulations involving the CPUC.

The EIR currently notes that the CPUC has jurisdiction over the safety of rail crossings in California in Section 4.11, *Transportation/Traffic*, under Impact T-4. In addition, the following amendment to the discussion under Impact T-4 has been made in response to this comment:

The CPUC has jurisdiction over the safety of rail crossings in California. As such, all applicable CPUC rules and regulations would apply to the proposed MBSST, including: California Public Utilities Code, Sections 1201 et al; the CPUC Rules of Practice and Procedure; and CPUC General Order 88-B. The CPUC recognizes that at-grade crossings present inherent hazards to the traveling public, particularly crossings on right or passenger main lines, and preference is to eliminate these crossings where possible. However, where it is not practicable to eliminate a pedestrian-rail at-grade crossing, pedestrian-rail at-grade crossing design and improvements are required to follow guidelines contained in the CPUC *Pedestrian-Rail Crossings in California: a Report Compiling the Designs and Devices Currently Utilized at Pedestrian-Rail Crossings within the State of California* (May 2008). Following these guidelines would ensure that hazards at any rail crossings are minimized. Thus, impacts would be less than significant.

In addition, the following amendment has been made to Section 2.8 (Required Approvals and Permits) in Section 2.0, *Project Description*:

The proposed project requires the certification of this EIR and approval of the Master Plan by the RTC prior to the initiation of the project. In addition, the following discretionary approvals from other agencies may be required prior to construction of individual segments:

- *Local jurisdiction adoption (including the County of Santa Cruz, County of Monterey [for segment 20] and cities of Santa Cruz, Capitola, and Watsonville);*
- *Coastal Development Permit(s) from the County of Santa Cruz or California Coastal Commission;*
- *Section 404 Permit(s) from the U.S. Army Corps of Engineers;*
- *Section 1600 Permit(s) from the California Department of Fish and ~~Game~~ Wildlife;*
- *Section 401 Water Quality Certification from the Regional Water Quality Control Board;*
- *Approval by the U.S. Fish and Wildlife Service;*
- *Approval by the California Public Utilities Commission, Rail Crossing Engineering Section;*
- *Caltrans Encroachment Permit(s); and/or*
- *Approval by Federal Railroad Administration.*

Response 5.3

The commenter provides a list of applicable general orders related to design of railroad crossings.

As discussed in Response 5.2, the CPUC has jurisdiction over the safety of rail crossings in California and all applicable rules and regulations would apply, including CPUC general orders. The EIR has been amended for clarity in response to this comment.

Response 5.4

The commenter recommends that the RTC contact the CPUC to arrange diagnostic meetings with all interested parties to discuss relevant safety issues at each crossing location. The comment has been received by RTC and will also be forwarded to each of the implementing agencies for consideration during development of the individual segments.

Response 5.5

The commenter notes that the railroad line consists of numerous private highway-rail crossings. The commenter goes on to state that formal applications may be required for private railroad crossings adjacent to the proposed trail and that RCES staff will deem any private railroad crossing along the trail a “publically used private crossing” and may require safety modifications and/or crossing closures based on the necessity of the crossing. Any private crossings in which the properties have alternate access will be required to be closed.

This comment pertains to the permit and approval process for individual segments of the MBSST Network Plan and does not challenge or question the analysis or conclusions in the Draft EIR. No further response is required.

Response 5.6

The commenter notes that the CPUC aims to reduce hazards with at grade railroad crossings, and as such long term planning for the grade separation of the existing at grade rail crossings should be considered. This comment pertains to the design of the MBSST Network Plan as proposed and does not challenge or question the analysis or conclusions in the Draft EIR. This comment is noted and has been received by the RTC. No further response is required.

Response 5.7

The commenter states that modification of existing rail crossings is typically authorized through the CPUC's General Order (GO) 88-B process. Prior to submission of a GO 88-B request, the RTC should arrange a diagnostic meeting with the CPUC and all interested parties to discuss relevant safety issues at each crossing location.

This comment pertains to the permit and approval process for individual segments of the MBSST Network Plan and does not challenge or question the analysis or conclusions in the Draft EIR. This comment is noted and has been received by the RTC. No further response is required.

Response 5.8

The comment states the opinion that safety along the proposed trail will need to be evaluated and proposes four potential mitigation measures, including installing high security fencing between the trail and railroad tracks, installing pedestrian specific safety mitigation at each railroad crossing along the trail, siting the trail away from the railroad tracks, and accounting for pedestrian phases at adjacent intersections during railroad preemption.

Impact T-4 in Section 4.11, *Transportation/Traffic*, acknowledges that potential conflicts between trail users and railroad traffic could occur at railroad crossings, potentially resulting hazardous conditions for both trail users and rail operators and passengers. The discussion under Impact T-4 goes on to state that the CPUC has jurisdiction over the safety of rail crossings in California and that pedestrian crossing design and improvements would be required to following the guidelines contained in the CPUC document *Pedestrian-Rail Crossings in California: a Report Compiling the Designs and Devices Currently Utilized at Pedestrian-Rail Crossings within the State of California* (May 2008). This could include installing pedestrian-specific safety mitigation at each railroad crossing along the trail. In addition, as described in Section 2.0, *Project Description*, fencing would be provided along segments of the trail and would be used for safety, security, trespass prevention, environmental impacts, and privacy. The placement and type of fencing would vary depending on the location along the trail but would be used to reduce potential conflicts between railroad traffic and trail users.

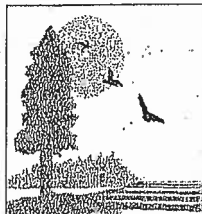
Response 5.9

The commenter states that CPUC review and authorization will be required at every existing and proposed railroad crossing along the entire trail corridor.

Please see Responses 5.2 and 5.3.

STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

CALIFORNIA STATE LANDS COMMISSION100 Howe Avenue, Suite 100-South
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File Ref: SCH # 2012082075

Santa Cruz County Regional Transportation Commission
Attn: Cory Caletti
1523 Pacific Avenue
Santa Cruz, CA 95060

**Subject: Draft Environmental Impact Report (EIR) for the Monterey Bay
Sanctuary Scenic Trail Network Master Plan, Santa Cruz County**

Dear Ms. Caletti,

The California State Lands Commission (CSLC) staff has reviewed the Draft EIR for the Monterey Bay Sanctuary Scenic Trail Network Master Plan (Master Plan or Project), prepared by the Santa Cruz County Regional Transportation Commission (SCCRTC). The SCCRTC, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, if the Master Plan proposes work on sovereign lands, the CSLC will act as a responsible agency.

6.1

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

6.2

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership

6.3

extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The SCCRTC has proposed an approximately 50-mile-long Monterey Bay Sanctuary Scenic Trail Network (Trail) that runs adjacent to the Pacific Ocean and across various rivers, creeks and sloughs in Santa Cruz County. The Master Plan provides maps of the Trail or detailed locations of Project components. Based on CSLC staff's review of in-house records and maps and the Draft EIR, portions of the proposed Trail may cross or be located on lands owned in fee by the State and managed by the CSLC and, therefore, may require a lease from the CSLC (please refer to www.slc.ca.gov for a lease application). Staff requests that SCCRTC send updates on the Trail alignment location and coordinate with Grace Kato, Public Land Manager (see contact information below), as Project details are developed to determine if a lease will be required.

6.4

Project Description

The SCCRTC proposes to adopt the proposed Master Plan to meet its objective to ensure that the planned bicycle/pedestrian network will provide connectivity throughout the county and tie in the California Coastal Trail and Pacific Coast Bicycle Trails. The Trail will follow existing trails and a railroad easement, and create new trail segments from Davenport to Watsonville with a spur into Monterey County. Portions of the trail will use existing urban infrastructure; other portions will be in undisturbed natural areas. The Master Plan includes a description and analysis of trail design standards, trail alignment and reaches, implementation mechanisms, and maintenance.

6.5

Environmental Review

The CSLC staff requests that the following measures be addressed in the EIR.

Agency Jurisdiction

1. Based on information provided in the Draft EIR, the Project will likely occur on sovereign lands. Accordingly, please add the CSLC as a responsible and trustee agency on page 1-6 of the Draft EIR. Specific information on the CSLC's jurisdiction is provided above.

6.6

Program Environmental Review and Mitigation

2. Section 1.3, Type of EIR, identifies the document as a "program-level" EIR and describes how subsequent analyses may be "tiered" to address project specific details as segment alignments are refined. The State CEQA Guidelines, section 15168, subdivision (c)(5) states that a program EIR will be most helpful in dealing with subsequent activities if it analyzes the effects of the program as specifically and comprehensively as possible. In order to achieve this goal to the extent feasible and avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified

6.7

way" (State CEQA Guidelines, § 15126.4, subd. (b)). As such, the Draft EIR for the Master Plan should make an effort to distinguish what activities/facilities and their mitigation measures are being analyzed in sufficient detail to be covered under the PEIR without additional project specific environmental review, and what activities will trigger the need for additional (tiered) environmental analysis (see State CEQA Guidelines, § 15168, subd.(c)).

The Draft EIR contains mitigation measures that prescribe specific actions and/or performance standards that could be broadly applied during Trail construction, such as establishment of required compensatory mitigation ratios for disturbed plants and wetlands, and a requirement for developing restoration plans that achieve specific criteria (see also, however, Comment # 5 below). As currently written, however, several mitigation measures, while appearing to be specific at first, are either not enforceable as written or may be contingent on specific information/analysis that would be presented in a tiered document. For example, while the mitigation measure on page 4.4-60 related to San Francisco garter snake discusses how to look for the presence of the species in the Project area, it does not appear to prescribe specific, enforceable measures that would actually avoid or lessen potential impacts to the species, including loss of basking or sheltering habitat, or exposure to direct mortality (see also Comment # 10 below). Instead, the EIR defers the formulation and analysis of specific measures to future consultation with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS). The EIR should either provide specific, stand-alone measures and analyze their effectiveness in reducing potential effects, or should clearly state that those impacts and any required mitigation would be disclosed and analyzed in a subsequent tiered document.

6.7
(con't)

Biological Resources

Significance Conclusions

3. Relocation/Translocation. The Draft EIR appears to rely heavily on the use of relocation of wildlife and translocation of plants to reduce biological resource impacts. However, the Draft EIR does not provide an explanation of the mechanism by which the proposed relocation actually results in reducing the impacts to a less than significant level, and as a result, the Draft EIR lacks sufficient fact-based support for its less than significant conclusions throughout the Section. CSLC staff views relocation as a viable *minimization* measure, when carried out appropriately, but it is not, in itself, a *mitigation* measure. As stated in the Draft EIR, portions of the Trail will be constructed in undisturbed areas, resulting in permanent impacts to sensitive species' habitat. Relocation of individuals does not mitigate for this loss of habitat and the Draft EIR does not appear to require permanent protection of compensatory habitat (see Comment # 5 below). Therefore, it is unclear how the identified impact, when compared to the significance criteria on page 4.4-40 which includes "habitat modifications," is sufficiently mitigated by the proposed measures.
4. Mitigation Ratios and Long-Term Protection. The Draft EIR prescribes 2:1 mitigation ratios for impacts to sensitive plants and wetlands. However, the Draft EIR does not: (1) demonstrate through a fact-based analysis how or why this ratio is adequate

6.8

6.9

to reduce impacts to less than significant or how the measures are responsive to the identified significance thresholds; (2) provide a process by which the mitigation areas would be selected and approved for use; or (3) require that these mitigation areas be permanently protected and managed given that the Trail construction would result in a permanent loss of habitat. Similarly, while the Draft EIR requires relocation of several wetland-associated species, it is not clear whether the mitigation requirement for wetlands in measure B-2(b) is meant to provide the mitigation for loss of these species' habitat. Therefore, the CSLC staff requests that the Draft EIR:

- provide more substantial support for the 2:1 mitigation ratio or replace the 2:1 ratio with a range of potential ratios that may be applied based on specific species requirements and possible consultation with the CDFW or the USFWS; and
- be revised to provide a mechanism by which the mitigation areas would be protected long-term.

6.9
(con't)

Plants

5. Surveys. Page 4.4-55, measure B-1(a) describes implementation of plant surveys to identify the locations and types of special-status plant species. However, the survey appears to be required only once ("no more than two years before" implementation). Please clarify how a one-time survey would adequately identify all locations of the sensitive plants, given that environmental factors such as the type of water-year, and natural plant expression variations can occur. One solution would be to require a botanist to re-survey the final alignment prior to construction of the Trail segment in order to document the locations and densities of sensitive plant species within the impact area. In addition, measure B-1(a) states that part of the survey's purpose is to "document the location(s) and number(s) of sensitive plant species within ... *mitigation areas*" (emphasis added); however, "mitigation areas" are not discussed or defined anywhere else in Section 4.4. Please clarify if these "mitigation areas" are the same as the restoration areas identified in measure B-1(b) as "on-site."

6.10

6. Avoidance. CSLC staff supports avoidance as the primary means of reducing potentially significant impacts to sensitive plant species, and supports translocation efforts only as a last resort where avoidance is infeasible, and only with the following considerations addressed:

- restoration feasibility, including factors such as the location and availability of receiver sites and potential impacts to receiver sites from supplemental seeding;
- long-term protection and maintenance of the translocation site; and
- whether successful restoration has previously been conducted for the rare plants with potential to be impacted by the Project.

6.11

For example, has restoration of white-rayed pentachaeta been attempted or successfully completed, and if not, is restoration of this species feasible or recommended? Only one of the four known potential extant populations of white-rayed pentachaeta have been observed since 1854; therefore, the CSLC staff

suggests restoration is not likely a recommended mitigation measure for this and/or similarly situated plant species.

7. Buffers: The protection zone for sensitive plants is discussed on page 4.4-55, measure B-1(b) Special Status Plant Species Avoidance, Minimization, and Mitigation. It is unclear whether this "buffer" would completely surround the identified population or whether the referenced "30 feet beyond their extent" refers to a linear distance up and down the Trail alignment. The CSLC staff requests that the buffer zone width be determined by considering physical characteristics of the immediate environment around the plant population such as reproduction requirements, associated species, hydrology, slope, soil composition, drainage, invasive species, and the potential presence of a dormant seed bank beyond the perimeter of the surface vegetation. This will help ensure protection of the plants during construction and use of the Trail. 6.12
8. Incidental Take. While the Draft EIR states that seed collection would be performed by a qualified biologist with proper collection permits, it does not mention the need for incidental take authority from the CDFW for State-listed plants. The CSLC staff recommends the SCCRTC consult with the CDFW to determine whether an incidental take permit is necessary. 6.13

Terrestrial Wildlife

9. Relocation. The discussion in measure B-1(d), California Red-Legged Frog, Santa Cruz Long-toed Salamander and Foothill Yellow-Legged Frog, California Tiger Salamander Avoidance and Minimization on page 4.4-57 states, "*If relocation is authorized, a suitable relocation site shall be identified prior to initiation of construction activities and shall be located within the same watershed/streamcourse greater than 500 feet from the project site.*" The CSLC staff requests a discussion of what the criteria for considering habitat to be "suitable" would be, and whether such suitable habitat for relocation is available in the watersheds or watercourses known to contain these species. Important questions to address include the following. 6.14
 - Does the relocation site contain the same type of habitat that is being impacted (i.e., wetland or upland)?
 - What are the important physical parameters in the portions of the stream proposed for relocation, such as flow, depth, water temperature, water quality, adjacent upland habitat, and potential for predation from species such as bullfrogs?
 - If suitable habitat for relocation does not occur on the same stream or watershed, what is proposed as alternative mitigation?
 - How would the relocation site be protected and managed over the long term if the impacts to habitat are permanent?
10. San Francisco Garter Snake. Measure B-1(f) on page 4.4-60 of the EIR states "*If a San Francisco garter snake is located during the surveys, the garter snake shall not be captured and relocated. All further survey efforts at the location of the observation shall cease and the CDFW and USFWS shall be consulted.*" However, later in the measure, the capture and relocation of San Francisco garter snakes are 6.15

identified as a means of avoiding mortality. Because the San Francisco Garter snake is a fully protected species under the Fish and Game Code, this does not appear to be a feasible minimization measure. Additionally, because of its fully protected status, an incidental take permit from CDFW cannot be issued, as described in measure B-1(g). Because impacts to San Francisco garter snake are identified as potentially significant, the SCCRTC has an independent obligation to institute feasible measures to reduce the impact, rather than relying on later responsible agency approvals. Therefore, CSLC staff requests the EIR be revised to provide measures that contain specific, enforceable mechanisms for reducing this impact that could be carried out in compliance with the Fish and Game Code.

6.15
(con't)

11. Birds/Nests. Measure B-1(k) on page 4.4-63 provides a discussion of minimum buffer widths between Trail construction activities and nests with active breeding birds. The CSLC staff requests the measure additionally discuss which raptors with potential to be impacted by the Project have nest fidelity to determine whether permanent impacts to raptor breeding (i.e., site abandonment) will result from Trail construction and use, and whether alternative nesting habitat is available in the vicinity. In addition, please add a discussion of whether tree removal will be necessary, and if so, identify a measure or measures that would reduce this potential impact to nesting birds, including the fully protected white-tailed kite.

6.16

Aquatic Wildlife

12. Weed Management. The CSLC requests that Mitigation B-2(d), the Invasive Weed Prevention and Management Program on page 4.4-67, specify whether chemicals will be used for invasive species management and how chemical application methods will prevent overspray and runoff from affecting sensitive natural habitats and aquatic resources.

6.17

13. Water Quality. The Draft EIR mentions that water quality will be tested if Project activities could impact water quality (page 4.4-59, measure B-1(e) Tidewater Goby, Steelhead and Coho Salmon Impact Avoidance and Minimization). The CSLC staff requests additional information on how the potential for, and significance of, water quality impacts will be determined. For example, who will monitor water quality, who will make the determination as to when water quality impacts might occur, what is the significance threshold or criteria, and at what stage in Project planning and implementation will this occur?

6.18

14. Acoustic Impacts. Measure H-5(a) Bridge Design, on page 4.9-23 mentions the possible installation of bridge supports, but does not mention the potential impacts to fish species from increased noise and vibration from pile driving. The Draft EIR should discuss the type of piles and methods proposed for pile installation, evaluate the associated noise and vibration impacts, and analyze the potential for these activities to disturb, injure, or kill sensitive fish (including eggs and larvae) or other organisms. For example, barotrauma effects could occur if the underwater sound pressure levels caused by pile-driving activities exceed known injury thresholds. Mitigation measures could include species-specific work windows as defined by the CDFW, USFWS, and National Oceanic and Atmospheric Administration's Fishery

6.19

Service (NOAA Fisheries). The CSLC staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive aquatic species.

Cultural Resources

15. Some middens along the coastal bluffs are distinct mounds that may be apparent to trail users, particularly on the segment north of Natural Bridges State Park. The CSLC staff requests that Section 4.5 of the Draft EIR specify whether trail alignment borders these large, distinct middens, and if so, what mitigation measures will be used to prevent or minimize degradation or pilfering of artifacts that may be dug up or naturally uncovered in these cultural resource areas.

6.20

Geology/Soils

16. Mitigation measure GEO-4, Hillside Stability Evaluation on page 4.6-30 states that hazardous slopes will be analyzed in landslide hazardous zones and then setbacks or retaining walls will be used. The CSLC requests that this measure also address how sea level rise may result in additional bluff instability and affect the trail alignment, and how trail alignment will avoid existing and projected hazardous slopes and retreating bluff edges. Where retaining walls are required, the CSLC staff requests that the new Project envelope be surveyed for biological resources. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, www.slc.ca.gov.) One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases.

6.21

Please note that, when considering lease applications, CSLC staff is directed to (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access

17. Impact GEO-6 on page 4.6-32 mentions trail design standards and indicates that the high and moderate erosive soils will not result in adverse impacts to resources. Impact H-1 on page 4.9-19 discusses additional stormwater runoff due to the increase in impervious surfaces. However, the Draft EIR and trail specifications do not discuss the feasibility of installing permeable pavement or applying other low impact development (LID) practices to reduce runoff and sedimentation in areas of high and moderate erosion. The CSLC staff recommends the use of permeable pavement and other LID features where feasible to increase infiltration and reduce runoff potential.

6.22

Climate Change/Sea Level Rise

18. Impact GHG-3, page 4.7-30, indicates that parts of the trail will be along coastal bluffs and could experience shoreline retreat associated with sea level rise, "[H]owever, ongoing trail maintenance and inspection activities would ensure that sea level rise does not expose people or structures to the risk of loss, injury, or death." The Draft EIR should identify where coastal bluff retreat or failure associated with sea level rise may occur and consider areas of potential trail relocation to ensure the trail is safe.

6.23

Public Access

19. Impact T-4 on page 4.11-24 discusses interface between trail users and the railroad. The CSLC staff recommends implementation of a local trail-rail media campaign to educated potential trail users to common safety actions before public Trail use commences.

6.24

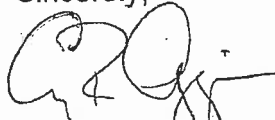
Thank you for the opportunity to comment on the EIR for the Project. As a responsible agency, the CSLC will need to rely on the Final EIR for the issuance of any amended or new lease and, therefore, we request that you consider our comments prior to certification of the EIR and send additional information on the Master Plan to the CSLC as plans become finalized.

6.25

Please send copies of future Master Plan-related documents, including an electronic copy of the Final EIR and Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Mara Noelle, Staff Environmental Scientist, at (916) 574-2388 or via e-mail at Mara.Noelle@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Grace Kato, Public Land Manager at (916) 574-1227, or via email at Grace.Kato@slc.ca.gov.

6.26

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Grace Kato, CSLC, LMD
Mara Noelle, CSLC, DEPM
Pam Griggs, CSLC, Legal
Shelli Haaf, CSLC Legal

Letter 6

COMMENTER: Cy R. Oggins, Chief, Division of Environmental Planning and Management, State Lands Commission

DATE: June 6, 2013

Response 6.1

The commenter notes that the Santa Cruz County RTC is the lead agency under CEQA and that the California State Lands Commission (CSLC) is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement of navigable waters. Furthermore, if the Master Plan proposed work on sovereign lands, the CSLC will act as a responsible agency.

In response to this comment the final paragraph in Section 1.5 (Lead, Responsible and Trustee Agencies) in Section 1.0, *Introduction*, has been amended as follows:

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.

In addition, the CSLC was added to the list of agencies that may have discretionary approval authority described in Section 2.8 (Required Approvals and Permits) in Section 2.0, *Project Description*. The second paragraph in this section now reads:

In addition, if individual segments proposed for implementation encroach onto properties managed by other agencies, approvals may also be required by these agencies. Agencies that may have discretionary approval authority include, but are not limited to: the California Department of Parks and Recreation, the California State Lands Commission, Bureau of Land Management, Caltrans, and/or United States Fish and Wildlife Service (who manages the Ellicott Slough National Refuge Reserve).

Response 6.2

The commenter further explains the jurisdiction of the CSLC.

This comment is noted. No response is required.

Response 6.3



The commenter provides general background on State of California acquired sovereign land and its relation to statewide Public Trust purposes.

This comment is noted. No response is required.

Response 6.4

The commenter notes that following a review of the project description and EIR, portions of the proposed MBSST may cross or be located on lands owned in fee by the State and managed by CSLC, and may require a lease from CSLC. CSLC requests that the RTC send updates on the trail alignment location and coordinate with the CSLC as project details are developed.

Please refer to Response 6.1.

Response 6.5

The comment provides a summary of the project description.

This comment is noted. No further response is required.

Response 6.6

The comment notes the agency's jurisdiction as a Trustee Agency. Please refer to Response 6.1.

Response 6.7

The commenter states that the Draft EIR for the MBSST Network project should distinguish what activities/facilities and their mitigation measures are being analyzed in sufficient detail to preclude the need for further project specific environmental review, and which activities will trigger the need for additional (tiered) environmental analysis. The commenter also states the opinion that the Draft EIR contains several mitigation measures that, as written, cannot be feasibly implemented and/or are deferred.

Regarding future tiered review, it is not feasible to identify specific facilities or segments that would or would not require future environmental review, as the design-level details regarding each segment are not currently available. As noted in Section 1.0, *Introduction*, 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. Subsequent environmental review of individual segments may be required, particularly if an individual trail segment differs from what was analyzed in this EIR. In such instances, this Program EIR may be used as a tiering document, as described in Section 15152 of the *State CEQA Guidelines*. Subsequent review, if required, may include a Negative Declaration, Mitigated Negative

Declaration, EIR Addendum, or site-specific Project EIR. Review under NEPA may also be required for individual segments. NEPA review could be as simple as a Categorical Exclusion, unless certain criteria are met. For example: (1) significant environmental impacts; (2) substantial controversy on environmental grounds; (3) significant impact on properties protected by section 4(f) of the DOT Act or section 106 of the National Historic Preservation Act; or (4) inconsistencies with any federal, state, or local law (refer also to Response 2.4).

Regarding deferred mitigation, mitigation identified in measure B-1(f) has been addressed under Response 6.15 below. The commenter does not provide additional specific examples of deferred mitigation present in the EIR. However, in response to this comment, the EIR has been reviewed for evidence of deferral of mitigation and no other measures were as identified.

Response 6.8

The commenter states that relocation/translocation of sensitive species does not itself constitute mitigation, and identifies a lack of compensatory mitigation for permanent impacts to species' habitat.

The proposed MBSST Network project would be constructed primarily within a railroad corridor that has been subject to previous disturbance, and several portions of the trail would be placed on existing surface streets. Many of the areas where special status species may be present within the project disturbance footprint are considered to have low habitat suitability.

Few special status plant species are expected to occur, and most would only be present in very specific areas (e.g., drainages). Mitigation for impacts to special status plant species is incorporated as a component of habitat restoration along the proposed project alignment. Most special status animal species that could occur on-site are associated with drainage features. Compensatory mitigation for impacts to wetland and riparian habitats is incorporated in mitigation measure B-2(b) in Section 4.4, *Biological Resources*, and this would benefit special status animal species occupying these areas. Note also that mitigation measures B-2(c) and B-2(d) would also support restoration of affected areas throughout the project alignment by preventing the establishment and spread of invasive weeds that could cause harm to special status plant and animal species. Since construction of the trail outside of wetland and riparian habitats would not permanently remove large areas of suitable habitat for special status animals, relocation as a form of avoidance and minimization is appropriate and compensatory mitigation for habitat impacts is not warranted.

Response 6.9

The commenter requests additional background information to support the establishment of a 2:1 ratio as adequate compensation for impacts to special status plant species and wetlands, or requests that the ratio be replaced with a range of ratios that may be applied on a species specific basis and in consultation with the CDFW and U.S. Fish and Wildlife Service (USFWS). The commenter also requests that a mechanism for long-term protection of mitigation areas be incorporated into the appropriate measures.

For the purposes of CEQA, a 2:1 mitigation ratio is sufficient to satisfy the goal of “no net loss” of habitat for special status species. Those agencies with discretionary permit authority, such as the CDFW and the US Army Corps of Engineers, can identify a larger mitigation ratio when issuing permits for impacts to areas under their jurisdiction. Please note that the mitigation ratio presented in measure B-1(b) is described as the minimum ratio. Mitigation measures B-2(b) has also be modified to read the same:

- B-2(b) Wetland and Riparian Habitat Restoration.** Impacts to jurisdictional wetland and riparian habitat shall be mitigated at a ratio of minimum 2:1 for each segment, and shall occur as close to the impacted habitat as possible. A Habitat Restoration Plan shall be developed by a biologist approved by the RTC and/or implementing entity in accordance with mitigation measure B-1(b) above and shall be implemented for no less than five years after construction of the segment, or until the RTC/implementing entity and/or the permitting authority (e.g., CDFW or USACE) has determined that restoration has been successful. All restoration/compensatory mitigation areas shall be permanently protected through a conservation easement or deed restriction.

Language regarding the long-term protection of compensatory mitigation has also been added to the above measure and to measure B-1(b):

- B-1(b) Special Status Plant Species Avoidance, Minimization, and Mitigation.** If state listed, CRPR List 1B species, or naturally occurring stands of Monterey Pine are found during special status plant surveys [pursuant to mitigation measure B-1(a)], the implementing entity shall redesign the segment to avoid impacting these plant species. Rare plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent to protect them from harm.

If avoidance is not feasible, seed shall be collected from on-site rare plants prior to removal, and/or from other local populations of plant species to be impacted. Seed shall be distributed in areas not proposed for development that have the appropriate habitat characteristics necessary to support the restoration. Seed collection shall be conducted by a qualified biologist holding a rare plant collection voucher/permit. Topsoil may also be salvaged and distributed over temporarily disturbed areas following completion of construction activities provided it is free of non-native invasive species. For take of any plant species protected under CESA, an incidental take permit shall be obtained authorizing activities resulting in take.

The total number and/or total acreage for each special status plant species that will be impacted shall be determined once the final design of the project is completed and prior to initiation of ground disturbance activities. Impacted species shall be restored on-site at a minimum of a 2:1 ratio (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. Prior to start of construction activities a restoration plan shall be prepared and submitted to the RTC and/or implementing entity and the CDFW for approval and/or implementing entity. The restoration plan shall include, at a minimum, the following components:

- *Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);*
- *Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];*
- *Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);*
- *Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);*
- *Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule);*
- *Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);*
- *Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;*
- *An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;*
- *Notification of completion of compensatory mitigation and agency confirmation; and*
- *Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).*

The restoration plan shall be implemented for a period of at least five years or until restoration has been deemed complete based on the established success

criteria. All restoration/compensatory mitigation areas shall be permanently protected through a conservation easement or deed restriction.

Response 6.10

The commenter expresses concerns over the timing and adequacy of special status plant surveys, and suggests that a botanist resurvey the alignment prior to construction. The commenter also requests clarification as to whether the “mitigation areas” mentioned in mitigation measure B-1(a) also refers to the restoration areas described in mitigation measure B-1(b).

Mitigation measure B-1(a) is essentially a preconstruction survey requirement for special status plant species, and does require that seasonally-timed surveys be conducted “prior to any vegetation removal, grubbing, or construction activity.” The measure further requires that surveys be conducted in accordance with CDFW and USFWS protocols. These protocols require multiple site visits during the survey year and utilization of reference populations where available. Therefore, this measure does not necessarily constitute a “one-time survey.” Resurveying the project area prior to start of construction would not necessarily provide valuable information if the site is resurveyed outside of the typical bloom period for any of the target special status plant species. The surveys prescribed in mitigation measure B-1(a) are required to be seasonally-timed and completed within two years prior to the start of construction, and no additional surveys are warranted.

To provide clarification regarding the use of the words “mitigation” and “restoration,” measure B-1(a) has been modified as follows:

B-1(a) Special Status Plant Species Surveys. Prior to any vegetation removal, grubbing, or other construction activity of each segment (including staging and mobilization), seasonally-timed special status plant surveys shall be conducted by a qualified biologist approved by the implementing entity no more than two years before initial ground disturbance. The purpose of these surveys is to document the location(s) and number(s) of sensitive plant species within construction and mitigation/restoration areas so that mitigation can be accomplished. The surveys shall coincide with the bloom periods for each species listed above in Tables 4.4-6, 4.4-7 and 4.4-8 and all special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map at a scale of no less than 1”=200’. Surveys shall be conducted in accordance with the County, CDFW, and USFWS protocols (California Department of Fish and Game 2009, United States Fish and Wildlife Service 2000). A report of the survey results shall be submitted to the RTC and/or implementing entity, and the CDFW for review and approval.

Response 6.11

The commenter states that avoidance of special status plant species is preferred and that translocation should be considered only when avoidance is not feasible. The commenter specifically cites concerns over restoration of white-rayed pentachaeta and suggests that restoration is not likely a recommended mitigation measure for this and similarly situated species.

Mitigation measure B-1(b) prescribed avoidance first, and mitigation if avoidance is not feasible. Additional language stating that a state ITP must be obtained pursuant to CESA has also been added to mitigation measure B-1(b) (see Response 4.3). The CDFW may, at its discretion and upon issuance of the ITP, require additional avoidance measures or compensatory mitigation above and beyond what is already prescribed in the EIR. However, the measures contained in the EIR are adequate for CEQA purposes.

Response 6.12

The commenter requests clarification regarding the establishment of buffer zones around special status plant species and suggests that the buffer size should be based on a variety of physical characteristics at the location of the buffer.

The buffer is intended to be placed between construction and special status plant species occurrences wherever they are identified along the proposed MBSST alignment. The primary purpose of the buffer is to protect special status plant species from being affected during construction of the project, as construction activity is expected to cause substantial soil disturbance in some areas. After completion of construction, use of the trail is not expected to cause substantial soil disturbance. Furthermore, special status plant species occurrences are candidates for installation of permanent protective fencing as described in the Master Plan.

Response 6.13

The commenter notes that acquisition of an ITM is not mentioned for state-listed species that may be impacted.

Additional language requiring acquisition of a state Incidental Take Permit pursuant to CESA has been added to mitigation measure B-1(b) (see Response 4.3).

Response 6.14

The commenter requests additional discussion regarding relocation sites for California red-legged frogs, Santa Cruz long-toed salamander foothill yellow-legged frog, and California tiger salamander described in mitigation measure B-1(d). The commenter is specifically concerned with defining the suitability of relocation sites and the long-term protections of relocation sites.

The watersheds/streamcourses along the MBSST Network have not been fully surveyed; however, the special status animal species are highly mobile and are expected to move

throughout the watersheds/streamcourses in which they occur. As such, it is expected that relocation sites with similarly suitable habitat will be available in the same watersheds. Note that none of these species would be relocated without authorization from the CDFW and/or USFWS, at which point these agencies will have the ability to provide specific requirements for relocation sites, if they so choose.

Regarding long-term protections, the relocation sites will not necessarily be restoration sites. This measure is designed to avoid and minimize harm to individual special status animals due to construction of the proposed MBSST Network project. This measure is not intended to provide compensatory mitigation as habitat impacts are expected to be minimal (see Response 6.8). Additionally, long-term protection of suitable habitat off-site is likely not feasible due to landowner rights, and long-term protection of suitable habitat does not necessarily protect the relocated individual if it should decide to leave the relocation site. The comment is noted and no changes to the EIR are warranted.

Response 6.15

The commenter states that the text in mitigation measure B-1(f) (San Francisco Garter Snake and Black Legless Lizard Surveys) is contradictory, noting that the measure requires consultation with the CDFW and USFWS if the species is identified during preconstruction surveys, and later stating that relocation of the species has been identified as means for avoiding mortality. The commenter further notes that the San Francisco garter snake is a state Fully Protected species under the Fish and Game Code.

The following modifications have been made to address concern over San Francisco garter snake:

- B-1(f) ~~San Francisco Garter Snake and Black Legless Lizard Surveys.~~**
Not less than three months prior to the start of construction activities (including staging and mobilization) for each segment, a CDFW-~~and USFWS-~~approved biologist shall place coverboards in areas with suitable habitat for ~~San Francisco garter snake and~~ black legless lizard. The coverboards shall be at least four feet by four feet and constructed of untreated plywood placed flat on the ground. The coverboards shall be checked by the biologist once per week for each week after placement up until the start of vegetation removal. All black legless lizards found under the coverboards shall be captured and placed in five-gallon buckets for transportation to relocation sites. All relocation sites shall be approved by the RTC and/or implementing entity and shall consist of suitable habitat. Relocation sites shall be as close to the capture site as possible but far enough away to ensure the animal(s) is not harmed by construction of the project. Relocation shall occur on the same day as capture. CNDDDB Field Survey Forms shall be submitted to the CDFW for all special status animal species observed.

~~If a San Francisco garter snake is located during the surveys, the garter snake shall not be captured and relocated. All further survey efforts at the location of the observation shall cease and the CDFW and USFWS shall be consulted.~~

During all initial ground vegetation removal activities for each segment, a qualified biologist shall be on-site to recover any ~~San Francisco garter snakes and~~ black legless lizards that may be excavated/ unearthed. If the animals are in good health, they shall be immediately relocated to the designated release area. If they are injured, the animals shall be released to a CDFW ~~and/or~~ USFWS-approved specialist until they are in a condition to be released into the designated release area.

A report of all preconstruction survey efforts and monitoring during initial ground vegetation removal of each segment shall be submitted to the implementing entity within 30 days of completion of the survey effort to document compliance. The report shall include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report shall also include for each captured special status animal, the UTM coordinates and habitat descriptions of the capture and release site (in UTM coordinates), the length of time between capture and release, and the general health of the individual(s).

B-1(g) FESA and CESA Consultation. To ensure compliance with FESA and CESA, the RTC and/or implementing entity shall obtain either Incidental Take Permits or written concurrence that implementation of the project will not result in take for CRLF, SCLTS, CTS, ~~San Francisco garter snake~~, steelhead, coho salmon, and tidewater goby.

B-1(n) San Francisco Garter Snake Avoidance and Minimization. The following measures shall be implemented in the Northern Reach in consultation with the CDFW and USFWS:

- All portions of the proposed project within the range of the San Francisco garter snake shall be designed to avoid impacts to aquatic habitat and to avoid or minimize impacts to adjacent upland habitat.
- Construction activities in the Northern Reach shall be avoided within 200 feet of suitable aquatic habitat to the greatest extent feasible.
- Construction equipment, personnel, and materials shall be confined to roadways and existing disturbed areas so as to

minimize habitat disturbance. If work must occur within 200 feet of suitable aquatic habitat, exclusion fencing shall be installed at the discretion of a qualified biologist to prevent San Francisco garter snakes from entering the work site.

- Construction shall occur between May 1 and October 1 when San Francisco garter snake is most active and would be expected to move and avoid danger. If construction must occur between October 2 and April 30, the USFWS and CDFW shall be consulted to determine if additional minimization measures are necessary.
- Impacts to suitable upland habitat shall be the minimum necessary to complete construction of the project. The limits of construction shall be delineated clearly with highly visible flagging or construction fencing.
- Not more than 24 hours prior to initiation of construction activities at the project site, including mobilization and staging, a qualified biologist shall conduct a survey of suitable habitat for San Francisco garter snake. If a San Francisco garter snake is observed within the disturbance footprint, construction activities shall be postponed until the CDFW and USFWS has been consulted for guidance.
- Trash shall be fully contained at all times and shall be removed from the site daily.
- A qualified biologist shall be present during all construction activities occurring within and adjacent to suitable habitat to ensure avoidance and minimization measures are implemented and effective.

Response 6.16

The commenter requests additional analysis of impacts to nesting raptors that could result from permanent impacts to breeding habitat, and requests that additional measures be identified to reduce the potential for impact to white-tailed kites.

Please note that the proposed MBSST Network project design is conceptual and the specific localized design elements are not yet available. As such, it is not known if trees that support raptor nesting will be removed. The potential for impacts to white-tailed kite if nest trees are removed is discussed under Impact B-1 in Section 4.4, *Biological Resources*. The following modifications to paragraphs on pages 4.4-41, 4.4-46, and 4.4-51, respectively, further elaborate on the potential for impacts to white-tailed kites due to loss of a nest tree:

White-Tailed Kite (Elanus leucurus). White tailed kites are Fully Protected under the CFGC. Several white-tailed kites were observed foraging throughout the northern reach. Numerous nesting opportunities are available near the proposed MBSST Network. If white-tailed kites are nesting near the railroad corridor, construction of the MBSST Network may be disruptive and cause nest

failure due to noise and above-normal human presence. The impact could be substantial if a breeding site were located near the proposed MBSST Network. These impacts would only occur during the nesting season; however, removal of a nest site outside of the nesting season could be significant as white-tailed kites tend to return to the same nest sites during subsequent years. However, it is not anticipated that large numbers of trees in any given area would need to be removed as the majority of the trail would be constructed on an existing railroad corridor or on surface streets. Furthermore, the removal of one nest tree outside of the nest season should be no different than if that tree had been felled by natural means (e.g., rot). White-tailed kites do have the ability to build new nests and the loss of a single nest tree would be less than significant. Impacts to foraging habitat would be less than significant due to the relatively small disturbance area of the proposed MBSST Network project area.

White-Tailed Kite. Like the northern reach, several nesting opportunities are available for white-tailed kites in the central reach, particularly in the southern portion of the reach where the proposed MBSST Network transitions from urban developed areas to agriculturally developed areas that provide ample foraging opportunities. Impacts to white-tailed kites might occur during construction if kites are nesting near construction areas and/or trees need to be removed or trimmed. The impact could be substantial if a rookery is located near the proposed MBSST Network. These impacts would only occur during the nesting season; however, removal of a nest site outside of the nesting season could be significant as white-tailed kites tend to return to the same nest sites during subsequent years. However, it is not anticipated that large numbers of trees in any given area would need to be removed as the majority of the trail would be constructed on an existing railroad corridor or on surface streets. Furthermore, the removal of one nest tree outside of the nest season should be no different than if that tree had been felled by natural means (e.g., rot). White-tailed kites do have the ability to build new nests and the loss of a single nest tree would be less than significant. Impacts to foraging habitat would be less than significant due to the relatively small disturbance area of the proposed MBSST Network project area.

White-Tailed Kite (~~Elanus leucurus~~). Several nesting opportunities are available for white-tailed kites in the Watsonville reach, particularly in the southern portion of the reach where the proposed MBSST Network transitions from urban developed areas to agriculturally developed areas that provide ample foraging opportunities. Impacts to white-tailed kites might occur during construction if kites are nesting near construction areas and/or trees need to be removed or trimmed. The impact could be substantial if a rookery is located near the proposed MBSST Network. These impacts would only occur during the nesting season; however, removal of a nest site outside of the nesting season could be significant as white-tailed kites tend to return to the same nest sites during subsequent years. However, it is not anticipated that large numbers of trees in any given area would need to be removed as the majority of the trail

would be constructed on an existing railroad corridor or on surface streets. Furthermore, the removal of one nest tree outside of the nest season should be no different than if that tree had been felled by natural means (e.g., rot). White-tailed kites do have the ability to build new nests and the loss of a single nest tree would be less than significant. Impacts to foraging habitat would be less than significant due to the relatively small disturbance area of the proposed MBSST Network project area.

All other raptor species with potential to nest along the proposed MBSST Network are expected to have similar or less nest site fidelity.

Response 6.17

The commenter requests further details regarding the types and application of chemicals that may be used for invasive weed management.

In response to this comment, the following modification has been made to Section 4.4, *Biological Resources*:

B-2(d) Invasive Weed Prevention and Management Program. Prior to start of construction of each segment, an Invasive Weed Prevention and Management Program shall be developed by a qualified biologist approved by the RTC and/or implementing entity to prevent invasion areas adjacent native habitat by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication before any species can gain a foothold and out-compete native plant species for resources.

All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a qualified biologist and in accordance with the restoration plan.

Herbicides may be used on a limited basis to control the growth and spread of invasive weeds. Aqua-Master herbicides containing a dye to show overspray or a similar herbicide approved by the CDFW shall be used, and shall be applied by a certified pesticide application specialist under the direction of a qualified biologist. Herbicide application shall be plant species-dependent and can include foliar treatment or cut surface treatments. Herbicide shall not be broadcast over a large area; instead specific plant species

shall be targeted. The target plant species shall be removed and disposed of properly at a landfill once they are dead.

Response 6.18

The commenter requests additional information regarding water quality monitoring for special status fish species.

Mitigation measure B-1(e) in section 4.4, *Biological Resources*, has been modified as follows:

B-1(e) Tidewater Goby, Steelhead and Coho Salmon Impact Avoidance

and Minimization. If suitable habitat for tidewater goby, steelhead, and/or coho salmon cannot be avoided, any in-stream portions of each segment (where drainage crossings require in-stream work) shall be dewatered/diverted. A dewatering/diversion plan shall be prepared and submitted to the NMFS, the USFWS and the CDFW for review and approval. All dewatering/diversion activities shall be monitored by a qualified fisheries biologist. The fisheries biologist shall be responsible for capture and relocation of fish species out of the work area during dewatering/diversion installation.

A Programmatic Consultation and Conference for Listed Coastal Species, Ventura, Santa Barbara, San Luis Obispo, Monterey, and Santa Cruz Counties, California (1-8-96-F-11) was established on August 29, 1991 between the USFWS and the USACE. The following measures are generally adapted from that document. Consultation shall occur with the USFWS to determine that 1) the project is covered under the above programmatic consultation through issuance of USACE permits under Section 404 of the Clean Water Act, or 2) that take of CRLF is not anticipated through implementation of the measures below as determined through informal consultation with the USFWS if no federal permits are pursued.

- The implementing entity shall designate a representative to monitor on-site compliance of all avoidance and minimization measures. This representative shall be trained by a qualified fisheries biologist in the identification of the target species and the assessment of the potential for take based on the proposed activities. The representative shall consult with the biologist as necessary to ensure compliance. The representative and the biologist shall have the authority to halt any action which may result in the take of listed species.*
- Only USFWS/NMFS/CDFW-approved biologists shall participate in the capture and handling of listed species.*
- No equipment shall be permitted to enter wetted portions of any affected drainage channel.*

- *All equipment operating within streams shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.*
- *Work within and adjacent to streams shall not occur between November 1 and May 1. Unless otherwise approved by NMFS and the CDFW.*
- *If project activities could degrade water quality, water quality sampling shall be implemented to identify the pre-project baseline, and to monitor during construction for comparison to the baseline.*
- *If water is to be pumped around work sites, intakes shall be completely screen with wire mesh not larger than five millimeters to prevent animals from entering the pump system.*
- *If any tidewater goby, steelhead, or coho salmon are harmed during implementation of the project, the project biologist shall document the circumstances that led to harm and shall determine if project activities should cease or be altered in an effort to avoid further harm to CRLF.*
- *Water turbidity shall be monitored by a qualified biologist or water quality specialist during all instream work. Water turbidity shall be tested daily at both an upstream location for baseline measurement and downstream to determine if project activities are altering water turbidity. Turbidity measures shall be taken within 50 feet of construction activities to rule out other outside influences. Additional turbidity testing shall occur if visual monitoring indicates an increased in turbidity downstream of the work area. If turbidity levels immediately downstream of the project rise to more than 20 NTUs (Nephelometric Turbidity Units) above the upstream (baseline) turbidity levels, all construction shall be halted and all erosion and sediment control devices shall be thoroughly inspected for proper function, or shall be replaced with new devices to prevent additional sediment discharge into streams.*

Response 6.19

The commenter requests additional details regarding the possible installation of bridge supports, including the types and construction of these supports, and the potential acoustical impacts installing these supports might have on fish species.

Noise and vibration impacts from construction are addressed in Section 4.10, *Noise*. This analysis assumed that no pile driving would be used for installation of new bridges. However, mitigation measure N-1(c) requires that stationary construction equipment that generates noise that exceeds 60 dBA at the boundaries of adjacent sensitive receptors be baffled to reduce noise and vibration levels. Construction related noise and vibration effects would be temporary. In addition, with implementation of the above mitigation measures, noise generated by

construction equipment would be limited to daytime hours and would be muffled to the extent practicable. As a result, impacts would be reduced to a less than significant level.

To clarify that pile driving would not be anticipated, the following revision has been made under Impact N-1 in Section 4.10, *Noise*:

Table 4.10-2
Typical Construction Noise Levels (dBA)

Equipment	Typical Level 50 Feet from the Source	Typical Level 100 Feet from the Source	Typical Level 200 Feet from the Source	Typical Level 300 Feet from the Source
Air Compressor	81	75	69	66
Backhoe	80	74	68	65
Concrete Mixer	85	79	73	70
Grader	85	79	73	70
Paver	89	83	77	74
Saw	76	70	64	61
Scraper	89	83	77	74
Truck	88	82	76	73

Source: Typical noise level 50 feet from the source was taken from FTA, May 2006. Noise levels at 100 feet, 200 feet, and 300 feet were extrapolated using a 6 dBA attenuation rate for the doubling of distance.

It should be noted that vibratory and/or impact pile-driving activities can result in noise levels in excess of those shown in Table 4.10-2. However, project construction activities would not require pile-driving.

Please also note that the project as described in the Master Plan is conceptual, and specific designs and construction methods would be developed as each individual segment is designed and proposed. As such, additional analyses may be required once the final segment design has been developed, if they vary substantially from what has been analyzed in this EIR.

Response 6.20

The commenter states that middens located along the coastal bluffs are distinct mounds that may be apparent to trail users. The commenter queries whether the proposed MBSST Network project would border these middens and, if so, what mitigation measures would be provided to prevent looting of these sites.

Please note that the proposed MBSST Network project design is conceptual and the specific localized alignments and design elements are not yet available; therefore, it is unknown in what proximity the proposed MBSST Network alignment would be to the referenced sites. As noted in Section 1.0, *Introduction*, 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, rather than impacts to specific resource sites. Subsequent environmental review of individual segments may be required, particularly if an individual trail segment differs from what was analyzed in this EIR. In such instances, this Program EIR may be used as a tiering document, as described in Section 15152 of the *State 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.

Programmatic mitigation measures CR-1(a) and CR-1(b) would address impacts to archaeological resources and are included in Section 4.5, *Cultural Resources*. However, in response to this comment the following amendments to mitigation measures CR-1(a) and CR-1(b) has been made:

CR-1(a) Cultural Resources Records Search. Prior to ~~issuance of grading permits~~ completion of final design for each trail segment, the RTC and/or implementing entity shall contract with a qualified archaeologist to perform a cultural resources records search. The cultural resources records search shall include both the Area of Direct Impact as well as a suitable buffer area encompassing an Area of Indirect Impact as determined by a qualified archaeologist. If a cultural resources survey has previously been adequately performed for the subject trail segment/impact area, and existing prehistoric or archaeological cultural resources were not identified, no further pre-construction mitigation would be required. If no previous survey has been performed for the subject trail segment/impact area, or if a previous survey has identified prehistoric or archaeological cultural resources, mitigation measure CR-1(b) shall be implemented.

CR-1(b) Pre-Construction Prehistoric and Archaeological Resources Survey. Prior to ~~the issuance of grading permits~~ completion of final design for each segment that has not been previously graded and/or surveyed for prehistoric and archaeological cultural resources [as determined by mitigation measure CR-1(a)], the RTC and/or implementing entity shall contract with a qualified archaeologist to perform a Phase I cultural resources assessment. In the event that prehistoric or archaeological cultural resources are identified within the Area of Direct Impact during the Phase I assessment and impacts to the resource cannot be avoided by redesign, the implementing agency shall implement a Phase II subsurface testing program to determine the resource boundaries within the trail corridor/impact area, assess the integrity of the resource, and evaluate the site's significance through a study of its features and artifacts.

If the site is determined significant, the RTC and/or implementing entity may choose to cap the resource area using culturally sterile and

chemically neutral fill material and shall include open space accommodations and interpretive displays for the site to ensure its protection from development. A qualified archaeologist shall be retained to monitor the placement of fill upon the site and to make open space and interpretive recommendations. If a significant site will not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III data recovery program designed to record and remove significant prehistoric or archaeological cultural materials that could otherwise be tampered with. If the site is determined insignificant, no capping or further archaeological investigation shall be required, though archaeological monitoring may still be required. The results and recommendations of the Phase II and/or Phase III studies shall determine the need for construction monitoring.

In the event that prehistoric or archaeological cultural resources are identified within the Area of Indirect Impact during the Phase 1 assessment, the implementing entity shall contract with a qualified archaeologist to determine whether avoidance or minimization measures are required to prevent looting and aggravation of existing resources. If required, these measures could include, but shall not be limited to: installation of signage prohibiting the public from accessing the site(s), installation of fencing around the identified sites, installation of protection landscape screening, and/or placement of cultural sterile and chemically neutral fill upon the site(s). Selection of feasible avoidance or minimization measures shall be in consultation with the appropriate resource agency, implementing entity, and/or RTC. Following implementation of feasible avoidance or minimization measures the RTC and/or implementing entity shall prepare a four year monitoring plan that includes annual review of sites within the Area of Indirect Impact to assess whether impacts are occurring, supplemental measures to address identified impacts and an annual report of findings which would be available for review by the relevant resources agencies. The plan shall be implemented for a minimum of four years, or until it is clear that resources are not being impacted by the project.

Response 6.21

The commenter requests that mitigation measure GEO-4 (Hillside Stability Evaluation) address sea level rise in relation to bluff instability and the trail alignment. The commenter also requests that where retaining walls are required, the project envelope be surveyed for biological resources. The commenter notes the CSLC information requirements related to sea level rise when considering lease applications.

As discussed in Section 4.5, *Geology/Soils*, portions of the proposed MBSST Network project would be located in areas of high coastal erosion based on the Santa Cruz County Coastal Erosion Map (2009). The potential for sea level rise to occur in this area could increase coastal erosion rates over the long term. Impact GHG-3 in Section 4.7, *Greenhouse Gas Emissions/Climate Change*, describes the potential for flooding and/or shoreline retreat associated with sea level rise to affect the proposed project. Ongoing trail maintenance and inspection activities throughout the life of the project would ensure that sea level rise does not expose people or structures to the risk of loss, injury or death. It is noted that CSLC may, at its discretion and prior to approval of a lease application, require additional project modifications above and beyond what is already prescribed in the EIR. However, the design measures contained in the Master Plan are adequate to reduce impacts to a less than significant level for CEQA purposes.

Please note that the project as described in the Master Plan is conceptual, and specific designs and construction methods would be developed for each individual segment. The entirety of the future project envelope for each segment, including potential new retaining walls, would be subject to the mitigation measure requirements contained in the EIR, including the mitigation measures in Section 4.4, *Biological Resources*. The comment is noted and no changes to the EIR will be made.

Response 6.22

The commenter recommends the use of permeable pavement and other Low Impact Development features, where feasible, to increase infiltration and reduce runoff potential.

Impact H-1 in Section 4.9, *Hydrology and Water Quality*, evaluates the potential for the MBSST Network project to result in an increase in stormwater runoff due to the increase in impermeable surface along the project alignment. As noted, the linear nature of the trail, and its relatively narrow width, would minimize a change in runoff potential at any given location. In addition, the proposed Master Plan includes design standards to maintain historical runoff volumes. Furthermore, each jurisdiction that the trail passes through has drainage standards that would prevent an increase in on-site runoff volumes for new development or re-development projects, as mentioned in Section 4.9.1(d) (Regulatory Setting). Each portion of the trail would be required to comply with the existing policies and standards in place for the local jurisdiction pertaining to stormwater runoff. All of the above would reduce impacts resulting from stormwater runoff and sedimentation to a less than significant level. However, in consideration of this comment, the design standards included in the MBSST Network Master Plan have been amended to reference the potential use of permeable pavement and other Low Impact Development features.

Response 6.23

The commenter states the opinion that the EIR should identify where coastal bluff retreat or failure associated with sea level rise could occur and consider areas of potential trail relocation to ensure the trail is safe.

Impact GHG-3 in Section 4.7, *Greenhouse Gas Emissions/Climate Change*, describes the potential for flooding and/or shoreline retreat associated with sea level rise to affect the proposed project. Ongoing trail maintenance and inspection activities throughout the life of the project would ensure that sea level rise does not expose people or structures to the risk of loss, injury or death, reducing impacts to less than significant for CEQA purposes. In addition, Section 5.5.7 of the Master Plan notes that natural surface trails along coastal bluffs may be affected by sea level rise and development of new trails should consider these impacts. As stated previously, the project as described in the Master Plan is conceptual, and specific alignments, designs and construction methods would be developed for each individual segment as they are proposed.

Response 6.24

The commenter recommends implementation of a local trail-rail media campaign to educate potential trail user on common safety actions before public use of the trail commences.

This comment pertains to public education on use of the MBSST Network and does not challenge or question the analysis or conclusions in the Draft EIR. The comment is noted and has been received by the RTC.

Response 6.25

The commenter notes that the CSLC will need to rely on the EIR for the issuance of any amended or new leases and requests that comments are considered prior to certification of the EIR. The commenter also requests that additional information on the Master Plan be sent to the CSLC as plans are finalized.

The comments received will be considered by the decision makers prior to certification of the EIR along with the responses contained herein. The request for additional information on the Master Plan to be forwarded has been received by the RTC.

Response 6.26

The commenter requests electronic copies of all future documentation related to the CEQA process be sent to the CSLC and provides contact details at the department for further questions.

The comment is noted. No further response required.

-----Original Message-----

From: ndwoods@cruzio.com [<mailto:ndwoods@cruzio.com>]

Sent: Thursday, June 06, 2013 4:44 PM

To: Regional Transportation Commission

Subject: Re: RTC: Monterey Bay Sanctuary Scenic Trail Network - Draft Environmental Impact Report released

Importance: High

You do not mention in your cover letter about equestrians. Horses have been using the dirt track next to the tracks north of the city of Santa Cruz for over a 100 years...please make sure they get a place to continue being ridden...

Thanks!

Dee

Letter 7

COMMENTER: Dee Woods

DATE: June 6, 2013

Response 7.1

The commenter states that the railroad tracks north of the City of Santa Cruz are currently used by equestrians and requests that this is allowed to continue.

As described in Section 2.5.3 (Trail Amenities and Features) in Section 2.0, *Project Description*, equestrian use on the MBSST Network would be allowed in the north coast area extending from Wilder Ranch to Davenport, i.e. along segments 5.1, 5.2, 5.3 and 6. The proposed Master Plan suggests specific design considerations when planning for equestrian use on multi-use paths, including trail width of at least eight feet with a vertical clearance of at least ten feet, separated a minimum of three feet from the paved multi-use path.

To clarify, text on page 2-49 regarding equestrians on the trail has been revised as follows:

Equestrians on Trails. Equestrian use on the MBSST Network would be limited to the north coast area extending from Wilder Ranch to Davenport, i.e. along segments 5.1, 5.2, 5.3 and 6. Equestrians would utilize the existing facilities located in Wilder Ranch. The proposed Master Plan suggests specific design considerations when planning for equestrian use on multi-use paths, including trail width of at least 8 feet with a vertical clearance of at least 10 feet, separated a minimum of three feet from the paved multi-use path.

From: gildw@pacbell.net [<mailto:gildw@pacbell.net>]

Sent: Thursday, June 06, 2013 8:52 PM

To: info@sccrtc.org

Subject: monterey bay sanctuary trail

I notice that equestrians are not mentioned as potential users of this trail As an equestrian I am wondering why we have been left out. As our trails have continued to drastically disappear due to high density development over the years, it would be important to include horses as users of this trail.

Sincerely, Leslie Dwyer

516 Soquel Ave. #3

Santa Cruz CA.95062

gildw@pacbell.net

Sent from Yahoo! Mail on Androidp

Letter 8

COMMENTER: Leslie Dwyer

DATE: June 6, 2013

Response 8.1

The commenter is querying why equestrians are not mentioned as potential users of the MBSST Network and states the opinion that horses should be included as users of the MBSST Network.

Please refer to Response 7.1.

From: Diane Vaillancourt [<mailto:vaillancourt@cruzio.com>]

Sent: Thursday, June 06, 2013 9:52 PM

To: info@sccrtc.org

Subject: RTC: Monterey Bay Sanctuary Scenic Trail Network - Draft Environmental Impact Report --No Mention of Equestrian Trails--Huh???

As a long time Santa Cruz resident and equestrian, I was alarmed to see that there is no mention of equestrian trails in the above-referenced report. It has been my understanding since the commencement of this project that equestrian trails would be part of it. Surely this is an oversight that will be corrected straightaway.

It goes without saying Santa Cruz has a wonderful horse community. One of its special attractions is its many trails welcoming everyone. We have a long history of horses, bicycles and pedestrians sharing trails in Wilder so that we all can enjoy this beautiful land.

It only makes sense that options for trails would be available to equestrians as well.

Thank you for your consideration.
Diane K. Vaillancourt

Letter 9

COMMENTER: Diane K. Vaillancourt

DATE: June 6, 2013

Response 9.1

The commenter is querying why equestrians are not mentioned as potential users of the MBSST Network and states the opinion that horses should be included as users of the MBSST Network.

Please refer to Response 7.1.

From: DeeDee Levine [<mailto:sonnyduo@yahoo.com>]
Sent: Thursday, June 06, 2013 11:14 PM
To: info@sccrtc.org
Subject: RTC: Monterey Bay Sanctuary Scenic Trail Network - Draft

Kind people,

In reviewing the latest draft of the Monterey Bay Sanctuary Scenic Trail Network,
It appears there are provisions made for pedestrian and bike trails but no mention of equestrian trails.
Surely this is an oversight and will be included in the followup document.

Equestrian trails in this network will be put to good use by horse and rider groups in the community and
from outside the community. Please insure this trail use group is included in the final plan.

Thank you,
Diane Levine
650-208-1663

Letter 10

COMMENTER: Diane Levine

DATE: June 6, 2013

Response 10.1

The commenter is querying why equestrians are not mentioned as potential users of the MBSST Network and states the opinion that horses should be included as users of the MBSST Network.

Please refer to Response 7.1.

-----Original Message-----

From: Sandra L. Cohen [<mailto:slcohen222@cruzio.com>]

Sent: Wednesday, June 19, 2013 11:03 AM

To: info@sccrtc.org

Subject: RAIL/TRAIL COMMENT

I am all for the trail aspect of this project in hopes of it joining up with the Monterey Coastal Trail eventually. However, I am dead-set against the rail/train portion of this project. It is entirely too much money and will not be useful enough to make it feasible economically--even long term. Environmental hopes are one thing. Fiscal responsibility is quite another. Sure, it would be great to alleviate traffic on Hwy 1. But do the demographics and analysis really support this or is it a "build it and MAYBE they will come." And who is "they" exactly? Please be realistic. Do your homework or pay me to do it.

Sincerely,
Sandra L Cohen
Santa Cruz

Letter 11

COMMENTER: Sandra L. Cohen

DATE: June 19, 2013

Response 11.1

The commenter expresses support for the proposed project. Also, the commenter incorrectly assumes that there is a rail/train aspect to the proposed project, stating her opposition to that aspect.

The proposed project does not include provision of rail service along the Santa Cruz Branch Rail Line. As described in Section 2.3.2 (Existing Rail Line) in Section 2.0, *Project Description*, Iowa Pacific Holdings, operating as Santa Cruz and Monterey Bay Railway (SCMBR), is the current freight and tourist passenger service operator. SCMBR plans to implement additional freight, passenger, and recreational rail service in the future; however, this is not part of the proposed project and is not considered in the EIR. The proposed project is the 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. Nevertheless, the commenter's concerns are noted and have been received by the RTC.

TIMOTHY J. MORGAN
ATTORNEY AT LAW
121 JEWELL STREET
SANTA CRUZ, CALIFORNIA 95060
(831) 429-9641
FACSIMILE (831) 429-2824
EMAIL TMORGAN@MORGANLAW.US

July 22, 2013

Cory Caletti
Senior Transportation Planner,
Santa Cruz Regional Transportation Commission
1523 Pacific Avenue
Santa Cruz, CA 95060

Re: Monterey Bay Sanctuary Scenic Trail Network
Draft EIR Comments

Dear Ms. Caletti:

Our office represents Teresa Knox in her capacity as manager of Struve Ranch, LLC and LMC Properties, LLC, located in Section 17 of the proposed Monterey Bay Sanctuary Scenic Trail Network (the rail trail) in unincorporated Santa Cruz County, directly adjacent to the railroad tracks.

12.1

I can state that farm operators Dave Divini of Watsonville Exchange Inc., Dobler and Sons, LLC, and the Fujii Brothers have seen this letter and agree with its content.

As was mentioned at the June 27th meeting in Watsonville on this project, which was attended by Brian Mathias, Esq., of this office, Struve Ranch and LMC Properties are family farms owned by the descendants of the Martin and Struve families for the past 150 year and operated by Dobler and Sons, LLC.

The construction and operation of the proposed rail trail is incompatible with traditional farming. The rail trail will take existing agricultural land out of production, reduce agricultural productivity, and expose farmers to frivolous lawsuits for perceived exposure to pesticides. Further, there is the very real concern that there is no basis to use the existing railroad easement for the purposes of recreation and alternative transportation, as is presumed by the EIR. Based off these concerns, my client requests that the On-Road Alignment or Reduced Project alternatives be utilized along Section 17 of the proposed rail trail in the Watsonville area of the rail trail.

12.2

The written comments below track with many of the comments made at the June 27th meeting in Watsonville and should be read in conjunction with the letter of December 21, 2012, which was

TIMOTHY J. MORGAN
ATTORNEY AT LAW

Cory Caletti, SCRTC
Re: Monterey Bay Sanctuary Scenic Trail Network (Draft EIR Comments)
July 22, 2013
Page 2

e-mailed to the Regional Transportation Commission.¹

Scope of Railroad Easement Exceeded

My understanding from the Draft EIR is that the proposed rail trail will use the entire width of the rail corridor, which consists of lands owned outright by the County and easements owned by adjacent property owners.²

12.3

For background, the holder of an easement, called the dominant estate, is permitted to use the land subject to the easement, but only for limited and specific purposes, called the "scope" of an easement. An easement is not the same as the outright ownership of real property where one can do whatever one likes with his or her own property.

In my view, the scope of the easement granted to the Southern Pacific Railroad by LMC Properties, which is now owned by the Santa Cruz Branch Line, permits the maintenance and operation *of a railroad*. This would clearly have been the intent when the easement was created, when the railroad was in operation and the construction of a rail trail was not contemplated. However, that scope would not and could not be stretched to include recreational use, pedestrian use, bicycle use, or any other use by the general public. Such uses would have never been contemplated at the time the railroad easement was granted and thus the scope of the easement on the LMC property will be illegally exceeded if used for the purposes of recreation and alternative transportation.

12.4

By way of this letter, I request that Regional Transportation Commission thoroughly research and address the easement issue before proceeding with the final EIR, specifically the easement on the LMC property.³ This issue strikes at the very core of the rail trail project as proposed in the Draft EIR; namely, the ability to use the full width of the purchased corridor for recreational and pedestrian purposes. This is no minor technical problem that can be pushed off for resolution at some later date through the planning process. If the railroad easements are insufficient to permit

¹ You indicated that you had not received my letter of December 21, 2012, at the June 27th meeting. Another copy of that letter is attached for your reference.

² For example, LMC Properties is "subject to a right of way over a strip of land 14 feet in width along and adjoining said lands of the Southern Pacific Company." This is just *one* example of a railroad easement along the rail corridor. There could be a hundred more similar easements.

³The LMC property happens to be just *one* adjacent parcel to the proposed rail trail. There could be more than one hundred other similar easements along the proposed rail trail, all of which should be looked into before the Final EIR is circulated.

TIMOTHY J. MORGAN
ATTORNEY AT LAW

Cory Caletti, SCRTC
Re: Monterey Bay Sanctuary Scenic Trail Network (Draft EIR Comments)
July 22, 2013
Page 3

the scope of the proposed rail trail project, then this inadequacy could make all other questions mute. So central an issue must be thoroughly analyzed in the Draft EIR.

Impact AG-1

Impact AG-1 states that "Development of the proposed MBSST Network *may* impact land designated as Prime Farmland. Impacts would be Class II, significant but mitigable."

The rail trail project *will certainly* have a significant impact on agricultural land adjacent to the proposed rail trail.

Best farming practices in Santa Cruz County require the use of a hygienic "buffer zone" between crops and potential sources of contamination.⁴ This is why you see barren swathes of open ground surrounding agricultural fields. As it stands today, there are no people or pets routinely walking along the rail corridor, and the buffer zones for the adjacent fields have been calculated appropriately. However, the proposed width of the trail is much wider than that of the existing tracks. As a result, the buffer zone will have to be relocated further inward onto land that is currently dedicated to the commercial production of food on the Struve Ranch property.⁵ This has the impact of reducing the rental value that landowners may charge farmers to grow food on their property; the less acreage physically available to farm, the less the rent that can be charged.

I disagree that the placement of fencing would in anyway mitigate this impact, as stated in mitigation measure AG-1(a). The only true mitigation measure for this impact is to reroute this section of the rail trail project.

By way of this letter, I ask that you address these concerns prior to the release of the Final EIR.

AG-3 Impacts

Impact AG-3 states, "Operation of the proposed MBSST Network *may* result in direct and indirect impacts on agricultural productivity from land use conflicts between trail users and agriculture. This is a Class II significant but mitigable impact."

The proposed rail trail with absolute certainty *will* impact agricultural productivity and has the potential to put the farms adjacent to it out of business entirely.

⁴ This problem is described in detail in my letter of December 21, 2012.

⁵ In my view, this is a "conversion of commercial agricultural lands" contrary to Policy 5.13.20 of the Santa Cruz County General Plan, which was identified in the Draft EIR.

12.5

12.6

TIMOTHY J. MORGAN
ATTORNEY AT LAW

Cory Caletti, SCRTC
Re: Monterey Bay Sanctuary Scenic Trail Network (Draft EIR Comments)
July 22, 2013
Page 4

First, the relocation of a hygienic buffer zone onto farmland currently in use will reduce the amount of food that ultimately can be grown. As discussed above, as the buffer zone is moved inward, land that is currently in production will be taken out of production. Therefore, there will be a direct impact on agricultural productivity.

12.6
(con't)

Second, the Struve Ranch and LMC farms use traditional farming methods, which includes the use of legal pesticides and herbicides.⁶ Currently, pesticides are applied on Sundays, when field workers are generally not present in the fields. However, with the construction of a rail trail, you will be inviting many pedestrians and bicyclists to travel immediately next to the fields. The bulk of the use will be on weekends, which will cause a substantial interference with the operation of the farms. Farmers will lose the one day of the week that the least number of people involved in farming operations would be present during their chemical applications.

12.7

Furthermore, farmers are required to have a chemical buffer zone between their property and any adjacent properties where people are present. For example, the chemical applications used on strawberry crops require a 300 foot buffer.⁷ Currently, strawberries are grown approximately 80 feet from the centerline of the rail road. However, if the rail trail is constructed, that buffer would be extended from the edge of the trail some 300 feet inward onto the Struve Ranch property. This would result in nearly seven acres (or more than 10% of the entire Struve Ranch) being taken out of strawberry production.⁸ Keep in mind that Struve Ranch and LMC farms are just *two* farms that line the tracks. There are dozens of other farms that line the new corridor and many of those will be more severely impacted by the new buffer zones.⁹

12.8

Third, as described in detail in the letter of December 21st, it is extremely likely that some rail trail users will sue local farms for perceived exposure to pesticides. The proposed rail trail is upwind from the LMC and Struve Ranch, and it is certain that rail trail users will smell chemicals

12.9

⁶ Santa Cruz County's Right to Farm Ordinances specifically contemplate that farming necessitates the use of pesticides. This is particularly significant given Santa Cruz County's reputation for organic food and well-known environmental movement.

⁷ The trend is to increase and not narrow the legal width of chemical buffers, even as pesticides become safer and more environmentally friendly.

⁸ I have attached a photograph to show where the new buffer zone would be relocated in the event the rail trail was constructed.

⁹ It is not feasible to suggest organic farming as a mitigation measure. Feasible organic farming requires specific types of naturally occurring soil and environmental factors that are not present at the Struve Ranch and LMC farms.

TIMOTHY J. MORGAN
ATTORNEY AT LAW

Cory Caletti, SCRTC
Re: Monterey Bay Sanctuary Scenic Trail Network (Draft EIR Comments)
July 22, 2013
Page 5

coming from the adjacent ranch. It is well known that lawsuits, even ones without merit, are very expensive to defend. While it is impossible to predict *who* will file a junk lawsuit and *which farmer* will be sued and the *exact* circumstances of the lawsuit, it is entirely predictable and likely that it will happen somewhere along the rail trail and that it will have a significant impact on the affected farmer.

12.9
(con't)

I ask that you carefully consider the impact of lawsuits and that you think of effective mitigation measures. As is, the Draft EIR does not identify this as an impact stemming from land use conflicts. If the rail trail is not rerouted in this section of the trail, the only effective mitigation measure would be for the County of Santa Cruz to indemnify all farmers adjacent to the trail from lawsuits stemming from exposure to legal pesticides being properly applied.

12.10

Fourth, the Draft EIR has identified the issue of waste, from both humans and pets along the rail trail. However, even with bathrooms located along the trail, it is certain that some human users will not use the bathrooms every time. Further, there is no practical way to prevent dog urine from contaminating farms adjacent to the trail. The cumulative impact presents a serious food-safety issue.

12.11

Lastly, there is a very real concern that legitimate trail users or trespassers will litter or dump items along the trail that will contaminate the adjacent farm land.¹⁰ Normally, trash cans and policing of the trail could mitigate that impact; however, there has been no evidence that any maintenance funds have been allocated for the rail trail.¹¹ Mitigation measures as basic as the placement of trash cans are not feasible without funds dedicated to their collection.

12.12

A response to these concerns prior to the Final EIR would be appreciated.

Mitigation Measures

None of the AG-3 mitigation measures will mitigate the impacts on agricultural production caused by the relocation of the hygienic buffer zone or the chemical buffer zone. There is no way to mitigate those impacts other than by implementing the On-Road Alignment or Reduced Project alternatives.

12.13

Mitigation measures AG-3 (a) and AG-3 (b) do not address the problems listed relating to chemical applications on Sundays.

¹⁰The letter of December 21, 2012, describes this issue in detail.

¹¹ Currently maintenance along the County-owned trail in Section 17 is virtually non-existent as compared to the previous owner.

TIMOTHY J. MORGAN
ATTORNEY AT LAW

Cory Caletti, SCRTC

Re: Monterey Bay Sanctuary Scenic Trail Network (Draft EIR Comments)

July 22, 2013

Page 6

Mitigation measure AG-3(c) has two parts, neither of which reduces the residual impact to the point of being less than significant.

The first part of mitigation measure AG-3(c) mitigates the impacts that farming will have on *trail users*, rather than the impact of the proposed rail trail on *agricultural productivity*. Accordingly, the measure cannot be reasonably expected to mitigate any of the effects on agricultural productivity.

12.14

Part two of mitigation measure AG-3(c) proposes a master-calendar, notification, and trail-closure system to prevent pesticide exposure. As with part one, the premise of this measure is to mitigate the impact that farming will have on *trail users*, rather than the impact that the rail trail will have on *agricultural productivity*. Notwithstanding, the calendaring, notification, and trail-closure measure will simply not work from either perspective.

First, this measure incorrectly assumes that all farms along a particular segment will apply the same type of pesticides at the same time. The type of pesticide used depends on what type of crop is being grown (which rotate and vary from farm to farm), the weather, and how close the crop is to harvest. Will farmers be expected to coordinate pesticide applications with the Agricultural Commissioner? If so, what new limitations will be implemented by the Agricultural Commissioner? Will farmers be permitted to continue to use pesticides? What employees will be designated to timely post notices and trail closures? How will the Agricultural Commissioner and RTC coordinate with farmers on Sundays and other times of the week when government offices are closed? This mitigation measure has the potential, *in and of itself*, to create a brand new direct impact on agricultural productivity that must be addressed in the Draft EIR.

12.15

Second, segmental trail closure is not an appropriate mitigation measure because users will continue to go on the trail even though the trail has been posted as "closed." As was mentioned at the June 27th meeting, a bicyclist traveling from Santa Cruz to Watsonville would not likely want to cut his or her trip short after unexpectedly bumping into a closed section of the trail. He or she would likely continue right on through the closed section of the trail despite the warning.¹²

12.16

Impact HAZ-3

Impact HAZ-3 states that, "Adjacent agricultural activities may include the use of pesticides considered to be a human health threat. Trail users and maintenance personnel could be exposed

¹² The mitigation measure of segmental trail closure also undermines the project's intent of providing an alternative means of transportation. If the trail is closed off segment by segment, how can it be relied upon as an alternative means of transportation? The better alternative is to simply reroute the trail.

TIMOTHY J. MORGAN
ATTORNEY AT LAW

Cory Caletti, SCRTC
Re: Monterey Bay Sanctuary Scenic Trail Network (Draft EIR Comments)
July 22, 2013
Page 7

to these chemicals during and after their application. This is a Class II, significant but mitigable impact.”

12.17

As of right now, LMC and Struve Ranch farms *do include the use* of legal pesticides considered to be a human health threat.

As with Impact AG-3, the proposed mitigation measure consists of a calendaring, notification, and trail closure system. This measure needs to be much better thought-out before it can be considered practical, or even feasible. As stated above, the time, place, and manner that pesticides are used vary from farm to farm. A calendaring system would lead to an awkward stretch-by-stretch closure of the rail trail (with little hope that such closures would be observed by dedicated trail users).

Conclusion

Ultimately, it is our position that the rail trail is putting an undue burden on the farmers adjacent to the railroad, and will expose them to substantial additional costs and trouble that should not be theirs to bear. The growers are not choosing to alter their own circumstances, but rather the County is seeking to change their circumstances for them, adding significant costs to their operations, all without compensation. This is neither fair nor proper, especially for a small community that prides itself on supporting local agriculture.


12.18

We urge the Regional Transportation Commission to carefully review the Draft EIR and materially respond to the concerns raised in this letter, as well as to the concerns voiced in my letter from December 21st, and to implement the On-Road Alignment or Reduced Project alternatives in Section 17 of the Watsonville Reach zone of the rail trail.

12.19

Thank you for your anticipated careful consideration of the serious issues and concerns raised in this letter. I look forward to your reply.

Very truly yours,



Timothy J. Morgan
Attorney at Law

Encl.
cc. Client

VOL. 5902 PAGE 466 49893

Recording Requested By and
When Recorded Mail To:SANSON & LOCKE-PADDON LLP
PO Box 1076
Aptos CA 95001-1076RE 6-1
MI 2
SF 2
SM 2
LN 2
CO 2
OP PT**RECORDED**SEP -4 1996 287RICHARD W. BEDEL, Recorder
SANTA CRUZ COUNTY, Official Records**Quitclaim Deed**APN: 052-211-26
Santa Cruz County

The undersigned declare(s):

The documentary transfer tax is \$0.00.

This conveyance changes the manner in which title is held, grantor(s) and grantee(s) remain the same and continue to hold the same proportionate interest. R&T 11911.

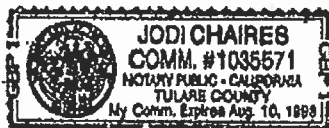
JEANNE S. CHANDLER, TRUSTEE OF THE JEANNE S. CHANDLER TRUST DATED NOVEMBER 8, 1992, hereby QUITCLAIMS to LMC PROPERTIES LLC, all of my right, title and interest in that certain real property in the unincorporated area of the County of Santa Cruz, State of California, described on Exhibit A attached hereto and incorporated by reference herein.

Dated: August 19, 1996, 1996

Jeanne S. Chandler
Jeanne S. Chandler

STATE OF CALIFORNIA, COUNTY OF ~~XXXXXX~~) ss.
TULARE

On August 19, 1996, 1996, before the undersigned, a Notary Public, personally appeared Jeanne S. Chandler, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which the person acted executed the instrument.



Jodi Chaires
Notary Public

Mail Tax Statements To:

Mary Ellen Martinelli

49 Cutter Dr., Watsonville CA 95076

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VOL. 5902 PAGE 467

BEING a part of the Rancho Bolsa del Pajaro and a part of the Rancho San Andreas, and beginning in the middle of the Beach Road at a station from which the most eastern corner of lands formerly owned by the Martin Brothers (of which the lands herein described are a part) and shown on the partition map of a part of the Rancho Bolsa del Pajaro situated in Santa Cruz County belonging to Martin Brothers, subdivided by Order of the Superior Court of Monterey County, 1892, a certified copy of which map is on file in the office of the County Recorder of Santa Cruz County, bears North 47° 5' East 18.01 chains distant; thence leaving said Beach Road North 24° 5' West 52.55 chains to the middle of the Main Drainage Ditch; thence along the centerline of said ditch North 32° 4' East 1.66 chains to the middle of the main track of the Southern Pacific Company; thence along the centerline of said track, the angle bearings and distances of which are as follows: North 70° 27' West 1.56 chains and North 65° 0' West 1.35 chains; thence leaving said railroad track and to and along the boundary of lands of one Sonnicksen, South 64° 20' West 18.76 chains and South 36° 45' West 5.38 chains, more or less, to the eastern bank of a drainage ditch; thence leaving said lands of Sonnicksen and along the said ditch bank South 29° 45' East 11.09 chains and South 18° 35' East 4.34 chains to the northern bank of the main drainage ditch; thence along said last named bank North 35° 18' East 1.58 chains; thence crossing main ditch and along the centerline of a lateral ditch South 44° 43' East 4.39 chains to lands now or formerly owned by Fred R. Hudson; thence along the boundary of said last named lands and along the boundary of lands of one Barber North 51° 45' East 3.77 chains and North 52° 30' East 6.06 chains to the most northern corner of said lands of Barber; thence continuing along the boundary of said lands of Barber South 29° 10' East 38.87 chains to the middle of the aforesaid Beach Road and thence along the centerline of said Beach Road North 47° 5' East 8.26 chains to the place of beginning.

EXCEPTING therefrom the lands of the Southern Pacific Company leaving an area of 92.00 acres, a little more or less.

AND SUBJECT to a right of way over a strip of land 14 feet in width along and adjoining said lands of the Southern Pacific Company.



Letter 12

COMMENTER: Timothy J. Morgan, Attorney, Law Offices of Timothy J. Morgan

DATE: July 22, 2013

Response 12.1

The commenter states that the Law Offices of Timothy J. Morgan represent the manager of Struve Ranch, LLC and LMC Properties, LLC, which are located adjacent to Segment 17 of the proposed MBSST.

This comment is noted.

Response 12.2

The commenter states the opinion that the proposed MBSST Network is incompatible with traditional farming activities, citing several reasons for the incompatibility. The commenter goes on to express a preference for adoption of the On-Road Alignment or Reduced Project Alternatives, as described in Section 6.0, *Alternatives*, along Segment 17 of the MBSST Network.

Section 4.2, *Agricultural Resources*, discusses the potential incompatibilities between operation of the proposed MBSST and agricultural activities, including direct and indirect impacts on agricultural productivity, impacts related to conflicts with existing zoning and Williamson Act contracts, and impacts to land designated as Prime Farmland, Unique Farmland and Farmland or Statewide Importance. In all instances impacts were determined to be Class II, *significant but mitigable*, or Class III, *less than significant*. In cases where potentially significant impacts were identified, implementation of mitigation measures would be required, and would reduce impacts to a less than significant level.

The commenter's preference for adoption of either the On-Road Alignment or Reduced Project Alternatives along Segment 17 has been received by the RTC and will be considered by the decision makers prior to making a determination on whether or not to adopt the proposed project.

Response 12.3

The commenter states that it is his understanding that the proposed MBSST Network would use the entire width of the rail corridor, which consists of lands owned outright by the County and easements owned by adjacent property owners.

The Santa Cruz Branch Rail Line right-of-way is currently in the ownership of the RTC, and not the County of Santa Cruz. The proposed Coastal Rail Trail will use property on the rail corridor, which consists of lands and easements owned by the RTC. The right-of-way width varies along the individual segments and the extent to which the entire width will be used will be

determined segment by segment. In some instances the right-of-way width exceeds the average disturbance area of 25 feet for the trail itself.

Response 12.4

The commenter questions the legality of using the railroad right-of-way for development of the MBSST Network and requests that this issue be resolved prior to certification of the Final EIR.

The issue raised is one of property rights rather than impacts to the environment. The RTC has prepared a Program EIR for the Monterey Bay Sanctuary Scenic Trail Network Master Plan. The purpose of the EIR is to describe and address, where possible, the significant effects on the environment of the proposed project and permit a reasonable choice of alternatives so far as environmental aspects are concerned in order to allow informed decision-making and public participation. Pursuant to *State CEQA Guidelines* §15382, a “significant effect on the environment” is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. The use of segments of the RTC’s rail right-of-way for the MBSST Network project presents factual and legal concerns that are not relevant to and are otherwise outside the scope of the EIR’s consideration of the project’s environmental impacts.

Though the legal question raised is beyond the scope of this EIR, it may be noted that numerous rail-with-trail projects have been developed within California, and that the notion of the shared use of the right-of-way rail and active transportation functions, when properly protected through public information and design features, is well established.

In addition, please note that the Santa Cruz County Regional Transportation Commission owns the Santa Cruz Branch Rail Line right-of-way rather than the County of Santa Cruz as inferred by this comment.

Response 12.5

The commenter states that agricultural best practices in Santa Cruz County required the use of a hygienic “buffer zone” between crops and potential sources of contamination and that implementation of the proposed MBSST Network will require relocation of buffer zones between existing farms and the Santa Cruz Branch Rail Line right-of-way. The commenter goes on to state the opinion that the use of fencing along the corridor would not be sufficient to reduce impacts to agricultural resources and suggests re-alignment of the project as potential mitigation.

The issue of “buffer zones” is addressed in Section 4.2, *Agricultural Resources*. As noted under Impact AG-3 therein, it is anticipated that some farmers may voluntarily avoid cultivating or spraying the portions of their property closest to the trail, in effect establishing formal or informal buffer zones on their own. However, because the proposed project is a transient/transportation use, the Santa Cruz County Agricultural Commissioner’s office as well as the County Planning Department have indicated that specific agricultural or pesticide buffers from the proposed trail

would not be required (Mary Lou Nicoletti, e-mail communication, September 12, 2013; Samantha Haschert, e-mail communication, September 18, 2013). Rather, pesticide spray restrictions listed on the pesticide label would be enforced. Informal or self-imposed buffers were not accounted for in the Prime farmland conversion figures cited in Impact AG-1.

As described in Section 4.2, *Agricultural Resources*, the proposed project would result in significant but mitigable impacts to agricultural resources due to the potential for conversion of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland to non-agricultural uses (Impact AG-1) as well as the potential for conflicts between adjacent agricultural uses and trail users (Impact AG-3). The proposed project contains several design features which would partially address these impacts, including: installation of continuous fencing between the trail and most adjacent agricultural properties, notices posted at entrances to the trail describing on-going agricultural activities and stating that the trail may be subject to closure without notice, ability to physically close trail segments to facilitate permitted spraying, provision of rest areas to reduce potential for trespassing by trail users, provision of a Trail Ranger responsible for the day-to-day maintenance of the trail facility. In addition to the mitigating design features, several mitigation measures are required by the EIR to address these impacts, including use of non-buffer options to reduce conflicts between trail users and agricultural activities, particularly during pesticide application. Following implementation of required mitigation measures, the EIR determined that the proposed project would not convert a substantial area of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use nor would it result in significant impacts resulting from conflicts between agricultural activities and trail users.

Nevertheless the commenter's opinion that impacts would remain significant despite implementation of required mitigation and that rerouting the trail would mitigate the identified impacts is noted.

In addition, a typographical error in the impact statement for Impact AG-1 has been corrected in the Final EIR, as shown below:

Impact AG-1 Development of the proposed MBSST Network would ~~may~~ impact land designated as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. Impacts would be Class II, significant but mitigable.

Response 12.6

The commenter states the opinion that impacts to the proposed project would impact agricultural productivity, and that use of the word "may" in Impact AG-1 is inappropriate. The word "may" has been removed (please refer to Response 12.5 above)

Response 12.7

The commenter states that the Struve Ranch and LMC farms use traditional farming methods including application of legal pesticides and herbicides, and that the proposed project would interfere with these activities.



Impacts to agricultural productivity, including pesticide application, are discussed in Section 4.2, *Agricultural Resources*. Based on the discussion provided, impacts were determined to be significant but mitigable and mitigation measures, including potential closure of the trail during spraying activities, would be required. Nevertheless, the commenter's concern regarding this issue is noted.

It should also be noted that notices would be posted at entrances to the trail of on-going agricultural activities, stating that the trail user agrees to use of the trail at his/her own risk. Trail users would additionally be advised that agricultural operations will be occurring and may include pesticide spraying, agricultural dust and debris, and burning activities in accordance with State and local laws and ordinances. Finally, notices would state that the trail may be subject to closure without notice to accommodate such activities. In addition, mitigation measure AG-3(c) requires that these notices include a statement of the legal ramifications for trespassing or being on the trail after it is closed. Given the various design features and mitigation measures listed above, it is reasonable to assume that the majority of users would be deterred from entering a closed segment of the MBSST.

Response 12.8

The commenter states that provision of buffer zones between adjacent agricultural properties and the proposed MBSST Network would result in decreased agricultural productivity.

Please refer to response 12.5.

Response 12.9

The commenter speculates that users of the MBSST will sue local farms for perceived exposure to pesticides.

This comment pertains to potential legal actions resulting from operation of the MBSST Network and does not challenge or question the analysis or conclusions in the Draft EIR. No further response is necessary though it is worth noting that California Civil Code § 846 was designed to protect private property owners whose land lies adjacent to a public trail where a trail user (a) trespasses on the adjacent private property and is injured or killed and (b) where an activity started or taking place on the trail (by someone other than the adjacent landowner) results in injury to, or death the of, a person or damage to the property of another.

In the years since California Civil Code § 846 was adopted, there has been no appellate case regarding the statute. That means that, if there has been litigation in which the statute was raised as a defense, no judgment was appealed. This would indicate that the liability level of private property owners adjacent to trails is very low.

Please also refer to Response 12.7.

Response 12.10

The commenter requests that the impact of lawsuits due to pesticide application be considered in the EIR.

Please refer to Response 12.9. In addition, please note that the Santa Cruz County Regional Transportation Commission owns the Santa Cruz Branch Rail Line right-of-way rather than the County of Santa Cruz as inferred by this comment.

Response 12.11

The commenter correctly states that the EIR identified the issue of waste from both humans and pets along the trail as a potential compatibility issue with adjacent farms. The commenter goes on to speculate that even with the provision of bathrooms, not all people will use them and that there is not a practical way to prevent dog waste from contaminating adjacent farms.

As described in Section 2.5.3 (Trail Amenities and Features) in Section 2.0, *Project Description*, the proposed MBSST Network Master Plan encourages implementing entities to provide dog waste bag dispensers at trailheads. More remote sites or neighborhood access areas may include a simple regulation sign requiring pet owners to collect their pet waste both as a courtesy to other users and a management tool for habitat preservation.

In addition, provision of fencing between the proposed trail and adjacent agricultural land uses would discourage trespass by both humans and dogs. As described in Section 2.5.3 (Trail Features and Amenities), the placement and type of fencing would vary depending on the location and agreements between adjacent land owners and the RTC. This would include owners of adjacent agricultural properties. Finally, mitigation measure AG-3(a) provides for signage advising trail users to stay on the trail and would assist in reducing land use conflicts between trail users and agriculture to less than significant. Nevertheless, in consideration of this commenter's concerns, the following amendment to this mitigation measure has been made:

- AG-3(a) Notice of Agricultural Activities.** The following information shall be added to the proposed notices on on-going agricultural activities:
- Trail users are advised to stay on the trail and be alert to operating machinery and equipment near the trail.
 - Trail users are required to use restroom facilities in consideration of food hygiene issues on adjacent agricultural lands.
 - Where dogs are not prohibited, trail users are required to clean up after their dogs and prevent trespass by dogs on adjacent agricultural properties in consideration of food hygiene issues on adjacent agricultural lands.
 - The legal ramifications for trespassing on adjacent properties.
 - The legal ramifications for trespassing or being on the trail after it is closed.

In addition, the following text (shown in *italics*) has been added to Section 5.8 of the MBSST Network Master Plan:

As the popularity of dog walking continues to grow, so does the need to prevent dog waste from impacting the trail. Implementing entities should encourage pet waste removal through provisions of dog waste bag dispensers at trailheads. More remote sites or neighborhood access areas may include a simple regulation sign requiring pet owners to collect their pet waste both as a courtesy to other users and a management tool for habitat preservation. *Dogs may be restricted adjacent to agricultural lands where sensitivity relating to contamination exists.*

In response to this change, the following text has been added to page 2-52:

Dogs On Trails. The approximately 50-mile MBSST Network passes through several different city, county, and state properties, all with varying rules and regulations addressing dogs in the park lands and on trails. The proposed Master Plan encourages implementing entities to provide dog waste bag dispensers at trailheads. More remote sites or neighborhood access areas may include a simple regulation sign requiring pet owners to collect their pet waste both as a courtesy to other users and a management tool for habitat preservation. Dogs may be restricted adjacent to agricultural lands where sensitivity relating to contamination exists.

In addition, the following text has been added to the *Mitigating Design Features* discussion under Impact AG-3 in Section 4.2, *Agricultural Resources*

Implementing entities would require pet waste removal and provide dog waste bag dispensers at trailheads. Rural areas may include a simple regulation sign requiring pet owners to collect their pet waste, and dogs may also be restricted in trail sections that are adjacent to agricultural lands where sensitivity relating to contamination exists.

Response 12.12

The commenter expresses concern that trail users would deposit trash along the trail.

The potential for litter along the trail to result in impacts on adjacent agricultural activities is described under Impact AG-3. This discussion acknowledges that direct impacts may include littering on farmland, particularly where there are insufficient numbers of trash receptacles along the trail, and that unintentional littering could also occur if litter deposited by trail users in trash receptacles is carried by winds onto nearby farmland.

As described in Section 2.0, *Project Description*, and under Impact AG-3 in Section 4.2, *Agricultural Resources*, trash receptacles would be placed in areas where there are benches and at all major trailhead locations. The trash receptacle unit would include one trash container and one recycle container. In addition, the proposed MBSST establishes a Trail Manager who would be responsible for the day-to-day maintenance of the trail facility components, including trash clean up and disposal. The Trail Manager would ensure that each element described in the operations

and maintenance plan is completed. The establishment of a formal trail operations and maintenance plan would help ensure adequate maintenance of the trail corridor and facilities, thereby reducing litter-related conflicts. Finally, as discussed in Section 2.0, *Project Description*, the main role of the RTC is to provide ongoing coordination services and funding for implementation of the MBSST Network. The RTC would take the lead in preparing a memorandum of understanding (MOU) with implementing entities to clarify roles, responsibilities for design, development, construction, monitoring, and maintenance. The RTC may itself act as a project manager. These activities include funding for maintenance and trash disposal.

Response 12.13

The commenter states the opinion that the mitigation measures proposed to address agricultural production would be insufficient to mitigate this impact. In particular they do not address the issue relating to chemical application on adjacent agricultural properties.

Please refer to Responses 12.5 and 12.7.

Response 12.14

The commenter states the opinion that mitigation measure AG-3(c), which is comprised of two parts, would not reduce impacts to agricultural productivity to less than significant, citing several reasons for this opinion.

Please refer to Responses 12.5 and 12.7.

Response 12.15

The commenter suggests reasons why mitigation measure AG-3(c) would not reduce impacts to agricultural productivity and could result in additional indirect impacts.

As described in Section 2.3.6 (Operation and Maintenance) in Section 2.0, *Project Description*, adjacency issues faced by the agricultural community are addressed through preventative design measures as well as operational measures. These include the ability to close segments of the trail without notice to accommodate chemical applications. As described in Section 2.0, *Project Description*, the implementing entity would work with the Agricultural Commissioner's office to minimize impacts to agricultural operators due to development of the adjacent trail.

For clarity, mitigation measure AG-3(c) does not require advanced notification to the Agricultural Commissioner's office of non-restricted chemical spraying. Only notification about restricted use chemicals is mandatory, per existing requirements. The proposed project does not place additional restrictions on agricultural operators, nor does it require the Agricultural Commissioner's office to respond to notices of non-restricted products. Rather, it provides an additional (optional) opportunity for farmers to request gate closure during spraying of non-restricted pesticides.

The Santa Cruz County Agricultural Commissioner's office is responsible for issuing pesticide spraying permits and regulating the use of restricted pesticides and other agricultural chemicals. As the regulating and enforcement entity for the County, the Agricultural Commissioner's office will place no additional restrictions upon the agricultural operators because of the development of the adjacent MBSST as long as pesticides and other agricultural chemicals are applied in compliance with the label, worker safety requirements, weather conditions, drift restrictions, and all other safety requirements as required by federal, state and local laws.

It should also be noted that a Memorandum of Understanding (MOU) will be prepared to address specific details regarding the trail implementation, management and maintenance responsibilities, including how the trail management entity will interact with the Agricultural Commissioner's office and farmers along the proposed trail.

Response 12.16

The commenter speculates that segmental trail closure would not adequately mitigate potential impacts because users would continue to use the trail even when it has been posted as closed.

As described in Section 7.6.4 of the Master Plan, the MBSST Network, or sections of the trail, may be closed from time to time. The policy for the procedures that would be followed prior to the trail closing, including a variety of means to inform the public, are listed below:

- *The Trail Manager would make every effort to provide at least 48 hours advance notice to the affected agencies to post signs at all trail entrances on the impacted segments to be closed indicating the duration of the closure.*
- *The local agency would physically close off the trail that is being closed with barriers, and post "Trail Closed" signs.*
- *The local agency would provide "Detour" signs where trail users can reasonably be re-routed to other routes. If no reasonable alternate routes are available, the trail should have an "End Trail" sign and provide access to the street and sidewalk system.*

In addition, notices would be posted at entrances to the trail of on-going agricultural activities, stating that the trail user agrees to use of the trail at his/her own risk. Trail users would additionally be advised that agricultural operations will be occurring and may include pesticide spraying, agricultural dust and debris, and burning activities in accordance with State and local laws and ordinances. Finally, notices would state that the trail may be subject to closure without notice to accommodate such activities. In addition, mitigation measure AG-3(c) requires that these notices include a statement of the legal ramifications for trespassing or being on the trail after it is closed. Given the various design features and mitigation measures listed above, it is reasonable to assume that the majority of users would be deterred from entering a closed segment of the MBSST. However, it is acknowledged that it is possible a small percentage of trail users may chose to ignore the closure notices and access the trail despite the physical barriers in place. The commenter's opinion that this constitutes a significant impact is noted. It is important to note that while trail users may not chose to abide by the "closed" signs, they would do so at their own risk.

Response 12.17

The commenter correctly notes that Impact HAZ-3 in Section 4.8, *Hazards and Hazardous Materials*, states that adjacent agricultural activities may include the use of pesticides considered to be a human health threat. The commenter also states that the LMC Properties and Struve Ranch farms currently use legal pesticides considered to be a human health threat. The commenter goes on to question the feasibility of implementing mitigation measure HAZ-3(a).

This comment is similar to that made under Response 12.15. Please see that response for more information.

Response 12.18

The commenter states the opinion that the MBSST as proposed would place an undue burden on the farmers adjacent to the railroad.

This comment is noted and will be considered by the decision makers prior to making a decision on whether or not to approve the proposed project. In addition, please note that the Santa Cruz County Regional Transportation Commission owns the Santa Cruz Branch Rail Line right-of-way rather than the County of Santa Cruz as inferred by this comment.

Response 12.19

The commenter urges the RTC to carefully review the EIR and materially respond to the concerns raised in this letter as well as the commenter's letter dated December 21, 2012. The commenter also states his preference for adoption of the On-road Alignment or Reduced Project Alternatives along Segment 17 of the MBSST.

Please see responses 12.1 through 12.18, which provide responses to the comments outlined in this letter. Please see responses to the Letter 13 for responses to the commenter's letter dated December 21, 2012. The commenter's preference for adoption of either the On-Road Alignment or Reduced Project Alternatives along Segment 17 has been received by the RTC and will be considered by the decision makers prior to making a determination on whether or not to approve the proposed project.

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December 21, 2012

Santa Cruz County Regional Transportation Commission
1523 Pacific Avenue
Santa Cruz, CA 95060
Via email: info@scrtc.org

Re: Comment on Draft Master Plan – Monterey Bay Sanctuary Scenic Trail

Dear Sirs:

I am writing on behalf of certain agricultural property owners whose properties are adjacent to the rail line running through Segments 17 & 18 of the proposed Monterey Bay Sanctuary Scenic Trail Network. My clients own or lease, and actively farm, several parcels lying on either side of the rail line. I suspect that other owners and operators, on both sides of the tracks, have similar concerns.

I can state that the following owners and/or operators have seen this letter and agree with its content:

- Struve Ranch, LLC
- LMC Properties, LLC
- Dobler and Sons, LLC
- Watsonville Exchange, Inc.

As a preface, I request that my office be placed on any mailing list, distribution list, or similar list so that we will receive any publicly-distributed information, most especially the draft EIR when it is released, and other updates on the Monterey Bay Sanctuary Scenic Trail Network. Please enter the following contact information into your distribution system:

Timothy J. Morgan
Law Offices of Timothy J. Morgan
121 Jewell Street
Santa Cruz, California 95060
(831) 429-9841 Tel
(831) 429-2824 Fax
tmorgan@morganlaw.us

Santa Cruz County Regional Transportation Commission
Comment on Draft Master Plan – Monterey Bay Sanctuary Scenic Trail
December 21, 2012
Page 2

My clients make the following observations and suggestions regarding the proposed Draft Master Plan:

Little or no effort at outreach

It is the impression of my clients that little if any effort was made to reach out to the agricultural community when this plan was being developed. I am aware that a representative of the Farm Bureau met with agents of the RTC, but there seems to have been little effort to reach individual property owners. To the extent that there may well be a disproportionate impact on farming operations as a result of the creation of this path through the fields, it would seem that additional efforts to involve the owners and operators would be appropriate.

Having said that, it is my belief that there are many significant physical and functional problems with the path as currently designed and proposed. These include: 1) insufficient physical space for the pathway as designed; 2) food safety concerns; 3) chemical application concerns; 4) County Liability issues; and 5) EIR Issues.

Right of way and encroachment

As best as we can tell, the railroad right of way – i.e. the land available for the path - is approximately 50' wide. This gives the project a maximum space of 25' from either side of the centerline of the tracks. Looking at the illustration labeled "4-49 Segment 18 Section" on page 4-102 of the Draft Master Plan, at least 20' is assumed to be used by the pathway, including a 2' section of buffer between the fence and the paved path, the 12' path, another 6' section, and then a buffer that "varies" in width before the opposite side fence. The drawing for the Section 18 segment would seem applicable to substantial portions of Segment 17 as well.

California Code of Regulations, Title 8, §3737. "Side Clearance for Standard Gauge Industrial Railroad Tracks" provides a minimum clearance of 8' 6" from the centerline of a rail track to any potential obstruction, such as a light standard, building, etc. It recommends a 10' side clearance for signs, posts, and the like.

Given that requirement, and given your section drawing, the minimum width from the centerline of the tracks would be no less than 28'6", and preferably 30', and this does not count the unquantified "buffer/varies" included in the section drawing. Estimating a width of that buffer zone by scaling the drawing indicates an additional width of 8' or so, raising your required area to between 36'6" and 38'. You seem to have 25' in many, if not most parts, of the track as it passes through Segment 18. This leaves you more than 10' short of your required area.

I appreciate that the drawings included in this Draft Master Plan are high-level conceptual drawings, not detailed technical and engineering drawings. However, it is clearly the case that with the

Santa Cruz County Regional Transportation Commission
Comment on Draft Master Plan – Monterey Bay Sanctuary Scenic Trail
December 21, 2012
Page 3

existing Right of Way for the train tracks, if the use of the tracks themselves is to be continued (this is a clear expectation under your plans) *there is insufficient available space on the ground for the path to exist as contemplated.*

That leaves a few alternatives. First you could modify the pathway and make it substantially narrower, but I suspect this will run afoul of various standards relating to the size of recreational pathways. Second, you could attempt to acquire additional land by way of eminent domain, but this would inevitably drive up the cost of the project and would, I suspect, meet with resistance from the landowners in the area. Third, you could seek an alternate route for the path, which would be my clients' preferred solution.

In any case, there is clearly reason for your agency to perform much more careful analysis of the right of way and the technical and legal details of whether the proposed route is feasible.

I note that while the legal right of way for the train tracks is only 50' in width, there is *apparently* more open space available along the tracks. However, this is privately held land which has to be kept clear for various reasons associated with appropriate and sanitary farming practices.

Interference with agricultural best practices – food safety hygienic buffer zone

One of the most critical elements of modern good farming practices is the presence of a 'buffer zone' between the row crops and any environment where vermin might live. This is, of course, why you see barren swathes of open ground surrounding agricultural fields, denying habitat to pest animals whose waste can carry disease, which can spread to the crops. We need only look to the problems seen in the Salinas Valley a few years ago with their spinach crops to understand the literally deadly serious nature of this problem. Farmers take their food safety and pest control efforts very seriously.

As it stands today, there are no people or pets routinely (or legally) walking along the route of the train right-of-way. The buffer zones for the adjacent fields are calculated appropriately.

Under your plan, and again referring to the section drawing at page 4-102 of the Draft Master Plan, there could be dogs routinely walking as much as 38' from the centerline of the track (that is the apparent location of the fencing). This introduces a new source of potential contamination: dogs, which are specifically assumed to be using the trails under the Draft Master Plan. Even with the presence of 'pooper-scooper' bags at the trail heads, there is simply no way to control this source of contamination, not to mention the urine that dogs will certainly be depositing – most likely along the fences at the very edge of the path area – i.e. nearest to the crops.

I should also make sure to raise the issue of bathrooms for people along the route as well. As unpleasant as it is to contemplate, we must consider the probability of some users of the pathway

Santa Cruz County Regional Transportation Commission
Comment on Draft Master Plan – Monterey Bay Sanctuary Scenic Trail
December 21, 2012
Page 4

needing to relieve themselves along the route. Adequate opportunity to use proper restrooms must be part of the design and implementation of this path.

Ironically, the more successful the path is in attracting users, the bigger the problem becomes. As more dogs use the trails, the possibility for contagion increases. As I assume it your hope that these trails will be very popular with local users, then I must also assume that there will be substantial possibility for spreading disease-bearing bacteria to the fields along the path.

The only solution for the potential 'encroachment' into the existing hygienic buffer zone is for the farmers to move their crops further from the edge of the pathway, increasing their buffer zones, and decreasing the area of land under cultivation. You are, in effect, asking the farmers along this pathway to take a significant part of their land out of production in order to accommodate the new bike pathway. That is neither fair, nor, in all probability, legal.

At this point in the process, without a detailed survey of the location of the path, it may be premature to make a claim for inverse condemnation for this construction, but the basic elements of such an action would appear to be present as the plan is currently presented in the Draft Master Plan. I urge you to proceed with all due caution and avoid interfering with the rights of the farmers along the route of the path.

Interference with agricultural best practices – pesticides and fumigation application

As you are certainly aware, the fields on the central coast near the ocean are some of the most productive in the world, producing high-value crops through intensive farming practices. In particular, the production of strawberries is concentrated in this area. These berries require specific and uncommon farming techniques, including the use of soil fumigants and other chemical treatments to produce the high-quality and high-value crops expected of these properties.

As we understand it, it is the practice of farmers to do as much application of fumigants and other chemicals as possible on Sunday, when field workers are generally not present in the fields. The logic of that is clear.

However, with the construction of this bike path, you will be *inviting* many pedestrians and bicyclist passersby to be immediately next to the fields, with the bulk of the use, presumably, on the weekends, including Sundays. This will create a substantial interference with the operation of the fields and farms. The farmers will lose their one day of the week when they could have assumed that very few people would be present during their chemical applications.

One local farmer has provided the following hypothetical, but entirely plausible situation: A berry or vegetable is fumigated or sprayed overnight between a Saturday and Sunday. There is a residual smell that cannot be avoided. Trail users may well assume that they have been subject to

Santa Cruz County Regional Transportation Commission
 Comment on Draft Master Plan – Monterey Bay Sanctuary Scenic Trail
 December 21, 2012
 Page 5

improper exposure to the fumigant. Add to that the possibility that they see spraying going on in some other field in the distance, and they will certainly assume that they are being sprayed.

It is apparently common now for people to call the County Agriculture Commissioner's hotline to report potential overspraying. Imagine what will happen when people, few of whom are very familiar with ordinary agriculture practice, are, in effect, walking through the middle of active fields. There will be significant opportunity for misunderstanding and complaints founded on such misunderstandings.

This scenario opens up the potential for possibly unfounded complaints (with their attendant official investigations) and lawsuits from the public against the owners and operators of these fields. The farmers could have additional costs, including increased cost for liability insurance based on the additional people walking by their fields, increased compliance costs, etc.

Additionally, there is the issue of spray application of agricultural chemicals. Previously, the farmers could have understandings with the railroad about spray applications and could cover most or all of their fields without concern of overspraying onto 'populated' areas. With the presence of the public pathway, we assume that certain important agricultural chemicals will no longer be able to be used over the entire fields – this assumption is based on the idea that the County will not permit the trail to be used as part of the buffer zone required for the use of certain chemicals. This lowers productivity of the fields, and may well take some portions of the fields out of production.

Attractive Nuisance?

As we consider the problem of chemical overspray – or at least the *perception* of chemical overspray, it occurs to me that the County may be inviting liability for itself insofar as it may be creating an attractive nuisance. The County is certainly aware of the use of the agricultural fields surrounding this proposed path, and is also aware of the common practices with regard to the application of fertilizers, fumigants, pesticides, etc. The County can be said to be knowingly exposing users of the path to these chemicals. While my clients, and all local farmers, use the best practices with regard to chemicals, there will *without doubt* be users of the trail who will consider themselves to have been improperly exposed, even if they were not. This simply invites nuisance lawsuits against the County and the growers – a potentially significant, but unaccounted-for cost associated with this project.

EIR currency

Finally, it is worth noting that the draft Environmental Impact Report on this project is due sometime in the upcoming spring. Segment 18 is listed among the segments to be built in Phase II, 5 to 10 years from now. Segment 17 is 10 to 15 years. I would hope that your agency plans on either redoing or at least refreshing any EIR covering that area before construction on Segments 17 and 18 is

Santa Cruz County Regional Transportation Commission
 Comment on Draft Master Plan – Monterey Bay Sanctuary Scenic Trail
 December 21, 2012
 Page 6

undertaken in earnest. Many environmental factors may have changed in the meantime; the scope, scale, or details of the project are *likely* to have changed (significantly, perhaps); and the underlying environmental rules, regulations, and assumptions are in constant flux. Thus, I simply want to put this agency on notice that the upcoming draft EIR should be specifically subject to update or complete revision when the time comes to actually construct Segments 17 and 18.

Maintenance

The final concern my clients wish to raise goes to the issue of maintenance of the pathway in the event it is ever built. Leaving aside the question of the failure of this plan to properly identify sources of funds to build the path in the first place, we are dubious that ongoing funds will be available for maintenance and cleanup. Santa Cruz County, like every other government agency, is strapped for funds, and adding the burden of an expensive maintenance program may be too much to bear. This pathway is ultimately to be over thirty miles long, and is estimated to cost approximately \$300,000 per year to maintain – where are those funds?

My clients report having to remove substantial amounts of trash and debris – from simple litter, to tires, to the carcasses of deceased pets – now. They believe that placing this pathway will only exacerbate the problem. This path as designed sits well away from view of surface streets, and we believe it would present itself as a fine place for late night dumping runs. Unless the County can fully fund, in advance, a regular and *substantial* maintenance effort, designed to deal with the scale and scope of debris expected, then all you are doing is adding yet another cost and burden on the farmers adjacent to the pathway. If for no other reason, my clients would oppose the current design on these grounds.

Ultimately, it is our position that this pathway is putting an undue burden on the growers whose fields line the pathway, and will expose them to substantial additional costs and trouble that should not be theirs to bear. The growers are not choosing to alter their own circumstances, but rather the County is seeking to change their circumstances for them, adding *significant* costs to their operations, all without compensation. This is neither fair nor proper, especially for a County that prides itself on supporting the exceptionally productive agriculture found in the South County.

We urge the County to carefully review the Master Plan in view of the concerns we raise herein and to consider an alternate path (perhaps through the lands now owned by the Santa Cruz Land Trust) so as to avoid interference with the existing, and important, agricultural production in the area of Segments 17 and 18.

Santa Cruz County Regional Transportation Commission
Comment on Draft Master Plan – Monterey Bay Sanctuary Scenic Trail
December 21, 2012
Page 7

I would be happy to discuss this matter further with members of your Commission, and would welcome the opportunity to have a conversation about these matters at future public hearings. Again, I ask that you keep my office informed of the dates and locations for such hearings.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy J. Morgan". The signature is written in a cursive, flowing style.

Timothy J. Morgan

cc: Clients

Letter 13

COMMENTER: Timothy J. Morgan, Attorney, Law Offices of Timothy J. Morgan

DATE: December 21, 2012

Response 13

The comment letter provides comments on the MBSST Network Master Plan itself, rather than the analysis included in the EIR.

As no specific comments pertaining to the Draft EIR are contained within the letter, no further response is required. Nevertheless, the comments on the design and operation of the MBSST Network have been received by the RTC and the specific concerns noted.

Linda Wilshusen
Planning and Project Management
1115 Live Oak Avenue, Santa Cruz, CA 95062
l-j-w@pacbell.net

July 22, 2013

Cory Caletti, Project Manager
Santa Cruz County Regional Transportation Commission
1523 Pacific Ave.
Santa Cruz, CA 95060

RE: Comments on the Draft EIR for the Draft Monterey Bay Sanctuary Scenic Trail Network Master Plan

Dear Cory:

Thank you very much for the opportunity to review and comment on the Draft EIR for the Draft Sanctuary Scenic Trail Master Plan. Together with the Draft Master Plan, the DEIR is a comprehensive and detailed document that should fulfill subsequent environmental review requirements as high priority trail segments move expeditiously toward funding and construction.

14.1

Since anticipated revisions to the Draft Master Plan - in response to community meetings last fall & solicited public comment - have not yet been made public, I hope my comments on the DEIR are not redundant in addressing concerns that may have already been responded to in the revised Master Plan.

Comments on the DEIR:

1. **Fencing.** One huge benefit of the proposed Sanctuary Scenic Trail Network is that it provides an unprecedented opportunity to increase access & connectivity among the many neighborhoods, schools, town centers, businesses, parks, beaches, & other activities located along or near the scenic 32-mile rail line. While these goals appear to be an explicit purpose of the Trail ('Trail' in this letter denotes the rail trail aspect of the trail network), I believe that the DEIR is not adequate in its response to the significant concern that fencing along the Trail, as currently proposed, may work against these key goals.

14.2

Four types of fencing are briefly described in the draft Master Plan and DEIR (p. ES-41, 2-41-42, 4.11-26-27 in DEIR; p. 5-51 in Draft Master Plan). Two of the proposed fence types are 6 feet tall: the wire security fence & the solid privacy fence. The descriptions of these two fences should indicate who would be responsible for deciding which locations and under what circumstances such significant fencing would be appropriate.

14.3

Regarding the wire security fence in particular, locations and conditions where this 6' fencing might be appropriate, as either a 'rail track & trail separator' or for protection of adjacent property, should be specified and justified, and the description of this fencing type should specifically exclude 'chain link' materials (similar to the split rail fencing description). Since this kind of security fencing is not consistent with the scenic, access & connectivity goals of the proposed Trail, 6' fencing options should be considered only as exceptions to the rule, in specific situations where persistent and serious safety problems are unable to be mitigated in other ways. (It also seems inappropriate to describe this type of fencing as providing 'additional protection from train blown dust and debris', since specific train or transit service along the rail line is not being analyzed in these documents.)

14.4

Split rail fencing should be identified as the standard rail track & trail separator along all segments of the Trail where a safety barrier is necessary, as it is the type of fencing most able to meet the project's overall goals & objectives and would provide a consistent design theme along the Trail. However, the description of smooth wire fencing indicates that it is intended to be used as the 'rail track & trail separator' in all cases where the Trail is within 15 feet of the tracks – generally speaking, this would mean in most of the urbanized areas along the rail line. Again, I'd suggest that additional consideration of fencing options is warranted in light of the DEIR-identified significant environmental impact that these barriers may pose to public access and connectivity. Also, discussion of the visual impact of fencing options should be included in the Aesthetics Section of the DEIR.

14.5

2. **Mitigation Measure T-7 Regarding Trail Access is Inadequate.** The DEIR states that trail development "would include fencing [and]...may inhibit pedestrian access and reduce local connectivity". This transportation impact (T-7) is identified in the DEIR as **significant but mitigable** (p. ES-41, 4.11-26-27). The mitigation measure proposed for this impact suggests that *where applicable*, implementing entities shall consider openings to fencing on the trailside of the railroad tracks, and, if such openings are on the opposite side of the tracks, *crossing equipment acceptable to the CPUC [or similar to other planned trail crossings] shall be included*. The location & specific nature of these possible new crossings are not specified.

14.6

It is necessary to elaborate on the proposed mitigation measure for this significant environmental impact by 1) specifying in more detail the type of fencing under consideration (see #2 above); 2) specifying the possible location of additional pedestrian and bicycle crossings along urban segments in particular; and 3) specifying the proposed design of these additional (non-automobile) crossings.

3. **Access to the Eastside of the Santa Cruz Harbor Needs to be Included in the Plan.** This comment pertains to Mitigation Measure T-7 as well as to the Draft Master Plan. The eastside of the upper and lower Harbor includes numerous visitor-serving businesses, restaurants, campground facilities, fisheries, ocean advocacy organizations, and direct coastal access to Twin Lakes State Beach. It is essential that the Trail Master Plan include pedestrian and bicycle access to the Trail, and rail line crossings, on both the west and east sides of the Harbor.

14.7

4. **Correctly Identify Live Oak/County Locations.** Throughout the DEIR, streets and rail crossings in the County's unincorporated Live Oak area (Segments 9 & 10) should be noted as 'County' or 'Live Oak', not 'Santa Cruz' &/or 'Capitola'. (See, for example, p. 2-23, 2-24, 4.11-2, 4.11-20).

14.8

5. **Schwan Lake Park Should Be Specifically Named & Highlighted as a "Connection to Existing Trail"** (Figure 2-8b). Schwan Lake is a large natural meadow and oak woodland park in the upper part of Twin Lakes State Beach. It has its own established trail system with lovely lagoon and coastal views. There is no access through the park to/from the beach; access to the park itself is via the rail line, Simpkins Family Swim Center, El Dorado Avenue, and Live Oak Avenue.

14.9

Thank you in advance for your response to these comments, and thank you very much for the RTC's dedicated efforts in advancing this wonderful project.

Sincerely,



Linda Wilshusen

cc: Supervisor John Leopold, Friends of the Rail & Trail, Friends of Santa Cruz State Parks, Land Trust of Santa Cruz County, O'Neill Sea Odyssey, Santa Cruz Harbor, Save Our Shores

Letter 14

COMMENTER: Linda Wilshusen, Planning and Project Management

DATE: July 22, 2013

Response 14.1

The commenter appreciates the opportunity to review and comment on the EIR and states the opinion that the EIR is a comprehensive and detailed document that should fulfill subsequent environmental review requirements.

This comment is noted.

Response 14.2

The commenter states the opinion that proposed fencing may reduce access and connectivity among the neighborhoods, schools, town centers, businesses, parks, beaches and other activities located near or along the MBSST Network.

As stated in Section 2.5.3 (Trail Amenities and Trail Features) in Section 2.0, *Project Description*, fencing would be used conservatively in order to maintain the open feel and coastal environment, and to meet the key goals of the MBSST Network. The purpose of the fencing is to provide safety for trail users and adjacent land uses, such as agriculture or rail operation, provide security, privacy, and trespass prevention of specific properties, and to reduce biological environmental impacts. As discussed in Section 4.11, *Transportation/Traffic*, the proposed MBSST Network project would include various types of trail fencing to be used in various environments along the trail network. Although the inclusion of trail fencing would be at the discretion of the RTC and/or implementing entity on a segment-by-segment basis, depending on the specific setting and other factors along the individual segments, trail fencing may potentially be included along the length of the MBSST Network due to trail and train operation protection needs. In urban areas, where most pedestrian and bicyclist activity would be anticipated, trail fencing would likely include 54-inch high smooth wire fencing or 72-inch high privacy fencing. In addition, where a high number of illegal rail crossings are expected, 72-inch high woven-wire security fencing may be included.

Impact T-7 in Section 4.11, *Transportation/Traffic*, examines the potential impact to accessibility related to inclusion of fencing along the MBSST Network alignment stating that installation of fencing in areas where pedestrians currently access the rail corridor may hinder this access and prohibit crossings at non-roadway crossings. Although such crossings are currently illegal, eliminating this accessibility may be perceived as a loss of local connectivity, and may impact the ability of locals to make short non-vehicular trips. This is considered a potentially significant impact to multi-modal connectivity. Required mitigation measure T-7 would reduce accessibility impacts to a less than significant level for the purposes of CEQA.

Response 14.3

The commenter notes that the EIR should indicate who would be responsible for deciding at which locations and under what circumstances the wire security fence and solid privacy fence would be appropriate.

Responsibility for selecting this type of fence would rest with the RTC and/or implementing entity, in consultation with adjacent landowners and others as appropriate, as the design for the individual segments are finalized. Section 2.5.3 (Trail Amenities and Features) in Section 2.0, *Project Description*, provides information regarding when wire security fencing and smooth wire fencing would most likely be utilized. As described therein, wire security fencing would be provided in urban and industrial areas, as a rail track and trail separator (where a high number of illegal crossings are expected), and for safety and security. Smooth wire fencing is recommended in both rural and urban areas, at agricultural land boundaries, as a rail track and trail separator (where the trail is within 15 feet of rail tracks), within scenic and open space areas, and at environmentally sensitive sites. This type of fence would be used when required by either the RTC or the adjacent landowner.

Response 14.4

The commenter requests that locations and conditions for the use of the wire security fence should be specified, and that the description should exclude chain link materials. The commenter also expresses the opinion that use of this fencing should be considered only in areas with persistent and serious safety problems. The commenter also notes that describing this type of fencing as providing protection from train blown dust and debris is inappropriate since specific train or transit service along the rail line is not being analyzed in the EIR.

The commenter's preference that the wire security fencing be used only in areas with persistent and serious safety problems and that it should exclude chain link materials is noted. The specific locations where this type of fencing would be used would be determined as the design of the individual segments progresses, though locations would generally include urban and industrial areas, as a rail track and trail separator (where a high number of illegal crossings are expected), and in other areas where greater safety and security is required. Please note that the proposed MBSST Network project analyzed in this EIR consists of conceptual design elements. The proposed MBSST Network project would be constructed in segments, with the RTC and/or implementing entity responsible for review and approval of segment-specific designs. Finally, the reference to provision of protection from train blown dust and debris originates from the Master Plan document itself, rather than being essential to the analysis included in the EIR. It is worth noting that though the proposed project does not include specific train or transit service along the rail line, there is existing rail activity along several portions of the rail line, including seasonal passenger service between the City of Santa Cruz to the northern reach south of Davenport and the City of Watsonville to east of Manresa State Beach; as well as freight trips within the Watsonville/Pajaro area.

Response 14.5

The commenter states the opinion that split rail fencing should be identified as the standard rail and track separator along all segments of the MBSST where a safety barrier is necessary. The commenter suggests that additional fencing options be considered to the smooth wire fence considering the potential for that type of fencing to result in barriers to public access. The commenter also requests a discussion of the visual impact of fencing options be included in the EIR.

The commenter's preference for split rail fencing is noted and has been received by the RTC. The visual impact of the MBSST Network as currently proposed, including fencing, is described in Section 4.1, *Aesthetics*, under impacts AES-2 (impacts on scenic vistas) and AES-3 (impacts on existing character and quality of the MBSST corridor). In both cases the inclusion of fencing along the corridor was considered prior to making a determination of impact significance.

Please see Response 14.2 for a discussion of impacts of fencing on public access.

Response 14.6

The commenter requests further elaboration on the proposed mitigation measures for Impact T-7, in particular the type of fencing under consideration, the possible location of additional pedestrian and bicycle crossings along urban segments, and the proposed design of these types of crossings.

As noted in Response 14.2, Impact T-7 in Section 4.11, *Transportation/Traffic*, examines the potential impact to accessibility related to inclusion of fencing along the MBSST Network alignment, stating that installation of fencing in areas where pedestrians currently access the rail corridor may hinder this access and prohibit crossings at non-roadway crossings. Although such crossings are currently illegal, eliminating this accessibility may be perceived as a loss of local connectivity, and may impact the ability of locals to make short non-vehicular trips. This is considered a potentially significant impact to multi-modal connectivity. Required mitigation measure T-7 would reduce accessibility impacts to a less than significant level for the purposes of CEQA.

Section 2.5.3 (Trail Amenities and Features) in Section 2.0, *Project Description*, includes a description of the types of fencing being considered and generally where fencing would be located along the proposed MBSST (see also Response 14.2). As stated previously, the proposed MBSST Network project analyzed in this EIR consists of conceptual design elements. The proposed MBSST Network project would be constructed in segments, with local jurisdictions responsible for review and approval of segment-specific designs, including selection of locations and design of additional pedestrian and bicycle crossings in consultation with the relevant oversight authorities.

Response 14.7

The commenter states the opinion that the Master Plan should include pedestrian and bicycle access to the MBSST Network and rail line crossings on both the west and east sides of Santa Cruz Harbor and Twin Lakes State Beach.

This comment pertains to the design of the MBSST Network project and does not challenge or question the analysis or conclusions in the Draft EIR. This suggestion is noted and has been received by the RTC. Specific locations for access points along the MBSST would be considered during future segment design and development.

Response 14.8

The comment notes that streets and rail crossings in the County's unincorporated Live Oak area (segments 9 and 10) should be noted as 'County' or 'Live Oak,' not 'Santa Cruz' and/or 'Capitola'.

Segments 9 and 10 connect the city of Santa Cruz, Live Oak and Capitola. In response to this comment, the following revisions have been made for clarity:

Segment 9: Twin Lakes. The Twin Lakes segment extends for 1.73 miles from the eastside of through the City of Santa Cruz to the middle of Live Oak in the unincorporated County, from the San Lorenzo Bridge crossing, over the Harbor, to the 17th Avenue at-grade railroad crossing (refer to Figures 2-8a and 2-8b). The multi-use paved path would cross from the coastal side of the tracks to the inland side at 17th Avenue. The existing San Lorenzo River Rail Bridge (part of Segment 8) offers pedestrian access on the bridge superstructure. However, the attached pedestrian walkway on the inland side of the bridge is narrow and difficult to accommodate passing pedestrian and cyclists walking their bikes across the bridge. Existing facilities along this segment include both off-street and on-street trails and sidewalks as well as sandy beach routes within the City of Santa Cruz. Segment 9 proposed facilities include:

- 1.53 miles (8,100 LF) multi-use paved path
- 0.20 miles (1,040 LF) on-street facilities (Class II, III, and sidewalks)
- One (1) pre-engineered bike/pedestrian bridge crossing, 200-foot span (Woods Lagoon/Harbor)
- Five (5) rail or road crossings

Segment 10: Live Oak – Jade Street Park. The Live Oak – Jade Street Park segment extends for 1.50 miles from the 17th Avenue at-grade railroad crossing in Santa Cruz Live Oak to Jade Street Park at 47th Avenue in Capitola (refer to Figure 2-8b). This segment would include a new multi-use trail on the inland side of the tracks. However, the railroad right-of-way is narrow (approximately 30 feet wide) through this segment, posing a constraint to multi-use trail development. Existing surface street bike lanes and pedestrian sidewalks through this segment would serve as alternate access until design solutions are identified. Segment 10 proposed facilities include:

- *1.50 miles (7,940 LF) multi -use paved path*
- *Relocation of 1.50 miles (7,940 LF) of rail track and signal arm assemblies*
- *One (1) pre-engineered bike/pedestrian bridge crossing, 200-foot span (Rodeo Gulch Creek)*
- *Five (5) rail or road crossings*

Response 14.9

The commenter states the opinion that Schwan Lake Park should be specifically named and highlighted as a “Connection to Existing Trail” (Figure 2-8b).

Figure 2-8b is a reproduction of Figure 4-25 in the proposed Master Plan. This comment therefore pertains to the Master Plan and does not challenge or question the analysis or conclusions in the Draft EIR. In response to this comment, Figure 4-25 in the Master Plan as well as Figure 2-8b in the EIR have been updated to show an existing trail connection from Schwan Lake Park.

Oral Comments 15

COMMENTER: Public Comments Received at Draft EIR Comment Meeting in Santa Cruz

DATE: June 25, 2013

A public meeting was held at the Loudon Nelson Community Center in Santa Cruz on June 25, 2013 to provide a summary of the document and receive community input. Two members of the public attended and provided oral comments. Their comments and responses thereto are provided below.

RESPONSE:

Response 15.1

A commenter expressed concern over conflicts between different types of trail users. Conflicts between different types of trail users are discussed in Section 4.12, *Public Safety and Services*. As noted therein, design measures incorporated into the proposed Master Plan would ensure that impacts remain less than significant, and mitigation is not required.

Response 15.2

A commenter noted that agricultural vehicles use portions of the rail right-of-way for equipment turnaround. Impacts related to agriculture are discussed in Section 4.2, *Agricultural Resources*. Mitigation measure AG-1(a) requires that fencing be placed in a manner which minimizes impacts related to accessibility to farmland and use of farming equipment (e.g., allowing turning radius area for farm equipment).

Response 15.3

A commenter suggested that construction and maintenance of the proposed MBSST Network should utilize the local youth conservation corps. This comment refers to implementation of the proposed Master Plan, and not the environmental impacts discussed in the DEIR. The comment is noted.

Oral Comments 16

COMMENTER: Public Comments Received at Draft EIR Comment Meeting in
Watsonville

DATE: June 27, 2013

A public meeting was held at the City of Watsonville Civic Plaza Community Room on June 27, 2013 to provide a summary of the document and receive community input. Four members of the public attended and two provided oral comments. Their comments and responses thereto are provided below.

RESPONSE:

Response 16.1

A commenter expressed concerns over adequate maintenance of the trail once some, but not all, of the segments have been constructed. Proposed maintenance activities are described in Section 2.0, *Project Description*, and would be implemented by the Trail Manager and/or Trail Ranger. The Trail Manager and Trail Ranger would be identified and be made available to the general public within their jurisdictions for general inquiries and management. The RTC board would work to identify the agency most appropriate to house a Trail Management Program and how to fund a Trail Manager, Trail Ranger, and/or an Adopt-A-Trail Coordinator position. The Trail Manager and Trail Ranger would ensure that each element described in the operations and maintenance is completed.

Response 16.2

Comments 16.2 through 16.13 were provided by Brian C. Mathias, Associate with the Law Offices of Timothy J. Morgan. The commenter indicated that they would be providing a formal comment letter on the project. This letter is included herein as Letter 12.

Response 16.3

The commenter states the opinion that implementation of Segment 17 in the Watsonville Reach would interfere with farm operations and harm agricultural business. Impacts to agricultural resources are discussed in Section 4.2, *Agricultural Resources*. As noted therein, all impacts were determined to be Class II, *significant but mitigable* or Class III, *less than significant*. In cases where potentially significant impacts were identified, mitigation measures would be required to reduce impacts to less than significant. It should also be noted that, under CEQA, an economic change by itself cannot be considered a significant effect on the environment.

Response 16.4

The commenter notes that a “buffer zone” adjacent to the trail right-of-way would be required for pesticides spraying, such that conversion of Prime farmlands would be greater than what is

disclosed in the EIR. This issue is addressed in Section 4.2, *Agricultural Resources*. As noted under Impact AG-3 therein, it is anticipated that some farmers may voluntarily avoid cultivating or spraying the portions of their property closest to the trail, in effect establishing formal or informal buffer zones on their own. However, because the proposed project is a transient/transportation use, the Santa Cruz County Agricultural Commissioner's office as well as the County Planning Department have indicated that specific agricultural or pesticide buffers from the proposed trail would not be required (Mary Lou Nicoletti, e-mail communication, September 12, 2013; Samantha Haschert, e-mail communication, September 18, 2013). Rather, pesticide spray restrictions listed on the pesticide label would be enforced. Informal or self-imposed buffers were not accounted for in the Prime farmland conversion figures cited in Impact AG-1. Refer also to Response 12.5.

Response 16.5

The commenter expresses the concern that, although legal, the use of pesticides adjacent to a recreation trail would result in frivolous lawsuits. Please refer to Response 12.9.

Response 16.6

The commenter expresses the opinion that trail closure would not be adequate mitigation. As noted under Impact AG-3 in Section 4.2, *Agricultural Resources*, additional mitigation is required to reduce impacts related to agricultural land use conflicts.

Response 16.7

The commenter states a preference for a different alignment through Segment 17. Alternative alignments are considered in Section 6.0, *Alternatives*. The commenter's preference is noted.

Response 16.8

The commenter suggests that "may" should be removed from Impact AG-3.

Please refer to Response 12.5.

Response 16.9

The commenter expresses the opinion that mitigation measure HAZ-3(a) (Trail Closure) does not conform to the intent of the project. The comment is noted.

Response 16.10

The commenter states the opinion that agricultural impacts would be significant and unavoidable because farms along the trail could go out of business as a result. The comment is noted. It should also be noted that, under CEQA, an economic change by itself cannot be considered a significant effect on the environment.

Response 16.11

The commenter expresses concern that trail users will illegally dump garbage along rural segments of the trail, and suggests that adequate money should be allocated toward maintenance. Proposed maintenance activities are described in Section 2.0, *Project Description*. As noted therein, the Trail Manager would be responsible for the day-to-day maintenance of the trail facility components, including trash clean up and disposal.

Please also refer to Response 12.12.

Response 16.12

The commenter expresses concern related to dogs on the trail, and the potential for crop contamination. Refer to Response 12.11.

Response 16.13

The commenter references a previously-submitted letter dated December 21, 2012. Refer to Letter 13 and Response 13.1.

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