

**CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND
MITIGATION MONITORING AND REPORTING PROGRAM**

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I. INTRODUCTION TO CEQA FINDINGS OF FACT

These Findings of Fact are made pursuant to the California Environmental Quality Act (Pub. Res. Code §21000 et seq., “CEQA”) and the CEQA Guidelines (Cal. Code Regs. title 14, §15000 et seq.) by the Santa Cruz County Regional Transportation Commission (RTC), as the lead agency for the North Coast Rail Trail Project (the Project). These Findings of Fact pertain to the Final Environmental Impact Report (“EIR”), State Clearinghouse #2017092034.

A. PROJECT DESCRIPTION SUMMARY

The Project is a 7.5-mile multi-use bicycle and pedestrian trail proposed by RTC to extend along the RTC-owned railroad corridor from Davenport on the north to Wilder Ranch State Park on the south in unincorporated Santa Cruz County. The Project would include a paved path with striping, parallel unpaved path and shoulder, and parking improvements with trail connections at three locations along the alignment.

The EIR evaluates two trail alignments, the Proposed Project (Coastal Side) and Alternative 1 (Trail Only), at an equal level of detail. The Proposed Project would locate the new multi-use trail almost exclusively on the coastal side of the existing railroad tracks, largely consistent with the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan. Under Alternative 1, the railroad tracks would be removed, and the trail would be located on the rail bed. **Appendix A** of the EIR includes a set of figures showing the trail alignment for both the Proposed Project and Alternative 1.

Other alternatives evaluated in Section 5.0, *Project Alternatives*, include Alternative 2 (Inland Side), Alternative 3 (Farmers’ Alternative), and Alternative 4 (No Project). The alignments for Alternatives 2 and 3 are also included in **Appendix A**.

These Findings of Fact pertain to the Proposed Project (Coastal Side) only, which is the RTC’s preferred project and the staff’s recommendation for approval. These findings are part of the package of documents by which the RTC is approving the Project, subject to additional necessary approvals by other public agencies such as the Federal Highway Administration Central Federal Lands Highway Division (CFL), the California Coastal Commission, the California State Department of Parks and Recreation, and other agencies.

B. PROCEDURAL COMPLIANCE WITH CEQA

RTC published a Draft EIR on August 9, 2018, and a Final EIR on February 7, 2019, in compliance with CEQA requirements. As allowed for in CEQA Guidelines §15084(d)(2), RTC retained consultants to assist with the preparation of the environmental documents. Acting as lead agency, RTC has directed, reviewed and edited as necessary all material prepared by the consultants, and such material reflects RTC's independent judgment. In general, the preparation of the EIR included the following key steps and public notification efforts.

- A 30-day scoping process began with RTC's issuance of the Notice of Preparation (NOP) of an EIR on September 13, 2017. The NOP was filed with the State Clearinghouse on September 14, 2017, which started a 30-day comment period that ended October 13, 2017. RTC noticed and held two EIR scoping meetings during the 30-day comment period to receive perspective and input from agencies, organizations and individuals on the scope and content of the environmental information to be addressed in the EIR. EIR scoping meetings were held on September 27, 2017, in Davenport and September 28, 2017, in Santa Cruz.
- RTC issued the Draft EIR by filing a Notice of Completion (NOC) with the State Clearinghouse on August 9, 2018. The Notice of Availability for the Draft EIR was published in the Santa Cruz Sentinel and distributed to a variety of government agencies, organizations and interested parties, including: local jurisdictions, tribal governments, state and federal agencies, resource agencies, water districts and boards, transportation agencies, community groups and organizations, business organizations, chambers of commerce, universities and school districts, senior/aging organizations, interested parties and members of the public. The Draft EIR was also posted on RTC's website, promoted on the RTC's social media platforms, and made available for review at the local libraries and at the Davenport Resource Center. Additionally, notices were posted from August 10, 2018, to September 25, 2018, at five coastal access/trailhead locations. These included:
 - Davenport Beach parking lot,
 - Bonny Doon Beach parking lot,
 - Yellowbank/Panther Beach parking lot,
 - Wilder Ranch main parking lot by the restrooms, and
 - South end of the Highway 1 bike/pedestrian path at Shaffer Road.
- The Draft EIR was available for a 45-day public review period starting August 9, 2018 and ending September 24, 2018. RTC hosted two public hearings on the Draft EIR on August 22, 2018 in Santa Cruz and August 23, 2018 in Davenport.
- Following close of the public review period, RTC revised the Draft EIR in response to comments received during the public review period and provided written responses addressing all significant environmental issues raised. Revisions made to the Draft EIR are shown throughout the Final EIR in strikethrough and underline text.
- RTC published the Final EIR on February 7, 2019. RTC provided written responses to all public agencies that commented on the Draft EIR on that date, consistent with the legal requirement that such agencies receive such responses at least 10 days prior to lead agency action certifying the EIR. The RTC held a public hearing on March 7, 2019, to consider certification of the Final EIR and approval of the Project.

C. INCORPORATION OF FINAL EIR BY REFERENCE

The Final EIR is hereby incorporated by reference into these Findings of Fact. The Final EIR consists of three volumes:

1. Comments and Responses on the Draft Environmental Impact Report,
2. Draft Environmental Impact Report, August 2018 (Revised January 2019), and
3. Draft EIR Appendices, August 2018 (Revised January 2019).

D. REQUIREMENTS FOR CEQA FINDINGS

Pursuant to Public Resources Code §21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified, which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more of the following findings with respect to each significant impact.

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

For purposes of the third of these possible findings, the CEQA Guidelines define “feasible” as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines § 15364.) Thus, a decisionmaking body may reject a mitigation measure or project alternative as infeasible if the measure or alternative fails to meet this definition. Importantly, the courts understand the legal concept of infeasibility to encompass both (i) the ineffectiveness of a particular alternative or mitigation measure in promoting the agency’s underlying project purpose and objectives and (ii) the desirability of the measure or alternative from a policy standpoint, as reasonably determined by the decisionmakers. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000-1001; *San Diego Citizenry Group v. County of San Diego* (2013) 2129 Cal.App.4th 1, 17-18.)

RTC has made one or more of these specific written findings regarding each significant impact associated with the Project. Those findings are presented below, along with a presentation of facts in support of the findings. RTC certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed. These findings are based on substantial evidence contained in the totality of the administrative record before RTC, including, but not limited to, the Final EIR supporting evidence cited herein.

A full explanation of the environmental findings, conclusions, and mitigation measures referenced herein can be found in the Draft EIR and Final EIR; and these Findings hereby incorporate by reference the discussions and analyses in those documents. In making these Findings, the RTC hereby ratifies, adopts, and incorporates those discussions and analyses, adopting them as the RTC’s own.

II. LOCATION AND CUSTODIAN OF THE RECORD

The documents and other materials that constitute the record of proceedings on which RTC's Findings of Fact are based are located at 1523 Pacific Avenue, Santa Cruz, California. The custodian of these documents is Cory Caletti, Senior Transportation Planner/Rail Trail Program Manager. This information is provided in compliance with Public Resources Code § 21081.6(a)(2) and CEQA Guidelines § 15091(e).

For purposes of CEQA and these Findings of Fact, the Record of Proceedings for the Project consists of the following documents, at a minimum:

- The Monterey Bay Sanctuary Scenic Trail (MBSST) Master Plan EIR (2013).
- The Notice of Preparation and all other public notices issued by the RTC and in conjunction with the Project.
- The Draft and Final EIRs, including appendices and technical studies included or referenced in the Draft and Final EIRs.
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR.
- All comments and correspondence submitted to the RTC with respect to the Project.
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project.
- All Findings and resolutions adopted by RTC decision makers in connection with the Project and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by Rincon and Harris & Associates, consultants to RTC.
- All documents and information submitted to the RTC by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the Project, up through the date that the RTC approved the Project.
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the RTC, in connection with the Project.
- Any documentary or other evidence submitted to the RTC at such information sessions, public meetings, and public hearings.
- Matters of common knowledge to the RTC, including but not limited to applicable federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings of Fact, in addition to those cited above.
- Any other materials required to be in the Record of Proceedings by Public Resources Code § 21167.6(e).

The RTC, as decisionmaker, has relied on all of the documents listed above in reaching its decisions on the Project, even if not every document was formally presented to the decisionmaker as part of the files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories.

First, many of them reflect prior planning or legislative decisions with which the RTC was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.)

The second category are other documents that influenced the expert advice provided to the RTC's staff or the environmental consultants who prepared the EIR, who then provided advice to the final decisionmakers. For that reason, such documents form part of the underlying factual basis for the RTC's decisions relating to the approval of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v.*

III. FINDINGS FOR IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT

Public Resources Code § 21081 and CEQA Guidelines § 15091 do not require findings of fact for impacts that are less than significant. Nevertheless, for the sake of completeness, the RTC hereby finds that the following environmental impacts of the North Coast Rail Trail either have no impact or are less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (CEQA Guidelines § 15126.4(a)(3)).

Section 3.17 of the EIR explains why certain impacts were not found to be significant and therefore were not discussed in detail in the EIR, pursuant to CEQA Guidelines Section 15128. ***The findings below are for impacts that were considered in detail in the EIR, but determined to be less than significant. These findings are based on the detailed discussions of impacts in Sections 3.1 through 3.16 and Section 4 of the EIR.***

A. AESTHETICS

1. **Impact AES-1.** The Project would have a temporary adverse effect on scenic views during construction and would alter foreground views of coastal resources as a result of parking lot improvements.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Proposed Project would be constructed in an area with highly scenic coastal views and would not introduce structures or other features that would block scenic public views. Existing informal trails that provide scenic coastal views would be retained, and pedestrian and bicyclist access to scenic vistas would be improved without substantially obstructing scenic views available to motorists on Highway 1.
 - c. **Supportive Evidence** – Please refer to pages 3.1-15 through 3.1-19 of the Final EIR (Volume 2).
2. **Impact AES-2.** The Project would not have a substantial adverse effect on scenic resources.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Proposed Project would be constructed in a rail corridor with scenic mature trees and other vegetation, and scenic rock outcroppings. The Project would involve removal of trees and herbaceous shrubs along the trail alignment, as well as result in the loss of approximately 1.4 acres of existing cropland. However, the proposed trail would improve public access to and views of scenic rock outcroppings, and removal of trees and shrubs would not substantially alter views of scenic resources. Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 3.1-20 through 3.1-23 of the Final EIR (Volume 2).
3. **Impact AES-5.** Potential new lighting at restrooms and the Davenport highway crossing would not substantially adversely affect nighttime views.
 - a. **Mitigation** – No mitigation is required.

- b. **Findings and Rationale** – The Proposed Project would involve installation of minor light sources along a 7.5-mile trail and would have a minimal effect on the existing lighting conditions. Additional public use of Highway 1 and its parking lots by trail visitors could incrementally increase glare from car windows and headlights during operating hours; however, this would be limited to operating hours. Impacts associated with the Proposed Project would be less than significant.
 - c. **Supportive Evidence** – Please refer to page 3.1- 29 of the Final EIR (Volume 2).
4. **Impact AES-C.** Cumulative development would not significantly alter the visual character or quality of the North Coast area, and the Project’s contribution would not be cumulatively considerable.
- a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – Cumulative development in the Project vicinity is limited to closure and demolition of the Davenport Cement Plant, and to potential development of agricultural structures or residences on farmland, which would not substantially alter the visual character of the Project corridor. Therefore, the combination of the Project with other cumulative development would not have a significant cumulative impact. Furthermore, the Project’s contribution to cumulative changes in the visual character of the North Coast area would also not be cumulatively considerable.
 - c. **Supportive Evidence** – Please refer to pages 4-3 through 4-4 of the Final EIR (Volume 2).

B. AGRICULTURAL RESOURCES

1. **Impact AG-1.** The Project would not convert a substantial amount of Important Farmland to non-agricultural use.
- a. **Mitigation** – No mitigation is required as the impact would be less than significant. However, given the importance of this resource to the community, the EIR recommends that Mitigation Measure AG-1 be implemented to offset the loss of Important Farmland that is actively farmed within the Proposed Project footprint. If the RTC adopts this measure, it shall become part of the Project’s mitigation monitoring and reporting program, but it is not required to reduce the impact to a less than significant level. The measure is not being adopted as part of these findings, but will be considered by the RTC in the future.

AG-1 **Implement Agricultural Land Conservation Measures (*Optional*).** Prior to issuance of any grading permits, the RTC shall provide that for every 1.0 acre of FMMP Important Farmland (Prime Farmland, Unique Farmland, and Farmland of Statewide Importance) in the Project corridor that is permanently converted from active agriculture to non-agricultural use as a result of trail development, 1.0 acre of land of comparable agricultural productivity shall be preserved in perpetuity. Said 1:1 mitigation shall be satisfied through one or more of the following:

- Granting a perpetual conservation easement(s), deed restriction(s), or other farmland conservation mechanism(s) to the County or qualifying

land management entity,¹ such as the Land Trust of Santa Cruz County, for the purpose of permanently preserving agricultural land. The required easement(s) area or deed restriction(s) shall, therefore, total a minimum of 1.4 acres of FMMP Important Farmland. The land covered by said off-site easement(s) or deed restriction(s) shall be located in Santa Cruz County

- Making an in-lieu payment to a qualifying entity, such as the Land Trust of Santa Cruz County, to be applied toward the future purchase of a minimum of 1.4 acres of FMMP Important Farmland in Santa Cruz County, together with an endowment amount as may be required. The payment amount shall be determined by the qualifying entity or a licensed appraiser
- Making an in-lieu payment to a qualifying entity, such as the Land Trust of Santa Cruz County, to be applied toward a future perpetual conservation easement, deed restriction, or other farmland conservation mechanism to preserve a minimum of 1.4 acres of FMMP Important Farmland in Santa Cruz County. The amount of the payment shall be equal to 110 percent of the amount determined by the qualifying entity or a licensed appraiser
- Any combination of the above

b. Findings and Rationale – Construction activities associated with the Proposed Project would result in the direct and indirect conversion of farmland. Due to the linear nature of the Proposed Project, the areas designated as Important Farmland are non-contiguous and widely dispersed along 7.5-mile corridor. As a result, the areas that would be converted fall within several agricultural operations and are subject to separate agricultural ground leases. Conversion of any single area of Important Farmland along this corridor would be insubstantial and would not create a financial hardship resulting in the loss of the entire operation. Furthermore, areas that would be converted to non-agricultural use are within an existing rail corridor; and portions of the areas contain existing rail facilities, infrastructure, and agricultural access roads and are unlikely to be cultivated in the near future. Therefore, impacts associated with the Proposed Project would be less than significant.

c. Supportive Evidence – Please refer to pages 3.2-19 through 3.1-22 of the Final EIR (Volume 2).

2. Impact AG-2. The Project would not conflict with existing zoning for agricultural use.

a. Mitigation – No mitigation is required.

b. Findings and Rationale – Although the Proposed Project would be located on property zoned for commercial agriculture, because it is a federal project, local zoning ordinances do not apply. The Project would not require a zoning ordinance amendment. Impacts would be less than significant.

c. Supportive Evidence – Please refer to pages 3.2-22 through 3.2-27 of the Final EIR (Volume 2).

¹ A qualifying entity would be an incorporated land conservancy that has demonstrable ability to purchase, hold, and manage agricultural conservation easements and that possesses accreditation from the Land Trust Alliance.

3. **Impact AG-C.** Cumulative development would not result in significant cumulative agricultural resources impacts, and the Project's contribution would not be cumulatively considerable.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – Cumulative development in the project vicinity is limited to closure and demolition of the Davenport Cement Plant and to potential development of agricultural structures or residences on farmland, which would not substantially result in significant cumulative agricultural resources impacts. Furthermore, the Project's contribution to cumulative changes in agricultural resources would also not be cumulatively considerable.
 - c. **Supportive Evidence** – Please refer to pages 4-4 through 4-5 of the Final EIR (Volume 2).

C. AIR QUALITY

1. **Impact AQ-1.** The Project would not conflict with or obstruct implementation of the adopted Monterey Bay Air Resources District Air Quality Management Plan.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – According to Monterey Bay Area Resources District Guidelines, a project would conflict with or obstruct implementation of the Air Quality Management Plan of the North Central Coast Air Basin if it is inconsistent with the growth assumptions included in the Air Quality Management Plan, in terms of population, employment, or regional growth in vehicle miles traveled (MBARD 2008). The Proposed Project does not contain a residential or commercial component and would therefore not increase the residential population or employment in the area. Construction of the Proposed Project would generate temporary employment opportunities, which would likely be filled by the existing workforce in Santa Cruz County. Therefore, no direct growth inducement is expected to result from implementation of the Proposed Project, and the Proposed Project would be consistent with the Air Quality Management Plan growth assumptions and emissions reduction goals. Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 3.3-12 through 3.3-13 of the Final EIR (Volume 2).
2. **Impact AQ-2.** The Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Proposed Project would not result in criteria pollutant emissions during construction or operation that would exceed the MBARD thresholds and violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 3.3-13 through 3.3-18 of the Final EIR (Volume 2).
3. **Impact AQ-3.** The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is designated non-attainment.

- a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Proposed Project would not generate emissions above applicable health-based significance thresholds. Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to page 3.3-21 of the Final EIR (Volume 2).
4. **Impact AQ-4.** The Project would not expose sensitive receptors to substantial pollutant concentrations.
- a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Proposed Project would not result in any stationary sources of emissions, significantly contribute to a potential CO hotspot, or result in emissions of other pollutants at levels that could reasonably be determined to result in health effects. Therefore, the Proposed Project would not expose sensitive receptors to substantial pollutant concentrations. This impact would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 3.3-21 through 3.3-24 of the Final EIR (Volume 2).
5. **Impact AQ-5.** The Project would not create objectionable odors affecting a substantial number of people.
- a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – Due to the linear nature of the Project and rural nature of the Project area, very few existing receptors would be located within a few hundred feet of the active construction area or planned restroom facilities. The Proposed Project would maintain distance between planned construction activities and sensitive receptors, and involve frequent cleaning of restroom tank facilities which would reduce potential emissions to less than significant.
 - c. **Supportive Evidence** – Please refer to page 3.3-25 of the Final EIR (Volume 2).
6. **Impact AQ-C.** Cumulative development may result in significant cumulative air quality impacts, but the Project's contribution would not be cumulatively considerable.
- a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – Cumulative development in the North Central Coast Air Basin would potentially exceed the AQMP growth assumptions and result in cumulatively considerable project emissions. However, emissions from potential future rail operations may be offset by reduced vehicular emissions as some people may opt to take the train. Therefore, the Project's contribution to a cumulative air quality impact related to AQMP consistency would not be cumulatively considerable.
 - c. **Supportive Evidence** – Please refer to page 4-5 of the Final EIR (Volume 2).

D. GEOLOGY AND SOILS

1. **Impact GEO-1.** The Project would not exacerbate the existing exposure of people or structures to risks from strong ground shaking.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – Implementation of the Proposed Project would not include housing or other structures that would result in long-term exposure of people or structures to the risk of loss, injury or death involving strong seismic ground shaking. Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to page 3.6-12 of the Final EIR (Volume 2).
2. **Impact GEO-4.** The Project would not exacerbate the existing risk to life or property resulting from expansive soils.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The native and fill soils underlying the trail alignment are generally non-expansive and implementation of the Proposed Project would not result in the import of expansive soils.
 - c. **Supportive Evidence** – Please refer to page 3.6-16 of the Final EIR (Volume 2).
3. **Impact GEO-C.** Cumulative development would not result in significant cumulative geology and soils impacts, and the Project's contribution would not be cumulatively considerable.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – There are no planned projects immediately adjacent to the Project corridor. Cumulative buildout of the Santa Cruz County General Plan could expose new residents and structures to seismic and other geologic hazards in the county. However, these seismic and soil issues are specific to each project and would be addressed through adherence to existing local and state laws and regulations, including the applicable California Building Standards Code (CBSC) standards and requirements. Therefore, the Proposed Project would not have a significant cumulative impact.
 - c. **Supportive Evidence** – Please refer to page 4-10 of the Final EIR (Volume 2).

E. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE

1. **Impact GHG-2.** The Project would not expose people or structures to substantial risk of loss, injury, or death from projected sea level rise or erosion.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Project's alignment is not anticipated to be inundated by sea level rise within any foreseeable time frame. However, the Project alignment is anticipated to be subject to flooding, coastal erosion, and wildfire hazards. However, routine maintenance

activities as described in Section 2.0, *Project Description*, of the EIR would minimize impacts related to flooding, coastal erosion, and wildfire hazards through monitoring of current conditions and maintenance of facilities for safety. Furthermore, the risk of fire in the Proposed Project does not include any components that would increase exposure to fire risk or adversely impact response to fires. Therefore, impacts associated with the Proposed Project would be less than significant.

- c. **Supportive Evidence** – Please refer to pages 3.7-29 through 3.7-37 of the Final EIR (Volume 2).

F. HAZARDS AND HAZARDOUS MATERIALS

- 1. **Impact HAZ-2.** Roadway accidents that involve hazardous materials could create a public safety hazard to trail users and maintenance personnel.

- a. **Mitigation** – No mitigation is required.

- b. **Findings and Rationale** – Accidents on Highway 1 and potential future freight rail service on the rail line that involve hazardous materials could create a safety hazard for trail users and maintenance personnel, but these risks would be minimized by compliance with existing regulations. Impacts would be less than significant.

- c. **Supportive Evidence** – Please refer to pages 3.8-30 through 3.8-31 of the Final EIR (Volume 2).

- 2. **Impact HAZ-5.** The Project would increase recreational use in areas designated as moderate and high wildland fire hazard areas, but would not significantly exacerbate existing wildfire hazards.

- a. **Mitigation** – No mitigation is required.

- b. **Findings and Rationale** – The Project would involve construction of restroom structures along the Project alignment, in an area identified as high and moderate fire hazard severity zone. Operation of the Project would expose trail users to wildfire hazards. However, this increased risk would not result in a change to the existing identified wildfire hazard levels. Therefore, impacts would be less than significant.

- c. **Supportive Evidence** – Please refer to pages 3.8-41 through 3.8-42 of the Final EIR (Volume 2).

- d. **Supportive Evidence** – Please refer to pages 4-11 through 4-12 of the Final EIR (Volume 2).

G. HYDROLOGY AND WATER QUALITY

- 1. **Impact HYD-2.** The Project would not deplete groundwater supplies nor substantially interfere with groundwater recharge.

- a. **Mitigation** – No mitigation is required.

- b. **Findings and Rationale** – Construction and operation of the Proposed Project would not use groundwater. Due to the limited and dispersed impervious surfaces, impacts to groundwater recharge would be less than significant.

- c. **Supporting Evidence** – Please refer to page 3.9-28 of the Final EIR (Volume 2).

2. **Impact HYD-5.** Trail users may be subject to inundation by tsunami, but the Project would not exacerbate the risk of inundation by tsunami compared to existing conditions.

a. **Mitigation** – No mitigation is required.

b. **Findings and Rationale** – The Proposed Project would not include construction of housing or commercial or industrial structures and, therefore, would not increase the risk of inundation by tsunami for people living or working in the Project corridor. Therefore, the Proposed Project would not exacerbate the severity of this existing environmental hazard. Impacts would be less than significant.

c. **Supporting Evidence** – Please refer to page 3.9-34 of the Final EIR (Volume 2).

H. LAND USE AND PLANNING

1. **Impact LUP-1.** The Project would not physically divide an established community.

a. **Mitigation** – No mitigation is required.

b. **Findings and Rationale** – The Proposed Project would extend through open space and agricultural land, including dispersed rural residences, but it would not extend through nor physically divide an established community. Impacts would be less than significant.

c. **Supporting Evidence** – Please refer to page 3.10-10 of the Final EIR (Volume 2).

2. **Impact LUP-2.** The Project would not conflict with applicable plans and policies.

a. **Mitigation** – No mitigation is required.

b. **Findings and Rationale** – The Project corridor extends through agricultural, open space, and recreational lands owned and managed by the Santa Cruz County RTC and the State Parks Department, with a small portion under private ownership. Although the Proposed Project is exempt from local land use planning policies and regulations, Project implementation would generally support the goals, objectives, and policies identified in the Santa Cruz County General Plan, Local Coastal Plan, Monterey Bay Sanctuary Scenic Trail Master Plan, and Santa Cruz County North Coast Beaches Unified Plan. Impacts would be less than significant.

c. **Supporting Evidence** – Please refer to pages 3.10-11 through 3.10-13 of the Final EIR (Volume 2).

3. **Impact LUP-C.** Cumulative development would not result in significant cumulative land use impacts, and the Project's contribution would not be cumulatively considerable.

a. **Mitigation** – No mitigation is required.

b. **Findings and Rationale** – Cumulative development projects would result in additional visitors and employees to the North Coast area, but would not introduce new land uses that would conflict with existing rural and agricultural land uses, substantially change land use patterns, physically divide the established community of Davenport, or conflict with relevant plans and policies. Therefore, impacts from cumulative development would be less than significant. Furthermore,

implementation of the Proposed Project would introduce a multi-use trail and parking lots along the existing rail corridor, increasing overall use of the lands within the North Coast area. Therefore, the Project's contribution to this impact would not be cumulatively considerable.

- c. **Supporting Evidence** – Please refer to pages 4-13 through 4-14 of the Final EIR (Volume 2).

I. NOISE

1. **Impact N-1.** Operation of the Project would not expose persons to or generate excessive noise levels.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – Operational noise along the proposed trail alignment may include the sound of trail users talking and maintenance workers collecting garbage or maintaining project features, but would be minimal and intermittent. Impacts associated with the Proposed Project would be less than significant.
 - c. **Supporting Evidence** – Please refer to pages 3.11-9 through 3.11-10 of the Final EIR (Volume 2).
2. **Impact N-3.** The Project would not result in a substantial permanent increase in ambient noise levels.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Proposed Project would generate local traffic and trail users which could increase ambient noise levels. However, traffic noise modeling suggests that Project-related vehicle traffic would not be substantial, and noise generated by trail use would be minimal and intermittent. Therefore, impacts would be less than significant.
 - c. **Supporting Evidence** – Please refer to pages 3.11-12 through 3.11-14 of the Final EIR (Volume 2).

J. PUBLIC SAFETY AND SERVICES

1. **Impact PUB-1.** The Project would not result in the need for additional emergency response or fire protection facilities to maintain acceptable service ratios or response times.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Proposed Project would introduce a paved multi-purpose trail which would increase human activity in the Project corridor and could result in increased calls for emergency response and fire protection services to the North Coast area. The Proposed Project would not construct buildings or other facilities that present unique challenges for fire protection and emergency response services. Emergency response and fire service providers serving the Project corridor have anticipated and expanded staffing to accommodate future development in the North Coast area. Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 3.12-8 through 3.12-10 of the Final EIR (Volume 2).
2. **Impact PUB-2.** The Project would not result in the need for additional police protection or law enforcement facilities to maintain acceptable service ratios or response times.

- a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The increase in recreational use in the North Coast area is anticipated by the Sheriff’s office. Regular inspections of the trail by the Trail Manager, fencing along the trail alignment, and presence of trail users is expected to minimize potential criminal activity such as vandalism, trespassing, and illegal camping. Thus, the need associated with the Proposed Project for police protection and law enforcement services provided by the Sherriff’s Department and/or California Highway Patrol and State Parks Department would be to address relatively infrequent occurrences and are not expected to result in the need for unanticipated expansion of services or new facilities.
 - c. **Supportive Evidence** – Please refer to pages 3.12-10 through 3.12-12 of the Final EIR (Volume 2).
3. **Impact PUB-3.** The Project would not result in the need for the construction of new or additional park facilities, nor the degradation of existing facilities.
- a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Proposed Project would not increase the permanent population, creating a demand for new parks or expanded park facilities in the North Coast area of Santa Cruz County. The Project would enhance the existing state parks through improving accessibility and the addition of amenities and signage. Introducing an estimated 951 trail users on a peak summer day is not anticipated to result in substantial degradation of existing park resources above existing conditions, because the Project includes development of an Operations & Maintenance Plan including inspections and maintenance of trail facilities. Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 3.12-12 through 3.12-13 of the Final EIR (Volume 2).
4. **Impact PUB-4.** The Project would not result in the need for the construction of new or additional health service facilities.
- a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The increase in the use of health service facilities as a result of the Proposed Project would not be substantial enough to require construction of new health care facilities, nor would existing facilities need to be expanded, resulting in potential physical effects on the environment. Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 3.12-13 through 3.12-14 of the Final EIR (Volume 2).
5. **Impact PUB-C.** Cumulative development would not result in significant cumulative impacts to public safety and services, and the Project’s contribution would not be cumulatively considerable.
- a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – New recreational visitors to cumulative projects would not substantially affect the overall level of service required for fire, emergency response, police protection or health care facilities in the North Coast to continue to provide services for the public. Therefore,

the development of cumulative projects would not be expected to require the construction of additional facilities to provide sufficient public services in this area. The cumulative impact would be less than significant, and the Project's contribution would not be cumulatively considerable

- c. **Supportive Evidence** – Please refer to pages 4-16 through 4-17 of the Final EIR (Volume 2).

K. RECREATION

1. **Impact REC-1.** The Project would result in increased use but not substantial physical deterioration of existing recreational facilities.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – Although the Project would increase accessibility to and use of state parks, open space, and beaches along the Project alignment, it is expected that the use of these facilities would be passive, and that recreators would not significantly degrade the existing facilities. Furthermore, the Project would provide a new recreational opportunity along the North Coast, with additional amenities and trail supervision that would enhance the accessibility of recreational areas throughout this area. Impacts would be less than significant.
 - c. **Supportive Evidence** – Please refer to pages 3.13-9 through 3.13-10 of the Final EIR (Volume 2).
2. **Impact REC-2.** The Project would result in construction of a new recreational facility.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The new multi-use trail would provide an additional recreational amenity in Santa Cruz County that is not currently available in the North Coast area, and would improve access to the coastal bluffs and beaches, California Coastal Trail, and Wilder Ranch State Park, including the Coast Dairies property. Additionally, the Project would provide an educational opportunity to experience and learn about the coastal, agricultural, and biological resources in the area through the interpretive signage. This impact is considered beneficial.
 - c. **Supportive Evidence** – Please refer to pages 3.13-11 through 3.13-12 of the Final EIR (Volume 2).
3. **Impact REC-C.** Cumulative development would not result in significant cumulative impacts to recreation, and the Project's contribution would not be cumulatively considerable.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – Cumulative increased demand for recreational facilities in the North Coast area would not result in physical deterioration of recreational and open space facilities, as the operators of each facility in the area as well as the Trail Manager would continuously evaluate on-site amenities for adequate maintenance. These ongoing management efforts, combined with the relatively minor amount of cumulative development anticipated in the North Coast area, would result in less than significant cumulative impacts to recreation. The Project would provide a new recreational opportunity in the North Coast area and would improve connections to existing parks, open space, and beaches. The Project would not result in a substantial physical deterioration of existing recreational facilities. As such, the Project's contribution would not be cumulatively considerable.

- c. **Supportive Evidence** – Please refer to pages 4-18 of the Final EIR (Volume 2).

L. TRANSPORTATION AND CIRCULATION

1. **Impact T-1.** New vehicle trips by trail users would not result in traffic delay exceeding Caltrans standards on Highway 1 under the existing plus Project scenario.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Project would increase vehicle trips in the vicinity, which would affect LOS. However, traffic delay attributable to the Proposed Project would not exceed the applicable Caltrans threshold of LOS D. Impacts would be less than significant.
 - c. **Supporting Evidence** – Please refer to pages 3.14-13 through 3.14-14 of the Final EIR (Volume 2).
2. **Impact T-2.** The Project would be consistent with policies promoting multi-modal transportation.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – The Proposed Project would be consistent with plans and policies promoting multi-modal transportation, including the Santa Cruz County General Plan and Santa Cruz County RTP, through improving pedestrian and bicyclist access and circulation in the North Coast area and introducing a route dedicated to pedestrians and bicyclists. Impacts would be less than significant.
 - c. **Supporting Evidence** – Please refer to pages 3.14-15 through the 3.14-16 of the Final EIR (Volume 2).
3. **Impact T-4.** Increased demand for parking by trail users would be accommodated at parking locations, both formal and informal, along Highway 1.
 - a. **Mitigation** – No mitigation is required.
 - b. **Findings and Rationale** – Although new trail users arriving by vehicles would increase the demand for parking in the North Coast areas, sufficient overflow parking space would remain in informal parking lots on the shoulder of Highway 1 to accommodate the additional demand. Additionally, several miles of Highway 1 parallel to the Project corridor are not subject to no-parking restrictions, thus allowing daytime parking on the shoulder. Impacts would be less than significant.
 - c. **Supporting Evidence** – Please refer to pages 3.14-22 through 3.14-23 of the Final EIR (Volume 2).

M. UTILITIES AND SERVICE SYSTEMS

1. **Impact UTIL-1.** The Project would not generate wastewater in excess of existing wastewater capacity, nor require construction of new wastewater treatment facilities or expansion of existing facilities.
 - a. **Mitigation** – No mitigation is required.

- a. **Mitigation** – No mitigation is required.
- b. **Findings and Rationale** – Buildout of cumulative projects in the Davenport County Sanitation District and Santa Cruz County Sanitation District service areas and elsewhere in unincorporated Santa Cruz County would increase demands on water, wastewater, and solid waste infrastructure. However, cumulative demand for water, wastewater and solid waste would be incremental. Similarly, the Project’s contribution to cumulative demand for water, wastewater and solid waste would be incremental. Thus, the Proposed Project’s contribution to cumulative impacts would not be cumulatively considerable.
- c. **Supporting Evidence** – Please refer to page 4-22 of the Final EIR (Volume 2).

IV. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The RTC hereby finds that the following mitigation measures, which are identified in the EIR and will reduce the following otherwise significant environmental impacts to a less than significant level, have been required in or incorporated into the Project. *The findings below are for impacts where implementation of the Project would result in significant environmental impacts that would be reduced to less than significant following mitigation. These findings are based on the discussion of impacts in the detailed impact analyses in Section 3.1 through Section 3.16 and Section 4 of the EIR, as well as relevant responses to comments in the Final EIR.*

Except where specifically otherwise noted below, the following statutory finding applies to all of the impacts described in this section (IV):

Changes or alterations have been required in, or incorporated into, the project that mitigate the significant effects on the environment (to less than significant levels).

(See Pub. Resources Code § 21081(a)(1).)

A. AESTHETICS

- 1. **Impact AES-3.** Public use of the proposed trail and parking lots could result in litter and graffiti that have an adverse effect on visual quality.

- a. **Mitigation** – the following mitigation is required.

AES-3 Minimize Artificial Appearance of Coastal Armoring. At the eroding coastal bluff near Davenport, armoring to stabilize the base of the slope shall be designed to minimize its artificial appearance. The color and texture of armoring materials shall be visually compatible with the appearance of the surrounding coastal bluff. These design features shall be included in the final plan set prior to the initiation of construction.

- b. **Findings and Rationale** – Mitigation Measure AES-3 would minimize the artificial appearance of coastal armoring features improving visual compatibility of these features and existing natural features of the coastal bluff. Implementation of this measure would reduce visual quality impacts to a less than significant level.

- c. **Supportive Evidence** – Please refer to pages 3.1-24 through 3.1-26 of the Final EIR (Volume 2).
2. **Impact AES-4.** Public use of the proposed trail and parking lots could result in litter and graffiti that have an adverse effect on visual quality.

- a. **Mitigation** – the following mitigation is required.

AG-3(c) Regularly Remove Solid Waste and Litter during Operation. Once the trail is open for public use, the Trail Manager shall ensure that solid waste is collected from each of the 23 proposed trash receptacles twice-weekly, or more often as needed to ensure that the trash and recycling receptacles located along the trail and in the three parking lots do not overflow. The frequency shall be determined by the Trail Manager and may vary seasonally, with more frequent collection in the summer months when the trail is busy. Trash/recycling receptacles located in the parking lots may require more frequent collection than the receptacles along the trail alignment.

The Trail Manager shall be responsible as well for collecting litter along the trail. If litter leaves the trail ROW, the Trail Operator shall ensure that the litter in the vicinity of the trail that is reasonably attributed to trail use is removed within a reasonable time frame. Access to agricultural fields for the purpose of litter removal shall be coordinated with on-site agricultural operators, taking into account pesticide/fumigant restrictions and the goal of minimizing soil compaction or direct contact with crops. The Trail Manager shall not enter adjacent agricultural fields without express permission by the agricultural operator. All solid waste and recyclable materials shall be properly disposed.

Additionally, the Trail Manager shall identify garbage, feces, and trampling associated with human activity, including homeless/transient encampments, and report such activity to the County Sheriff and State Parks.

- b. **Findings and Rationale** – Solid waste and litter intentionally or unintentionally released onto the trail corridor and surrounding vicinity detracts from the visual quality of the Project corridor and surrounding area. Regular removal of solid waste and litter from the proposed trail and surrounding area would improve visual quality of the corridor, thereby reducing impacts to visual quality to a less than significant level.
- c. **Supportive Evidence** – Please refer to pages 3.1-28 and 3.2-32 of the Final EIR (Volume 2).
3. **Impact AES-C.** Cumulative development would not significantly alter the visual character or quality of the North Coast area, and the Project’s contribution would not be cumulatively considerable.

- a. **Mitigation – AG-3(c)**

- b. **Findings and Rationale**— Cumulative development in the viewshed from the Project corridor would be limited based on current land use plans and zoning designations. It is anticipated that the Davenport Cement Plant site, located approximately 0.2 mile northwest of the Project

corridor on the inland side of Highway 1, would be redeveloped into a park with visitor center/museum, trails, camping and/or cabins, agriculture, and open space uses although decision making is still in progress. This cumulative project would involve demolition of some or all existing industrial structures that are visible from the northern portion of the trail corridor near Davenport. With the loss of these prominent artificial structures, natural features such as rugged coastal bluffs, coves at the outlets of streams, and beach strands with high scenic quality would become more visually dominant. Furthermore, the cumulative project at the Davenport Cement Plant site would introduce recreational facilities and landscaping that would turn the site into a visual amenity.

Aside from the Project, other cumulative projects in the viewshed could involve development of agricultural structures or residences on farmland that would not substantially alter the visual character of the rural Project corridor and its vicinity. As discussed under Impact AES-3 in EIR Section 3.1, Aesthetics, the proposed trail and associated structural improvements also would be visually compatible with the coastal bluff and agricultural character of the vicinity. Thus, the combination of the Project with other cumulative development would not have a significant cumulative impact, and would not substantially degrade existing character or quality. Therefore, the Project's contribution to cumulative changes in the visual character of the North Coast area, with mitigation, would also not be cumulatively considerable.

c. **Supportive Evidence**—Please refer to pages 4-3 through 4-4 of the Final EIR (Volume 2).

B. AGRICULTURAL RESOURCES

1. **Impact AG-3.** Trail users could adversely affect agricultural operations.

a. **Mitigation** – The following mitigation is required.

AG-3(a)

Implement Measures to Reduce Construction-Related Conflicts with Agricultural Operations. The following measures shall be implemented during construction to reduce potential conflicts between construction-related activities and agricultural operations:

- Staging areas shall not be placed in or directly adjacent to active agricultural areas and access to staging areas shall not block or inhibit access to existing farmland or farm access roads
- Where feasible, construction adjacent to agricultural areas shall not occur during peak harvest periods, typically in the fall months (Branon 2018)
- When construction activities must occur during agricultural harvest (for example, to avoid nesting bird season), reasonable access to farmland, as determined by the RTC or CFL in consultation with the North Coast Farmers, shall be maintained; while precise timing cannot be specified, the RTC or CFL would endeavor to consult with the Farmers as early as feasible in the development of the construction schedule
- The construction contractor shall designate a contact for construction-related complaints. Contact information shall be provided to agricultural operators adjacent to the rail line and shall be posted at construction staging areas. The contractor shall respond to complaints in a timely manner

These measures shall be included in final design plans and implemented by the construction contractor. The RTC or its designee shall review plans to confirm inclusion of these measures and conduct spot-check monitoring during construction to ensure compliance.

- AG-3(b) Install No Trespassing Signs Prior to Operation.** Signs clearly indicating “No Trespassing” shall be installed at key locations, to be identified by the RTC or CFL in consultation with the North Coast Farmers. The signs shall specify the legal ramifications for trespassing on adjacent properties. The Trail Manager shall be responsible for ensuring the signs are properly maintained and shall replace signs when they are removed or damaged such that they are no longer legible.
- AG-3(c) Regularly Remove Solid Waste and Litter during Operations.** Please refer to Impact AES-4 in Section IV.A, *Aesthetics*, above.
- AG-3(d) Post Notices to Promote Food Safety prior to Operation.** Prior to the trail opening for public use, the RTC shall post notices of ongoing agricultural activities along the trail alignment, at least every mile, in addition to posting notices at the trail entrances. The location of the notices posted along the trail shall be identified by the RTC in consultation with the North Coast Farmers. The following information shall be added to the notices, at minimum:
- A reminder that dogs and horses are prohibited on the trail, consistent with State Parks regulations
 - Notice that trail users are required to use restroom facilities in consideration of food hygiene issues on adjacent agricultural lands and provide the location of the restroom facilities at the Davenport Beach, Panther/Yellowbank Beach, and Wilder Ranch parking lots.
- AG-3(e) Install Agricultural Interpretive Exhibits prior to Operation.** Prior to the trail opening for public use, the RTC shall install agricultural interpretive exhibits at key locations along the trail to highlight specifically the importance of agriculture in the North Coast area, consistent with MBSST Master Plan Design Guidelines. The signs shall be intended to educate trail users about the history of North Coast agriculture, typical agricultural practices, and other information determined appropriate in consultation with the North Coast Farmers. The displays shall explain that not all materials applied in nearby agricultural fields are pesticides, but rather may be fertilizers or soil amendments. At least five exhibits shall be placed along the trail in proximity to agricultural operations and shall be installed in coordination and compatible with other interpretative information (e.g., Sanctuary/coastal education signage).

- b. Findings and Rationale** – Implementation of Mitigation Measures AG-3(a) through AG-3(e) would reduce conflicts with agricultural uses during construction and operation by limiting the potential for negative effects of trail use such as litter, trespassing, food safety and the importance of agricultural operations to the food system. These measures would reduce impacts regarding conflicts with existing agricultural operations to a less than significant level.

c. **Supportive Evidence** – Please refer to pages 3.2-27 through 3.2-33 of the Final EIR (Volume 2).

2. **Impact AG-4.** The Project could temporarily disrupt utilities during construction and require the permanent relocation of some farm-related infrastructure.

a. **Mitigation** – the following mitigation is required.

AG-4(a) Relocate Farm Utilities Affected by Trail Construction. The RTC shall be responsible for the actual and reasonable costs to disconnect, dismantle, remove, reassemble, and reinstall agricultural utilities and infrastructure (including, but not limited to, irrigation system components, farm access roads, and power supplies) which was installed originally pursuant to legal entitlements to occupy or use the affected land (e.g., leases, contracts, agreements) in or immediately adjacent to the trail ROW. Utilities shall be relocated in a timely manner to avoid service disruptions.

AG-4(b) Design and Maintain Trail Crossings to Accommodate Farm Equipment and Restrict Access. The FHWA CFL shall design trail crossings to accommodate farm equipment. This shall include the following:

- Crossings shall accommodate farm equipment measuring 19-foot in width, and shall be paved with a surface that can withstand tractor grousers
- Gates shall be installed at entrances to each crossing to prevent access to farmlands by trail users. The gates shall include lock system to ensure access by agricultural operators, the Trail Manager, State Parks personnel, and emergency first responders
- The Trail Manager shall be responsible for clearing excessive soil, mud, and other debris carried onto the trail by farm vehicles, as needed to ensure safe crossing by pedestrians and bicyclists

b. **Findings and Rationale** – Mitigation Measures AG-4(a) and AG-4(b) would relocate, redesign and maintain agricultural vehicle crossings and utilities connections. These measures would accommodate continued use of existing agricultural operations with minimal interruption by trail users, reducing impacts to a less than significant level. Because Mitigation Measure AG-4(b) would be implemented primarily by the FHWA CFL rather than just the RTC, the RTC makes the following additional statutory finding with respect to that measure:

The mitigation measure is within the responsibility and jurisdiction of another public agency and or can and should be adopted by that other agency.

(Pub. Resource Code § 21081(a)(2).)

c. **Supportive Evidence** – Please refer to pages 3.2-34 through 3.2-36 of the Final EIR (Volume 2).

3. **Impact AG-5.** Agricultural operations could adversely affect trail users, which may result in conflicts with agricultural operations.

a. **Mitigation** – the following mitigation is required.

AG-3(b) **Install No Trespassing Signs Prior to Operation.** Please refer to Impact AG-3 in Section IV.B, *Agricultural Resources*, above.

AG-3(e) **Install Agricultural Interpretive Exhibits prior to Operation.** Please refer to Impact AG-3 in Section IV.B, *Agricultural Resources*, above.

AG-5 **Establish Pesticide Spray Notification Procedures and Install Temporary Warning Signage along Trail.** The RTC shall establish notification procedures whereby agricultural operators adjacent to the Project alignment notify the Trail Manager at least 24 hours prior to application of pesticides of primary concern within 100 feet of the trail. The Trail Manager shall develop the list of pesticides of primary concern in consultation with the Agricultural Commissioner and shall include on the list those pesticides most likely to impact public health. The Trail Manager shall update the list annually based on PURs, latest state and federal pesticide regulations, and Agricultural Commissioner recommendations.

Upon notification, the Trail Manager or their designee shall place temporary signage on the trail in the vicinity of pesticide application. The signs shall be placed in a location highly visible to trail users, and shall indicate the type of pesticide being applied, the duration of application activities, the potential health hazards associated with exposure to the pesticide, and that trail users enter at their own risk. The notice shall additionally include the web address to the National Pesticide Information Center (<http://npic.orst.edu/>).

b. **Findings and Rationale** – Mitigation Measures AG-3(b), AG-3(e) and AG-5 would restrict access to agricultural areas and inform trail users of the likelihood of pesticide application on adjacent crops. In so doing, these measures would reduce pesticide exposure by restricting access and educating trail users about the need to perform typical agricultural functions, thereby reducing impacts to less than significant.

c. **Supportive Evidence** – Please refer to pages 3.2-37 through 3.2-39 of the Final EIR (Volume 2).

4. **Impact AG-C.** Cumulative development would not result in significant cumulative agricultural resources impacts, and the project's contribution, with mitigation, would not be cumulatively considerable.

a. **Mitigation** – AG-3(a), AG-3(b), AG-3(c), AG-3(d), AG-3(e), AG-4(a), AG-4(b), and AG-5

b. **Findings and Rationale** – Cumulative development in the North Coast area would be limited and would not convert substantial amounts of farmland to non-agricultural use. Cumulative projects in the area are limited to public access improvements, a wastewater treatment plant upgrade, a potential future rail service on an existing rail line, and segments 1 through 6 of the MBSST Network. None of these reasonably foreseeable projects would convert agricultural land to non-agricultural use. Potential commercial redevelopment in Davenport similarly would not convert any agricultural land. Because agricultural properties adjacent to the Project corridor are currently

zoned for agricultural production, future non-agricultural development would not be permitted. Any structures built on agricultural properties would be limited to those associated with commercial agriculture, and would not be considered a non-agricultural use. Therefore, cumulative development in the North Coast area would not convert Important Farmland to a non-agricultural use.

The Proposed Project would convert 7.0 to 7.6 acres of Important Farmland to non-agricultural use. The direct conversion of Important Farmland would not be considered substantial, and the impact would be less than significant. The Proposed Project would not contribute to a significant cumulative effect related to the direct conversion of agricultural land. Therefore, the Project's contribution to the direct conversion of agricultural land would not be cumulatively considerable.

While cumulative development in the North Coast area would not convert agricultural land to non-agricultural use, several cumulative projects would contribute to increased conflicts between agricultural and non-agricultural uses because they may increase the number of visitors to the North Coast area. Long-term agricultural viability in the North Coast area could be adversely affected by such conflicts. The County of Santa Cruz Right-to-Farm Ordinance is a regulatory mechanism intended to ensure the viability of agriculture in the county, and would provide mitigation for this cumulative impact. Where cumulative development abuts agricultural land, additional project-specific mitigation would also be anticipated. As such, cumulative impacts related to agricultural land use conflicts would be significant but mitigable.

Project design features and mitigation measures would reduce potential Project-generated conflicts to a less than significant level. Therefore, the Project's contribution to agricultural land use conflicts, with mitigation, would not be cumulatively considerable.

- c. **Supportive Evidence** – Please refer to pages 4-4 through 4-5 of the Final EIR (Volume 2).

C. BIOLOGICAL RESOURCES

1. **Impact BIO-1.** The Project could adversely affect sensitive fish species (tidewater goby, central California coast coho salmon, and central California coast steelhead) and critical habitat through habitat modification in the creeks that intersect the alignments.

- a. **Mitigation** – the following mitigation is required.

BIO-8(a)

Minimize Construction in Sensitive Habitats.

- To the extent feasible, all trail construction activities, including access routes, staging areas, stockpile areas, and equipment maintenance are to be located outside of the limits of mapped sensitive habitats. Sensitive habitat areas shall be mapped by a qualified biologist and clearly shown on construction plans. Temporary fencing (e.g., silt fencing) shall be installed at the outermost edge sensitive habitats and shall not be disturbed except as required for trail construction. Vegetation removal shall be limited to the minimum extent necessary to achieve project objectives. Mature trees will be retained wherever feasible and limbing of trees and shrubs in coastal scrub, arroyo willow scrub and riparian forest, and coast live oak woodland should be favored in lieu of removal. When possible, during construction stumps and burls of native vegetation shall be retained to allow for re-sprouting following project completion.

- Arroyo willow riparian forest impacted by slope stabilization activities shall be minimized to the maximum extent feasible. Construction of retaining walls, slope contouring, and other stabilization techniques shall be limited to the footprint of the required work area. Silt fencing and other erosion control measures shall be placed immediately downslope to prevent sediments and debris from entering stream courses and degrading water quality. Bioengineering techniques (e.g. low crib walls, vegetation planting) shall be used as a slope stabilization approach, when feasible.
- Limbing and removal of coast live oak trees located in coast live oak forest habitat shall be minimized to maintain canopy cover, nesting and roosting habitat for bird and bat species, and understory habitat for wildlife, including woodrats and other small mammals.

Wherever feasible, RTC and CFL shall implement design options to avoid construction activities in sensitive habitats by electing to construct a narrower trail alignment (16 feet instead of 20 feet), shifting the trail alignment to the adjacent farm road on the coastal side of the trail alignment from south of Davenport to Bonny Doon Beach (identified in Section 2.6, *Project Construction*), and shifting the trail alignment on the farm road coastward to avoid sensitive habitats.

BIO-8(c)

Develop Project-specific Biological Resources Mitigation and Management Plan for Impacts to Biological Resources Resulting from Trail Construction and Operation. A qualified (USFWS- and CDFW-approved) biologist shall prepare a Project-specific Biological Resources Mitigation and Management Plan (MMP) to compensate for direct and indirect impacts to sensitive habitats, including ESHA, and other sensitive biological resources resulting from trail construction and operation. The MMP shall compensate for permanent loss of sensitive habitats, through the creation, restoration, and enhancement of in-kind sensitive habitat, as close to impacted areas as possible within the study area, or on suitable State Parks lands immediately coastward of the alignment in consultation with State Parks.

To protect against the loss of ecological functions and values, compensatory mitigation shall re-create the following features of existing sensitive habitat that would be impacted by the Proposed Project: habitat mosaic, edge habitats, and proximity to wetlands and other waters. A portion of compensatory mitigation shall re-create the linear aspect and provision for wildlife dispersal of existing habitats, where these features are potentially lost as a result of the Proposed Project. This feature shall be designed to protect against fragmentation of remaining habitat patches adjacent to the rail bed.

In addition, the Biological Resources MMP shall include the following:

- Description of the trail alignment including acreage of temporary and permanent impacts to coastal scrub, arroyo willow scrub, arroyo willow riparian forest, coast live oak forest, and coastal dune habitats, including the number and type of trees slated for removal.

- Acreage of temporary and permanent impacts to CRLF breeding and non-breeding aquatic habitat, upland, and dispersal habitat.
- Ecological functions and values assessment of sensitive habitats, including CRLF habitat to determine suitable mitigation ratios (at a minimum, no-net-loss) in consultation with USFWS, CDFW, and CCC.
- Goals of compensatory mitigation, including types and areas of sensitive habitat to be created, restored, and/or enhanced; number and type of trees to be replaced, specific functions and values of mitigation habitat types, mitigation ratios (created/restored/enhanced: impacted), and performance criteria, including:
 - Conservation of functions and values of CRLF critical habitat (including breeding and non-breeding aquatic habitat features, safe movement and dispersal between aquatic features and upland and dispersal habitat that meet the criteria for primary constituent elements for CRLF);
 - Conservation of edge habitats;
 - Conservation of functions and values for wildlife movement including habitat mosaics, links between creeks and safe passage across the proposed alignment, with perennial water sources, diverse food sources, cover, and shelter.
- Such compensatory mitigation must occur as close to impacted areas as feasible and result in no-net-loss (minimum 1:1 replacement ratio) of sensitive habitat types, or their functions and values.
- Location and acreage of sensitive habitat, including CRLF habitat, mitigation areas including ownership status, and existing functions and values of restored and/or enhanced sensitive habitats.
- Detailed sensitive habitat creation and/or restoration construction and planting techniques.
- Description and design of habitat requirements for sensitive wildlife known to occur in the study area and immediate surroundings (including CRLF, potential Santa Cruz black salamander, western pond turtle, western snowy plover, northern harrier, American peregrine falcon, native nesting bird species, potential roosting bat species, and San Francisco dusky-footed woodrat)
- Maintenance activities during the monitoring period including replanting native vegetation found within similar habitats within the same watershed and weed removal that avoid take of CRLF and other sensitive wildlife species. Trail maintenance activities would employ hand-tools only. The use of pesticides or herbicides would be prohibited.
- Strategies to protect remaining sensitive habitats along the trail corridor and surroundings from direct and indirect impacts from trail users and illegal camping, such as:
 - split-rail and wire fencing,
 - interpretive signage including specific information about sensitive habitats and species and “leave no trace” content,

- green fencing (dense vegetative buffers consisting of plant species that deter human passage such as poison oak, Pacific blackberry, and stinging nettle), and
- linear replacement wetlands (see Mitigation Measure BIO-9[b]) of sufficient width (e.g., greater than 6 feet) and depth (e.g., greater than 2.5 feet) to deter crossing.
- Strategies to protect wildlife movement, both across and along the trail corridor, supported by complex and mature sensitive habitat mosaics, including perennial water sources.
- Consideration of experience-based management approaches, the science of recreation ecology, and social carrying capacity analysis² in the development of this MMP.
- Long-term quantitative and qualitative monitoring and reporting, including consideration of carrying capacity analysis and alternative approaches, and documenting the ability to meet or surpass performance criteria.
- Adaptive management strategies to:
 - identify shortcomings in meeting performance standards;
 - ensure long-term viability of existing, enhanced, restored, and/or newly-created sensitive biological resources;
 - enhance ecological functions and values of sensitive habitat mitigation areas, including CRLF habitat and habitat for wildlife movement;
 - ascertain the sufficiency of the parking lots, trail access, facilities development and management, and interpretive design features associated with the project to protect biological resources, with consideration given to adaptive management strategies identified in recreation ecology and social carrying capacity analysis references;³
 - if impacts from illegal camping and other off-trail uses result in failure to meet performance standards, adaptive management strategies shall include reducing the hours of operation of the trail and associated facilities (restrooms and parking lots) to be consistent with State Parks hours (open from 8:00 am to sunset).

Mitigation area locations and final replacement ratios (e.g., potentially above the minimum “no-net-loss” ratio set here) shall be determined in consultation with the relevant agencies, as follows.

- **U.S. Fish and Wildlife Service (USFWS).** California red-legged frog (CRLF)

² Garrigos Simon, F.J., Y. Narangajavana, and D. Palacios Marques. 2004. Carrying capacity in the tourism industry: a case study of Hengistbury Head. *Tourism Management* 25(2): 275-283; Knight, Richard L., and Kevin J. Gutzwiller, editors. 1995. *Wildlife and recreationists: Coexistence through management and research*. Washington, D.C: Island Pres; Leung, Yu-Fai and Jeffrey L. Marion. 2000. *Recreation Impacts and Management in Wilderness: A State-of-Knowledge Review*. U.S. Department of Agriculture, Forest Service Proceedings RMRS-P-15-VOL-5. Washington, DC 2000; Manfredo, Michael J., and Richard A. Larson. 1993. Managing for wildlife viewing recreation experiences: an application in Colorado. *Wildlife Society Bulletin* 21:226–236; Manning, Robert E. 2002. “How Much Is Too Much: Carrying Capacity of National Parks and Protected Areas.” *Monitoring and Management of Visitor Flows in Recreational and Protected Areas Conference Proceedings*. A. Amberger, C. Brandenburg, A. Muhar, editors. 2002. 306-313.

³ see Footnote 2 above.

- **California Department of Fish and Wildlife (CDFW).** Sensitive habitats, work below the break in bank of stream corridors, riparian habitat, Fully-Protected species, Species of Special Concern
- **California Coastal Commission (CCC).** Environmentally sensitive habitat areas (ESHA)
- **California State Parks.** Sensitive resources and habitats on State Park property

The *draft* MMP shall be submitted to USFWS, NOAA Fisheries, CDFW, CCC, and California State Parks for review prior to formal adoption. Monitoring reports will be provided to these agencies.

BIO-8(d)

Implement Best Management Practices during construction. The construction specifications shall include the following BMPs to protect water quality and biological resources during project construction activities.

- Minimize removal or disturbance of existing vegetation outside of the footprint of project construction activities [refer to Mitigation Measures BIO-8(a) and BIO-9(a)].
- Limit site access and parking, equipment storage and stationary construction activities to the designated staging areas to the maximum extent feasible.
- Prior to staging equipment on-site, clean all equipment caked with mud, soils, or debris from off-site sources or previous project sites to avoid introducing or spreading invasive exotic plant species. When feasible, remove invasive exotic plants from the Project area. All equipment used on the premises should be cleaned prior to leaving the site for other projects.
- Position all stationary equipment such as motors, pumps, generators, and/or compressors over drip pans. At the end of each day, move vehicles and equipment as far away as possible from any water body adjacent to the Project site in a level staging area. Position parked equipment also over drip pans or absorbent material.
- Check under all equipment for wildlife before use. If any listed or special-status wildlife is observed under equipment or in the work area, do not disturb or handle it. Cease Project activities and contact the biological monitor or resource agencies for further guidance, if the animal continues to be encountered in the Project area.
- If security fencing is installed around the construction site, allow for passage of wildlife to maintain a link between inland and coastal habitats including stream corridors during construction activities. Prohibit the use of plastic mesh safety fencing to prevent wildlife entrapment.
- Avoid working at night or during rain events when special-status amphibians and mammals are generally more active. Consult weather forecasts from the National Weather Service at least 72 hours prior to performing work.
- Properly contain and remove all food trash that may attract predators into the work area and construction debris and trash from the work site on a regular basis.

- Refuel and perform all vehicle and/or equipment maintenance off-site at a facility approved for such activities.
- To the greatest extent feasible, stabilize all exposed or disturbed areas in the Project area. Install erosion control measures as necessary such as silt fences, jute matting, weed-free straw bales, plywood, straw wattles, and water check bars, and broadcasting weed-free straw wherever silt-laden water has the potential to leave the work site and enter the nearby streams. Prohibit the use of monofilament erosion control matting to prevent wildlife entanglement. Modify, repair, and/or replace erosion control measures as needed.
- Revegetate with native vegetation found within similar habitats within the same watershed to minimize erosion, prevent the establishment of invasive weeds, and accelerate the recovery of native vegetation communities.
- Whenever feasible, certain construction activities will be timed to avoid impacts to sensitive habitats and wildlife species, as presented in Table 3.4-5 of the EIR included below. Ideally, most if not all vegetation clearing will be done in the fall.

Table 3.4-5 Preferred Timing for Construction Activities Listed by Biological Resource

Biological Resource	Preferred Period of Avoidance	Life Events/Functions/ Values to be Protected	Construction Activity to Be Avoided	Preferred Construction Window
Arroyo Willow Riparian/Habitats below the break in bank	Rainy season, approximately October 15-June 15	Stable banks, slopes, and soil	All construction	June 15-October 15
Sensitive Fish Species	Rainy season, approximately October 15-June 15	Fish migration/critical habitat functions and values	Work below the break in bank and in arroyo willow riparian vegetation	June 15-October 15
California Red-Legged Frog (CRLF)	Rainy season, approximately October 15-June 15	Movement and dispersal/ breeding/critical habitat functions and values	Vegetation removal, and work within or near aquatic features	June 15-October 15
Bird Species	February 1-September 15	Nesting activities	All construction within designated buffers	September 15-January 31
Bat Species	October 15-February 15 and May 1-September 1	Roosting, especially maternity roosts, if present and winter hybernacula	Cutting, limbing, and tree removal	February 15-May 1 and September 1-October 15
San Francisco Dusky-Footed Woodrat	October 15-July	Houses, especially during breeding and rearing	Vegetation/tree removal and woodrat relocation	August 1-October 15

^a Central California coast coho salmon, central California coast steelhead, and tidewater goby.

Note: Each “preferred” timeframe or construction window indicates the type of construction activity to be avoided, if possible, and not all windows apply to all resources. Ideally, most if not all vegetation clearing, and tree removal will be done during the fall, whereas there is more flexibility with the other timeframes.

BIO-9(a) Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats. Minimize construction related activities including, but not limited to, access routes, staging areas, stockpile areas, and equipment maintenance, within or adjacent to the limits of palustrine emergent wetlands and aquatic/riverine habitats, to the extent feasible. Wetlands and aquatic/riverine areas shall be clearly shown on construction plans. Temporary fencing (e.g., silt fencing) shall be installed at the outermost edge of all features not directly affected by trail construction.

BIO-9(b) Develop and Implement Wetland Mitigation and Monitoring Plan. A qualified biologist shall be retained to prepare a Wetland Mitigation and Monitoring Plan (MMP) for all direct and indirect impacts to wetlands and aquatic/riverine habitats resulting from trail construction, resulting in no-net-loss (minimum 1 :1 replacement) of these sensitive habitat types. The mitigation area locations and replacement ratios shall be determined in consultation with the USFWS, NOAA Fisheries, USACE, Central Coast RWQCB, California Coastal Commission, and California Department of Fish and Wildlife. It is expected that mitigation requirements shall be based on the determination by the California Coastal Commission that the trail is a resource-dependent use by providing safe pedestrian and bicycle access to the recreation (e.g., beaches, scenic viewpoints) along the northern Santa Cruz coast and based on its capacity for “nature study” pursuant to Section 30233(a)(7) of the Coastal Act.

The Wetland MMP shall include the following:

- Description of the Project including acreage of temporary and permanent impacts to palustrine emergent wetlands, Coastal Act wetlands including arroyo willow scrub and arroyo willow riparian forest, and aquatic/riverine features as identified in a formal delineation of jurisdictional wetlands and other Waters of the U.S.
- Ecological functions and values assessment of wetlands, including a determination of regulatory status and permitting requirements to determine suitable mitigation ratios
- Goals of compensatory mitigation project including types and areas of wetland and aquatic/riverine habitat to be created, restored, and/or enhanced; specific functions and values of mitigation habitat types; and mitigation ratios (created/restored/enhanced: impacted)
- Location and acreage of wetland and riparian mitigation areas including size, ownership status, and existing functions and values of restored and/or enhanced sensitive habitats
- Detailed wetland and aquatic/riverine construction and planting techniques
- Description and design of habitat requirements for special-status plants and wildlife, including CRLF, potentially occupying wetland and aquatic/riverine habitats

- Maintenance activities during the monitoring period, including replanting native wetland and riparian vegetation and weed removal, that will not result in take of CRLF
- Long-term quantitative and qualitative monitoring and reporting, documenting ability to meet or surpass performance criteria
- Adaptive management strategies to ensure long-term viability and enhance ecological functions and values of sensitive habitat mitigation areas
- Strategies to protect remaining wetland and aquatic/riverine habitats along the trail corridor from direct and indirect impacts from trail users. Strategies may include split-rail fencing, interpretive signage, and green fencing (dense vegetative buffers)

The *draft* MMP shall be submitted to USFWS, CDFW, CCC, and California State Parks for review.

- b. **Findings and Rationale** – Implementation of Mitigation Measures BIO-8(a) through BIO-8(d), BIO-9(a), and BIO-9(b) would reduce the potential impacts on sensitive fish species and other sensitive biological resources by minimizing construction in sensitive and aquatic/riverine habitats; requiring a Project-specific Mitigation and Management Plan; incorporating BMPs to protect water quality, prevent erosion, and protect fish habitat during construction; and requiring compensation for any loss of wetlands and aquatic/riverine habitats. These measures would reduce impacts regarding sensitive fish species to a less than significant level.
 - c. **Supportive Evidence** – Please refer to pages 3.4-62 through 3.4-61 of the Final EIR (Volume 2).
2. **Impact BIO-2.** The Project would adversely affect California red-legged frog (CRLF) and CRLF Critical Habitat, and interfere with CRLF movement and dispersal.
- a. **Mitigation** – The following mitigation is required.

BIO-2

Conduct Biological Monitoring for CRLF and Other Sensitive Wildlife Species. The RTC/CFL and their construction contractor shall conduct construction monitoring for CRLF and other sensitive wildlife species, as specified below.

- Prior to initiation of construction activities, a USFWS- and CDFW-approved biologist shall prepare a construction monitoring plan that identifies all areas to be protected with exclusion fencing on a 1:1500 scale map (or similar scale determined to be practicable), and all areas requiring monitoring by a USFWS- and CDFW-approved biologist or trained construction monitor.
- Prior to initiation of construction activities, a USFWS- and CDFW-approved biologist shall conduct an environmental training for all construction personnel. The training shall include a description of CRLF and its habitat, and measures to protect CRLF, and other sensitive wildlife species known or with potential to occur in the Project alignments and surroundings (sensitive fish species, potential Santa Cruz black salamander and western pond turtle, sensitive and native nesting

bird species, potential roosting bats species, and San Francisco dusky-footed woodrat).

- Prior to initiation of construction activities, the construction contractor shall install exclusion fencing (solid silt fencing) in specified areas along the project boundaries, 2.0 feet below grade and 3.0 feet above grade, with wooden stakes at intervals of not more than 5.0 feet. The fence shall be maintained in working order for the duration of construction activities. The USFWS-approved biologist shall inspect the fence daily and notify the construction foreman when fence maintenance is required. The fence shall allow for wildlife passage across the alignment at intervals to be determined in conjunction with USFWS and CDFW.
- If feasible, construction activities shall take place during the dry season between June 15 and October 15, or until the first rain of the season, especially vegetation removal and work in or near aquatic features, including ditch wetlands. Only minor activities of no more than five days in duration shall be initiated after October 15, and such activities shall only proceed in upland areas and when the 10-day forecast predicts a less than 30% chance of precipitation.
- The USFWS- and CDFW-approved biologist shall be present on-site, to direct and inspect all ground disturbing activities, (including vegetation removal, grading, and exclusion fence installation and removal and for all construction activities located in or near aquatic breeding and non-breeding habitats including stock ponds, creeks and drainages, riparian habitat, and palustrine and ditch wetland features) for CRLF and amphibians that may be found within vegetation or sediment. Any vegetation removed shall be placed directly into a disposal vehicle. Vegetation shall not be piled on the ground unless later transferred, piece by piece, under the direct supervision of a USFWS- and CDFW-approved biologist.
- Once these activities have been completed, the approved biologist shall conduct daily morning inspections of the work area prior to daily construction initiation. The biologist shall check underneath any vehicle or heavy equipment that is planned to be moved within the construction site for CRLF and amphibians.
- The USFWS- and CDFW-approved biologist shall train a designated construction monitor who shall oversee implementation of all protective mitigation measures when the USFWS-approved biologist is not present. This representative shall be trained in the identification of special-status amphibians. This representative shall not have the authority to handle special status species.
- The UFWS- and CDFW-approved biologist and construction monitor shall have the authority to stop work that may result in the take of a special status species.
- At the end of each work day, excavations shall be secured with a cover (preferably) or a ramp to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.

- USFWS- and CDFW-approved biologist shall remove invasive aquatic species such as bullfrogs and crayfish from suitable aquatic, if present.

- BIO-8(a)** **Minimize Construction in Sensitive Habitats.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-8(c)** **Develop Project-specific Biological Resources Mitigation and Management Plan for Impacts to Biological Resources Resulting from Trail Construction and Operation.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-8(d)** **Implement Best Management Practices during Construction.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-9(a)** **Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above..
- BIO-9(b)** **Develop and Implement Wetland Mitigation and Monitoring Plan.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

b. Findings and Rationale – Mitigation Measures BIO-2, BIO-8(a) through BIO-8(d), and BIO-9(a) would minimize impacts to CRLF through requiring compensation for temporary and permanent loss of aquatic breeding and non-breeding upland dispersal habitats and allowing for conservation of CRLF habitat values. These measures would reduce impacts to CRLF to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.3.4-63 through 3.4-66 of the Final EIR (Volume 2).

3. Impact BIO-3. The Project could adversely affect Santa Cruz black salamander, if present, and western pond turtle.

a. Mitigation – The following mitigation is required.

- BIO-2** **Conduct Biological Monitoring for CRLF and other Sensitive Wildlife Species.** Please refer to Impact BIO-2 in Section IV.C, *Biological Resources*, above.
- BIO-8(a)** **Minimize Construction in Sensitive Habitats.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-8(d)** **Implement Best Management Practices during Construction.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-9(a)** **Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

- b. **Findings and Rationale** – Implementation of Mitigation Measures BIO-2, BIO-8(a) through BIO-8(d), and BIO-9(a) would protect potential habitat for black salamander and western pond turtle and minimize incidental take during construction activities. These measures would reduce impacts to Santa Cruz black salamander to a less than significant level.
 - c. **Supportive Evidence** – Please refer to pages 3.4-68 through 3.4-69 of the Final EIR (Volume 2).
4. **Impact BIO-4.** The Project would adversely affect sensitive and native nesting bird species during construction and operation.
- a. **Mitigation** – The following mitigation is required.

- | | |
|-----------------|--|
| BIO-2 | Conduct Biological Monitoring for CRLF and other Sensitive Wildlife Species. Please refer to Impact BIO-2 in Section IV.C, <i>Biological Resources</i> , above. |
| BIO-4 | <p>Conduct Breeding Bird Survey and Identify protective Buffers prior to Construction. The avian breeding season occurs between February 1 and September 15. If feasible, vegetation and tree removal activities shall occur between September 15 and October 15 to avoid impacts to breeding birds and other sensitive biological resources, consistent with the preferred construction windows identified in Mitigation Measure BIO-8(d). If Project activities are initiated during breeding bird season (between February 1 and September 15) or if construction activities lapse for a period of two weeks or more, a qualified wildlife biologist shall conduct avian breeding surveys and identify protective measures prior to initiating and/or resuming construction.</p> <p>If the biologist identifies breeding birds utilizing the trail alignment and surrounding area, the biologist, in consultation with USFWS and/or CDFW, shall establish buffers appropriate to the observed nesting species to protect nesting activities from disturbance, based on standard protocols such as those outlined in the Nesting Bird Management Plan (PG&E 2015). Sensitive bird species that are known to nest adjacent to the trail alignments (northern harrier, American peregrine falcon, western snowy plover) shall be given special consideration.</p> |
| BIO-8(a) | Minimize Construction in Sensitive Habitats. Please refer to Impact BIO-1 in Section IV.C, <i>Biological Resources</i> , above. |
| BIO-8(c) | Develop Project-specific Biological Resources Mitigation and Management Plan for Impacts to Biological Resources Resulting from Trail Construction and Operation. Please refer to Impact BIO-1 in Section IV.C, <i>Biological Resources</i> , above. |
| BIO-8(d) | Implement Best Management Practices During Construction. Please refer to Impact BIO-1 in Section IV.C, <i>Biological Resources</i> , above. |
| BIO-9(a) | Minimize Construction-related Activities in palustrine Emergent Wetlands and Aquatic/Riverine Habitats. Please refer to Impact BIO-1 in Section IV.C, <i>Biological Resources</i> , above. |

BIO-9(b) Develop and Implement Wetland Mitigation and Monitoring Plan. Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

- b. **Findings and Rationale** – Implementation of Mitigation Measures BIO-2, BIO-4, BIO-8(a) through BIO-8(d), BIO-9(a), and BIO-9(b) would protect sensitive and native nesting avian species from potential impacts during construction through incorporation of breeding bird habitat into the Project-specific Biological Resources MMMP; and mitigating for loss of wetland acreages. These measures would reduce impacts to sensitive and native nesting bird species to a less than significant level.
 - c. **Supportive Evidence** – Please refer to pages 3.4-69 through 3.4-72 of the Final EIR (Volume 2).
5. **Impact BIO-5.** Project construction could adversely affect sensitive bat species that may use coast live oak woodland adjacent to the alignment.
- a. **Mitigation** – The following mitigation is required.

BIO-2 Conduct Biological Monitoring for CRLF and other Sensitive Wildlife Species. Please refer to Impact BIO-2 above.

BIO-5 Implement Measures to Protect Roosting Bats during Construction. Bat maternity roosting occurs typically between May 1 and September 1, and winter hibernacula (shelter occupied during the winter by a dormant animal) for many bat species are found between November 1 and February 15. If feasible, the construction contractor shall conduct limbing/tree removal operations between September 15 and October 15 to avoid bat maternity roosts and winter hibernacula, as well as other sensitive biological resources. These dates are consistent with the preferred construction windows identified in Mitigation Measure BIO-1(a).

To avoid impacts to resident roosting bats, a qualified biologist shall conduct a pre-construction survey for bats prior to trimming, limbing, or tree removal during all months as follows:

- A qualified biologist shall determine if bats are utilizing the site for roosting. For any trees/snags that could provide roosting space for cavity or foliage-roosting bats, the trees/snags and foliage shall be thoroughly evaluated to determine if bats are present. Visual inspection, trapping, and/or acoustic surveys shall be utilized as initial techniques. If roosting bats are found, the biologist shall develop and implement acceptable passive exclusion methods in coordination with or based on CDFW recommendations. If feasible, exclusion shall take place during the appropriate windows (February 15-May 1 or September 1-October 15) to avoid harming bat maternity roosts and/or winter hibernacula (authorization from CDFW is required to evict winter hibernacula for bats).
- If established maternity colonies are found, a minimum 500-foot buffer shall be established around the colony to protect pre-volant young from

construction noise until the young can fly; or implement other measures acceptable to CDFW.

- If a tree is determined not to be an active roost site for cavity-roosting bats, it may be immediately limbed or removed as follows:
 - To avoid harming potential foliage roosting bats, limbs shall be lowered, inspected for bats by a bat biologist, and chipped immediately or moved to a dump site. Alternately, limbs may be lowered and left on the ground until the following day, when they can be chipped or moved to a dump site. No logs or tree sections shall be dropped on downed limbs or limb piles that have not been in place since the previous day.
 - If the tree is not limbed or removed within four days of the survey, the survey efforts shall be repeated.

BIO-8(d) Implement Best Management Practices during Construction. Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

b. Findings and Rationale – Implementation of Mitigation Measures BIO-2, BIO-5, and BIO-8(d) would protect potential roosting bat species from construction-related impacts. Therefore, this impact of the Proposed Project would be less than significant with mitigation.

c. Supportive Evidence – Please refer to pages 3.4-72 through 3.4-74 of the Final EIR (Volume 2).

6. Impact BIO-6. The Project would adversely affect San Francisco Dusky-footed woodrat.

a. Mitigation – The following mitigation is required.

BIO-2 Conduct Biological Monitoring for CRLF and other Sensitive Wildlife Species. Please refer to Impact BIO-2 in Section IV.C, *Biological Resources*, above.

BIO-6 Implement Dusky-Footed Woodrat Protection Measures During Construction. Prior to construction, a qualified biologist shall conduct a preconstruction survey for woodrat houses, and clearly flag all houses within the construction impact area and immediate surroundings.

The construction contractor shall avoid woodrat houses to the extent feasible by installing a minimum 10-foot (preferably 25-foot) buffer with silt fencing or other material that shall prohibit encroachment. If this buffer and avoidance is not feasible, the qualified biologist shall allow encroachment into the buffer, but preserve microhabitat conditions such as shade, cover and adjacent food sources.

Additionally, if avoidance is not possible, a qualified biologist shall develop and implement a Woodrat Relocation Plan (Allaback 2016). The plan shall be developed in consultation with CDFW (and review by CCC and California State Parks) and shall include:

- **Step 1. Live Trapping.** Trapping efforts shall not take place during low night temperatures (below 40 degrees Fahrenheit), inclement or

extreme weather conditions. To reduce affects to vulnerable young during their breeding season, work shall be scheduled between August 1 and October 30.

- **Step 2. Dismantling.** For occupied houses, the existing woodrat house shall be dismantled and the woody debris, including cached food and nesting material, carried to the nearest suitable relocation site outside the Project footprint and used to build an artificial shelter. If no San Francisco dusky-footed woodrats are captured at a given house, it shall be dismantled by hand to ground level, and the woody debris spread to reduce rebuilding.
- **Step 3. Artificial Shelter Location and Installation.** Sites for artificial shelters shall be located in proximity to the original house location and no closer than 20 feet from existing woodrat houses and other artificial shelters. Choose the best available microhabitat, ideally in a location with sun and shade and if possible under the same species of tree or shrub as was present at the original house location. Relocation sites shall contain biologically-suitable habitat features (e.g. stands of poison oak, coast live oaks, and dense native brush).
- **Step 4. Release of San Francisco Dusky-footed Woodrat.** The occupied live-trap shall be placed against the entrance to the artificial shelter, opened, and the woodrat allowed to enter, ideally on its own accord. After the individual enters, the entrance shall be loosely but completely plugged with dirt and leaf duff to encourage it to stay, at least for the short-term.
- **Step 5. Monitoring.** Monitoring shall be conducted for 30 days after relocation is completed and include infrared and motion activated cameras and an occupancy assessment.
- **Step 6. Safety Measures.** Human exposure to woodrats and possible diseases carried by woodrats shall be minimized.
- **Step 5. Reporting.** A report on San Francisco dusky-footed woodrat nest monitoring shall be provided to CDFW, CCC, and California State Parks within 30 days following the end of the monitoring period and shall include the methods and results of trapping and relocation, occupancy determinations, and discussion of any remedies that may be needed.

BIO-8(a) Minimize Construction in Sensitive Habitats. Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

BIO-8(d) Implement Best Management Practices during Construction. Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

b. Findings and Rationale – Implementation of Mitigation Measure BIO-2, BIO-6, and BIO-8(a) through BIO-8(d) would minimize impacts to the San Francisco dusky-footed woodrat through protection of houses from construction-related impacts and implementing BMPs to minimize construction-related sensitive habitat areas. These measures would reduce impacts to dusky-footed wood rat to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.4-74 through 3.4-76 of the Final EIR (Volume 2).

7. Impact BIO-7. The Project would interfere with wildlife movement.

a. Mitigation – The following mitigation is required.

- AG-3(c)** **Regularly Remove Solid Waste and Litter during Operation.** Please refer to Impact AG-3 in Section IV.CB, *Agricultural Resources*, above.
- BIO-2** **Conduct Biological Monitoring for CRLF and other Sensitive Wildlife Species.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-8(a)** **Minimize Construction in Sensitive Habitats.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-8(c)** **Develop Project-specific Biological Resources Mitigation and Management Plan for Impacts to Biological Resources Resulting from Trail Construction and Operation.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-8(d)** **Implement Best Management Practices During Construction.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-9(a)** **Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-9(b)** **Develop and Implement Wetland Mitigation and Monitoring Plan.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

b. Findings and Rationale – Mitigation Measures AG-3(c), BIO-2, BIO-8(d), BIO-8(a), BIO-8(c), BIO-9(a), and BIO-9(b) would minimize construction-related impacts to sensitive habitats and aquatic features; protect wildlife moving through the Proposed Project area during construction through biological monitoring and the implementation of BMPs; identify specific measures to maintain connectivity along the Proposed Project alignment between creeks and associated riparian corridors and allow connectivity across the trail alignment; and compensate for losses to wetlands and aquatic features. Together these measures ensure that habitat mosaics and perennial water sources are conserved for the benefit of wildlife moving through the area, thus reducing impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.4-76 through 3.4-78 of the Final EIR (Volume 2).

8. Impact BIO-8. The Project would result in adverse effects to sensitive natural communities and Coastal Act Environmentally Sensitive Habitat Area.

a. Mitigation – The following mitigation is required.

- BIO-8(a)** **Minimize Construction in Sensitive Habitats.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

BIO-8(b) Construct a Boardwalk in Coastal Dune Habitat. The trail alignment shall include a boardwalk pathway, instead of pavement, where it extends through coastal dune habitat areas, as required by the County of Santa Cruz Sensitive Habitat Ordinance (Santa Cruz County Code 16.32). The boardwalk shall be constructed of untreated natural wood, composite decking, or other approved materials and shall be elevated enough to allow for continual movement of sand and colonization of native plants adjacent to the pathway. Split rail or post and wire fencing shall extend on either side of the boardwalk to prevent intrusion by visitors into the sensitive coastal dunes. Interpretative signs shall educate users to the presence and unique ecological value of coastal dune habitat and direct users to stay on the pathway.

Because construction of a boardwalk could result in the direct loss of coastal dune habitat and native vegetation immediately beneath the pathway, native species including beach bur, American dune grass, and sand verbena shall be planted in nearby degraded coastal dune habitat. Additionally, invasive weeds and non-native vegetation including iceplant, sweet alyssum, and purple ragweed shall be removed from the surrounding area to enhance the existing coastal dune formation. Specific coastal dune enhancement strategies shall be detailed in the Biological Resources MMMP, prepared as part of Mitigation Measure BIO-8(c).

BIO-8(c) Develop Project-specific Biological Resources Mitigation and Management Plan for Impacts to Biological Resources Resulting from Trail Construction and Operation. Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

BIO-8(d) Implement Best Management Practices during Construction. Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

BIO-9(a) Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats. Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

BIO-9(b) Develop and Implement Wetland Mitigation and Monitoring Plan. Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

b. Findings and Rationale – Implementation of Mitigation Measure BIO-8(a), BIO-8(b), BIO-8(c), BIO-8(d), BIO-9 (a), and BIO-9(b) would reduce permanent impacts on sensitive habitats by developing a Project-specific resource management plan to deter encroachment into sensitive habitats, including measures to address the loss of dune habitat associated with the Project. The Regional Transportation Commission finds that this mitigation measures are within the responsibility and jurisdiction of the RTC which as CEQA responsible agency will adopt them.

c. Supportive Evidence – Please refer to pages 3.4-79 through 3.4-88 of the Final EIR (Volume 2).

9. **Impact BIO-9.** The Project would result in adverse effects to palustrine emergent wetlands and aquatic/riverine habitats.

a. **Mitigation** – The following mitigation is required.

- BIO-8(a)** **Minimize Construction in Sensitive Habitats.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-8(c)** **Develop Project-specific Biological Resources Mitigation and Management Plan for Impacts to Biological Resources Resulting from Trail Construction and Operation.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-8(d)** **Implement Best Management Practices During Construction.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-9(a)** **Minimize Construction-related Activities in palustrine Emergent Wetlands and Aquatic/Riverine Habitats.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.
- BIO-9(b)** **Develop and Implement Wetland Mitigation and Monitoring Plan.** Please refer to Impact BIO-1 in Section IV.C, *Biological Resources*, above.

b. **Findings and Rationale** – Mitigation Measures BIO-8(a) through BIO-8(d) and BIO-9(a) through BIO-9(b) would reduce impacts to palustrine emergent wetlands and aquatic/riverine habitats through requiring BMPs that protect water quality during construction and compensate for permanent losses. These measures would reduce impacts to palustrine emergent wetlands and aquatic/ riverine habitats to a less than significant level.

c. **Supportive Evidence** – Please refer to pages 3.4-88 through 34-94 of the Final EIR (Volume 2).

10. **Impact BIO-C.** Cumulative development may result in significant cumulative biological resources impacts, and the Project’s contribution would not be cumulatively considerable.

a. **Mitigation** – the following mitigation is required.

- BIO-C(a)** **Include Cumulative Conservation Goals and Objectives in Project-Specific Biological Resources Mitigation and Management Plan (Mitigation Measure BIO-8c).** To mitigate for cumulative impacts, the Project-Specific Biological Resources Mitigation and Management Plan (MMP) developed as Mitigation Measure BIO-8(c) shall include specific goals, objectives, and qualitative performance criteria to maintain functional connectivity between habitat patches and open spaces, including the functions and values of the existing linear feature comprised of sensitive habitats and wetlands along the rail bed, for movement, dispersal, migration, and genetic exchange of native plants and animals through the conservation of the following.÷
 - Sensitive habitats and edge habitats.

- Ecosystems services and water quality associated with wetlands, creeks, drainages, riparian habitat.
- Wildlife movement habitat, including resources for foraging; hydration; cover, shelter, aestivation/hybernacula; nesting and breeding; movement, dispersal, migration; with special consideration given to the sensitive and breeding species listed above. Wildlife bypasses shall be considered as a strategy.
- Contiguous natural landscapes and connected hunting territories for higher order predators.

The MMP shall include adaptive management strategies specifically addressing cumulative impacts if performance criteria are not met. The MMMP shall include an evaluation of (and adaptive management as needed for) the effects of illegal camping, litter (including human foods), urine and fecal matter, and illegal off-leash dogs on biological resources. Ecosystems West revise this measure so includes performance standards, even if qualitative.

BIO-C(b) Include Maintenance and Conservation of Biological Resources in the Project Operations & Maintenance Plan. To mitigate for cumulative impacts, the Project Operations & Maintenance Plan shall provide for the maintenance and conservation of biological resources along the trail alignment by maintaining fencing and vegetative barriers which protect biological resources, install and maintain additional protective fencing around areas determined biologically sensitive by a qualified biologist, and enforce hours of trail use.

- b. **Findings and Rationale** – Mitigation Measure BIO-8(c) would mitigate permanent loss of sensitive natural communities, and mitigate impacts to other sensitive biological resources known to occur within the Project corridor, including wildlife movement habitat by requiring preparation of a Biological Resources Mitigation and Management Plan. Mitigation Measure BIO-9(b) requires the development of a Wetland Mitigation and Management Plan for the Project which would minimize the Project’s contribution to cumulative impacts through long-term monitoring. Furthermore, Measures BIO-C(a) and BIO-C(b) would require additional conservation goals and objectives and provision of qualitative performance criteria and adaptive management into both MMPs, thus further reducing cumulative biological resources impacts.
- c. **Supportive Evidence** – Please refer to pages 4-6 through 4-8 of the Final EIR (Volume 2).

D. CULTURAL RESOURCES

- 1. **Impact CR-1.** The Project may adversely affect historical resources, including the Town of Davenport and Davenport Branch Line.
 - a. **Mitigation** – The following mitigation is required.

CR-1(a) Install Historical Interpretive Exhibits prior to Trail Use. Consistent with MBSST Master Plan Design Guidelines, RTC shall develop an on-site interpretive exhibit with materials concerning the history and engineering features of the former Davenport Branch Line and its character-defining

features. The exhibits shall be installed at key locations along the trail to specifically highlight the importance of the Davenport Branch Line (such as the Davenport Beach and Panther/Yellowbank Beach parking lots), including its earthen embankments and association with the Santa Cruz Portland Cement Company. Interpretation of the site's history shall be supervised by an architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards and may engage additional consultants to develop the display. There shall be at least five exhibits, including signage and salvaged materials, such as small segments of original ballast, ties, and rail, to be placed intermittently along the trail route as approved by the lead agency. The historical interpretive exhibits shall be designed in conjunction and compatible with interpretive exhibits for nature education.

- b. Findings and Rationale** – Implementation of Mitigation Measure CR-1(a) would reduce the impact to the Davenport Branch Line historic resource through installation of interpretive exhibits, which would preserve and convey the significance of this historic resource during project operations. Therefore, this mitigation would reduce Proposed Project impacts to historic resources to a less than significant level.
 - c. Supportive Evidence** – Please refer to pages 3.5-17 through 3.5-19 of the Final EIR (Volume 2).
- 2. Impact CR-2.** Ground-disturbing activities during Project construction may unearth or adversely impact subsurface historical resources or unique archaeological resources.
- a. Mitigation** – The following mitigation is required.

CR-2(a) Archeological Capping at the existing prehistoric archeological sites prior to Project Construction. Each site within the footprint of the Proposed Project (CA-SCR-10, CA-SCR-56, and CA-SCR-58) shall be capped with a geotextile and a layer of sterile fill material. A minimum of 12 inches of fill material shall be placed between any Project ground disturbance and the surface of the archaeological site (e.g., if the maximum depth of ground disturbance at a given location is 3 feet, 4 feet of fill must be placed over the site at that location). Capping shall extend a minimum of 3 feet from the edge of Project ground disturbance but may extend further if required by the nature of Project activities at a given location. Archaeological site areas shall be marked with signage indicating that the locations are environmentally sensitive areas. Signage at these locations shall not indicate the presence of archaeological sites. Fencing shall be installed along either side of the trail to discourage off-trail activity in these locations. For resources on State Parks property, archaeological capping shall be completed in consultation with State Parks.

CR-2(b) Conduct Archaeological Monitoring during Construction. Prior to the commencement of construction activities, an orientation meeting shall be conducted by an archaeologist with the general contractor, subcontractor, and construction workers associated with earth disturbing activities. The orientation meeting shall describe the potential of exposing archaeological

resources, the types of cultural materials may be encountered, and directions on the steps that shall be taken if such a find is encountered. Topics to be discussed shall include, but not be limited to, Ohlone material culture and a brief history of the Town of Davenport and Wilder Ranch.

During construction, a qualified archaeologist shall be present during all earth moving activities involving excavation within native soils. Archaeological Monitoring may be reduced or halted at the discretion of the monitors as warranted by conditions such as sediments being excavated are fill, negative findings during the first 60 percent of rough grading, or encountering bedrock. If monitoring is reduced to spot-checking, spot-checking shall occur at regular intervals as determined by the qualified archaeologist or when ground disturbance will extend to depths not previously reached. Archaeological monitoring shall not be reduced on or within 50 feet of known archaeological sites. If previously unknown or undiscovered prehistoric or archaeological resources are encountered during ground-disturbing construction activities, the archaeological monitor shall have the authority, or the construction contractor shall stop work, and the RTC and State Parks, if appropriate, shall be notified at once to assess the nature, extent, and potential significance of any prehistoric or archaeological cultural remains. The RTC and/or State Parks shall implement a Phase II subsurface testing program to determine the resource boundaries in 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 to be significant, the RTC shall cap the resource area, using culturally sterile and chemically neutral fill material, and shall include open space preservation and environmentally sensitive area signage 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 preservation and interpretive recommendations. If the site is determined insignificant, no capping and or further archaeological investigation shall be required.

Where monitoring will occur on State Parks property, each step of this mitigation measure shall be conducted in consultation with State Parks.

- b. Findings and Rationale** – Implementation of Mitigation Measures CR-2(a) and CR-2(b), would reduce the impact to unknown potential subsurface historical resources or unique archaeological resources by requiring capping of the existing archaeological sites before construction, and requiring archaeological construction monitoring and steps to address unanticipated discoveries during construction. These mitigation measures would reduce potential impacts to archaeological resources to a less than significant level.
 - c. Supportive Evidence** – Please refer to pages 3.5-21 through 3.5-23 of the Final EIR (Volume 2).
- 3. Impact CR-3.** Ground-disturbing activities during Project construction may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

a. **Mitigation** – The following mitigation is required.

CR-3

Conduct Paleontological Monitoring During Construction. Prior to the commencement of ground disturbing activities, a qualified professional paleontologist shall be retained to prepare and implement a Paleontological Resources Mitigation Plan (PRMP) for the Project. A Qualified Paleontologist is defined as an individual who meets the education and professional experience standards as set forth by the SVP (2010), which includes a BS or BA degree in geology or paleontology, one year of monitoring experience, and knowledge of the local paleontology and collection/salvation paleontological procedures and techniques. The PRMP shall describe paleontological monitoring procedures to be used during construction; communication protocols to be followed if a fossil discovery is made during project development; mitigation recommendations in detail, including and preparation, curation, and final reporting requirements, as described below.

Once the PRMP has been prepared and prior to the start of construction, the Qualified Paleontologist or his or her designee, shall conduct Worker Education Awareness Program (WEAP) training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a preconstruction meeting. During construction, a qualified paleontological monitor shall be present during earth moving activities (e.g., excavation, trenching, drilling) which are 1) wider than three (3) feet; 2) deeper than the typical two (2) feet (at the locations listed in Table 2-2, of the EIR Construction Estimates, in Section 2.6, *Project Construction*, of the EIR), and in previously undisturbed Santa Cruz Mudstone and Pleistocene marine terrace deposits (as shown in Figure 3.5-1a and Figure 3.5-1b of the EIR). Monitoring is not required for the entire length of the trail. The duration and timing of the monitoring shall be determined by the Qualified Paleontologist and the location and extent of proposed ground disturbance. If the Qualified Paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, the Qualified Paleontologist may recommend that monitoring be reduced to periodic spot-checking or cease entirely.

In the event a fossil is discovered by construction personnel or the paleontological monitor anywhere in the Project area, all work in the immediate vicinity of the find shall cease and the Qualified Paleontologist shall evaluate the find before re-starting work in the area. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammals) require more extensive excavation and longer salvage periods. In this case, the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Shortly after halting construction in the immediate vicinity of the find, the paleontologist shall notify the RTC, which shall then have the authority to determine how long to

maintain the suspension of construction in the immediate vicinity of the find. Before allowing the recommencement of construction, the RTC shall allow the paleontologist or his or her designee sufficient time to safely remove a representative sample of significant fossils from the find.

Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), or with State Parks if identified on State Parks property, along with all pertinent field notes, photos, data, and maps.

At the conclusion of monitoring and laboratory work and museum curation (if required and conducted), a final report shall be prepared describing the results of the paleontological mitigation monitoring efforts associated with the Project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The final report shall be submitted to RTC and California State Parks, even if paleontological resources are not discovered during monitoring. If fossils were discovered during construction, then a copy of the report shall also be submitted to the designated museum repository.

- b. Findings and Rationale** – Implementation of Mitigation Measure CR-3 would reduce potential impacts to paleontological resources through monitoring during construction, ensuring the recovery, identification, and curation of previously unrecovered fossils. This mitigation measure would reduce potential impacts to paleontological resources to a less than significant level.
 - c. Supportive Evidence** – Please refer to pages 3.5-24 through 3.5-28 of the Final EIR (Volume 2).
- 4. Impact CR-4.** Ground-disturbing activities during Project construction may disturb human remains.
- a. Mitigation** – The following mitigation is required.

CR-4 **Stop Work if Unanticipated Discovery of Human Remains.** During construction, the construction personnel shall stop work if human remains (i.e., bones) are inadvertently discovered during ground-disturbing activities. Consistent with California Health and Safety Code Section 7050.5, if human remains are found, no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the Santa Cruz County Coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner is required to notify the NAHC, a representative of which would determine and notify a most likely descendant (MLD). The MLD must complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. If human remains are

found on State Parks Lands, they shall be treated in accordance with State Parks policies with involvement from the State Parks District Tribal Liaison.

- b. **Findings and Rationale** –Mitigation Measure CR-4 would ensure that any human remains encountered during construction are treated in accordance with applicable laws and regulations. This mitigation measure would reduce impacts related to discovery of human remains to a less than significant level.
 - c. **Supportive Evidence** – Please refer to pages 3.5-28 through 3.5-29 of the Final EIR (Volume 2).
5. **Impact CR-C.** Cumulative development may result in significant cumulative cultural resource impacts. The Project’s contribution would not be cumulatively considerable.
- a. **Mitigation** – the following mitigation is required.

CR-1(a) Install Historical Interpretive Exhibits prior to Trail Use. Please refer to Impact CR-1 in Section IV.D, *Cultural Resources*, above.

- b. **Findings and Rationale** – Mitigation Measure CR-1(a) would reduce impacts to historic resources associated with the Proposed Project by requiring installation of interpretive displays along the project alignment that document the history of the Daveport Branch Line and surrounding historic resources. By communicating the history of the Project corridor and its contribution to regional history, this mitigation would ensure that the Project’s contribution to cumulative historic resources impacts would not be cumulatively considerable.
- c. **Supportive Evidence** – Please refer to pages 4-8 through 4-10 and page 3.5-19 of the Final EIR (Volume 2).

E. GEOLOGY AND SOILS

- 1. **Impact GEO-2.** The Project may exacerbate exposure of the public to liquefaction or landslide hazards.
- a. **Mitigation** – The following mitigation is required.

GEO-2 Conduct Design-level Geotechnical Investigation and Implement Recommendations. Prior to commencement of construction activities, a registered civil or geotechnical engineer shall prepare for review by the RTC a Design-level Geotechnical Investigation for the selected trail alignment. The Design-level Geotechnical Investigation will include a more detailed analysis of geologic and soil conditions along the trail alignment, which at a minimum shall include the following:

- Additional soil test borings necessary to fully characterize geologic and soil conditions in the trail alignment, including but not limited to soil sampling at critical structure locations (such as retaining walls and reinforced soil slopes) and parking lots
- Specific and detailed recommendations for structural setbacks, foundation types and the related criteria to be used in their design, allowable settlement, seismic design considerations including

seismically-induced settlement, retaining structures as needed, drainage improvements, and earthwork preparation

- Quantitative analysis of potentially liquefiable sediments in the trail alignment, including estimates of potential settlement, to assess their potential impact on foundations, slope stability, and lateral spreading potential
- Detailed geotechnical analysis and design standards for reinforced soil slopes, retaining walls, and other Project facilities on or near loose to very loose granular soils, including an assessment of the potential for static and seismically-induced settlement, soil preparation and compaction requirements, and foundation requirements
- Assessment of compaction needs for existing subgrades below buildings, site walls, and pavement sections to reduce settlement potential
- Geotechnical design criteria for engineered embankments or retaining walls, including lateral earth pressure values, foundation recommendations, bearing capacity, keyway dimensions and construction recommendations, appropriate slope gradients, slope setbacks, drainage requirements, and specifications and compaction requirements for engineered fill and geosynthetic reinforcement
- Detailed design recommendations for stabilization of coastal bluffs, including types of materials to be used, foundation requirements and structural connections to competent native materials, and measures to address undercutting of the bluff by wave action
- Drainage design recommendations to prevent discharge of stormwater unto unprotected slopes and minimize the potential for runoff to cause erosion or destabilize hillslopes (this issue may be addressed by the Design-level Drainage Analysis required by Mitigation Measure HYD-1(d), in which case design recommendations shall be coordinated between the two analyses)
- Assessment of the potential for Project facilities to be damaged by strong seismic ground shaking and design recommendations in accordance with the requirements of the CBSC to minimize the potential for structural damage
- Additional geotechnical design recommendations as required for site preparation, grading and compaction, structure foundation design, retaining walls, slope setbacks, surface drainage, concrete slabs-on-grade, and design of structural pavement sections

b. Findings and Rationale – Implementation of Mitigation Measure GEO-2 to conduct a design-level geotechnical investigation and incorporate the recommendations of that investigation in the final Proposed Project design would further reduce the potential for the Proposed Project to destabilize hillslopes or exacerbate existing slope instability. This mitigation measure would reduce potential impacts regarding liquefaction and landslide hazards to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.6-12 through 3.6-14 of the Final EIR (Volume 2).

2. **Impact GEO-3.** The Project may result in substantial soil erosion or loss of topsoil.

a. **Mitigation** – The following mitigation is required.

HYD-1(c) Conduct Design-level Drainage Analysis Prior to Construction, and Implement Identified Measures to Minimize Runoff during Construction and Operation. Prior to commencement of construction activities, the RTC shall ensure a registered professional engineer conducts a design-level drainage analysis that identifies existing drainage patterns across the Project corridor, existing off-site stormwater discharge locations, and stormwater control measures to implement during construction of the project. Where feasible, the drainage analysis shall quantify the existing and predicted post-construction peak runoff rates and amounts, both on-site and off-site immediately downgradient of the Project corridor. The drainage analysis shall identify any changes to the location of down-gradient discharge of stormwater runoff and any potential impacts to off-site property that would result from those changes. The stormwater control measures to be implemented during construction shall include or be consistent with measures identified to satisfy the erosion and runoff control standards of the NPDES-required SWPPP. The identified stormwater control measures shall be installed when appropriate during the construction process, including during grading, initial site preparation, excavation, and construction as necessary to control stormwater runoff and erosion during all phases of the construction process.

HYD-1(d) Prepare Stormwater Control Plan and Operation & Maintenance Plan prior to Construction and Implement Identified Stormwater Control Measures. Prior to commencement of construction activities, the RTC shall prepare a Stormwater Control Plan, prepared by a registered professional engineer, addressing the post-construction stormwater best management practices to be implemented along the Project corridor. The plan shall include the location of the stormwater control measures and details regarding their size and materials. Stormwater control measures shall be developed to maximize on-site infiltration of stormwater and minimize off-site stormwater discharge during operation of the Proposed Project. Examples of stormwater control measures include additional or expanded above-ground retention and/or detention basins, subsurface infiltration devices such as perforated pipes, permeable pavement, and vegetated swales. The Stormwater Control Plan shall be reviewed by a licensed Geotechnical Engineer to ensure conformance with the Design-level Geotechnical Study for the Proposed Project required by Mitigation Measure GEO-1. The plan shall be prepared by a registered Professional Engineer and include, at a minimum, the following:

- A site map identifying all structural Stormwater Control Measures requiring O&M practices to function as designed
- O&M procedures for each structural Stormwater Control Measure including, but not limited to, bioswales, retention/detention basins, and culverts
- Short- and long-term maintenance requirements, frequency of maintenance recommendations, and cost for maintenance estimations

All recommended annual maintenance shall be completed by October 15 of each year of Project operation. The frequency of maintenance activities not required on an annual basis shall be specified in the Stormwater Control Plan.

The Stormwater Control Plan shall demonstrate that with implementation and proper maintenance of the proposed stormwater control measures all NPDES post-construction stormwater requirements would be met.

- b. Findings and Rationale** – Implementation of Mitigation Measures HYD-1(c) and HYD-1(d) would reduce the impact on erosion and soil loss by ensuring that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible, and that, where feasible, stormwater runoff during construction and operation of the Proposed Project would be treated to allow for suspended sediment to settle out of the water column prior to discharge off-site. This measure would reduce impacts regarding soil erosion and loss of topsoil to a less than significant level.
 - c. Supportive Evidence** – Please refer to pages 3.6-15 through 3.5-15 of the Final EIR (Volume 2).
- 3. Impact GEO-C** -- Cumulative development would not result in significant cumulative geology and soils impacts, and the Project's contribution would not be cumulatively considerable.
- a. Mitigation** – GEO-2, HYD-1(c), and HYD-1(d)
 - b. Findings and Rationale:** There are no planned projects immediately adjacent to the Project corridor. Cumulative buildout of the Santa Cruz County General Plan could expose new residents and structures to seismic and other geologic hazards in the county. However, these seismic and soil issues are specific to each project and, for purposes of this cumulative analysis, the geographic context focuses on the Project area and immediately adjacent lands. Because of the site-specific nature of potential seismic and soil issues, any future development along the corridor would be required to address these issues on a case-by-case basis through preparation of required soils and geotechnical engineering studies and adherence to the recommendations therein. They would also be required to adhere to existing local and state laws and regulations including the applicable California Building Standards Code (CBSC) standards and requirements. Thus, the combination of the Project with other cumulative development would not have a significant cumulative impact. Furthermore, with adherence to the applicable laws and regulations and required mitigation, the Project's contribution to any cumulative geology and soils impacts would not be cumulatively considerable.
 - c. Supportive Evidence** – Please refer to pages 4-10 through 4-11 of the Final EIR (Volume 2).

F. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE

- 1. Impact GHG-1.** The Project would be consistent with the Climate Action Strategy, but could generate GHG emissions that would conflict with the 2017 Scoping Plan.
 - a. Mitigation** – The following mitigation is required.

GHG-1 **Install Electric Vehicle Infrastructure in Parking Lots.** The RTC shall install electric vehicle infrastructure that includes an EV charging station at the

Davenport parking lot, at a minimum. Due to limits on electrical infrastructure, a charging station connected to the electric grid may only be provided at the Davenport parking lot. EV charging stations will be installed at other Project parking lots proposed for improvement where installation is feasible, and funding is available. Solar charging stations shall be considered for the Panther/Yellowbank Beach and Bonny Doon parking lots. The RTC shall request permission to install an EV charging station at the Wilder Ranch State Park parking lot. Parking spots associated with EV charging stations shall include signage to reserve spots for EVs only.

- b. Findings and Rationale** – Mitigation Measure GHG-1 would require provision of the EV infrastructure at the Davenport parking lot and other parking lots as feasible, which would reduce impacts related to consistency with the 2017 Scoping Plan to a less than significant level.
 - c. Supportive Evidence** – Please refer to pages 3.7-20 through 3.7-28 of the Final EIR (Volume 2).
- 2. Impact GHG-C.** Cumulative statewide development would result in a significant cumulative GHG impact, but with mitigation the Project’s contribution would not be cumulatively considerable.
- a. Mitigation** – GHG-1
 - b. Findings and Rationale** – Cumulative projects such as potential future rail service on the existing rail line and redevelopment of the Davenport Cement Plant site would increase statewide GHG emissions. However, the Project’s contribution to this increase in GHG emissions would be minor, and the Project would be consistent with the recommendations of the 2017 CARB Scoping Plan for achieving statewide emissions reduction targets. Therefore, impacts would not be cumulatively considerable.
 - c. Supportive Evidence** – Please refer to pages 4-11 of the Final EIR (Volume 2).

G. HAZARDS AND HAZARDOUS MATERIALS

- 1. Impact HAZ-1.** Routine agricultural operations could expose trail users and maintenance personnel to pesticides and other hazardous chemicals.
- a. Mitigation** – The following mitigation will be adopted and implemented by the RTC:
 - AG-3(b)** **Install No Trespassing Signs Prior to Operation.** Please refer to Impact AG-3 in Section IV.B, *Agricultural Resources*, above.
 - AG-3(e)** **Install Agricultural Interpretive Exhibits prior to Operation.** Please refer to Impact AG-3 in Section IV.B, *Agricultural Resources*, above.
 - AG-5** **Establish Pesticide Spray Notification Procedures and Install Temporary Warning Signage Along Trail.** Please refer to Impact AG-5 in Section IV.B, *Agricultural Resources*, above.

The RTC recommends that the California Department of Parks and Recreation implements the following additional mitigation measure to further limit the potential for pesticide exposure and reduce associated health impacts.

HAZ- 1 **Amend Agricultural Leases to Provide Pesticide Spraying Limitations.** The California Department of Parks and Recreation, in consultation with the Department of Pesticide Regulation (DPR), at the time of next renewal or extension of agricultural leases with North Coast farmers along the North Coast Rail Trail corridor, shall revise the current leases to include the following:

- Prohibition of pesticide application within a distance from the North Coast Rail Trail corridor sufficient to protect trail users
- Consistent with DPR regulations, a requirement that pesticide use occur only at times of the day when public health and safety can be protected
- Requirement that, when spraying in areas along the trail corridor, agricultural operators place temporary warning signs at reasonable points along the potentially affected portion of the corridor, consistent with state pesticide regulations.

b. Findings and Rationale – Implementation of Mitigation Measures AG-3(b), AG-3(e), and AG-5 would reduce the impact of exposing trail users and maintenance personnel to pesticides and other agricultural chemicals during and after their application on adjacent properties to a less than significant level. If implemented, Mitigation Measure HAZ-1 further limit the potential for pesticide exposure and reduce associated health impacts. As to this last measure (HAZ-1), the RTC makes the following statutory finding:

The mitigation measure is within the responsibility and jurisdiction of another public agency and or can and should be adopted by that other agency.

(Pub. Resource Code § 21081(a)(2).)

c. Supportive Evidence – Please refer to pages 3.8-26 through 3.8-29 of the Final EIR (Volume 2); and Memorandum from Rincon Consultants to Administrative File regarding North Coast Rail Trail EIR Errata to File (March 7, 2019).

2. Impact HAZ-3. Disruption to utilities during construction could expose the public or environment to hazardous materials.

a. Mitigation – The following mitigation is required.

HAZ-3 **Identify and Verify Locations of Utility Infrastructure.** Prior to construction, the RTC shall determine the presence and exact location of any underground utility lines that correspond to the trail alignment or could be affected by trail or parking lot construction. In addition, the presence of any above-ground utility lines in close proximity to the trail alignment and parking lots shall be determined. If any utility lines are found to be in proximity to the Proposed Project, the RTC shall contact the utility line operator about any regulations for grading and construction activities near the lines. Information

concerning the size, color, and location of existing utilities must be confirmed before construction activities begin.

The construction contract specifications shall require that the contractor provide updates on planned excavation for the upcoming week and identify when construction will occur near a high-priority utility. On days when this work will occur, construction managers shall attend tailgate meetings with contractor staff to review all measures – those identified in the Mitigation Monitoring and Reporting Program and in the construction specifications – regarding these excavations. The contractor’s designated health and safety officer shall specify a safe distance to work near high-pressure gas lines. Excavation closer to the pipeline shall not be authorized until the designated health and safety officer confirms and documents the following in the construction records:

1. The line was appropriately located in the field by the utility owner using as-built drawings and a pipeline-locating device
2. The location was verified by hand by the construction contractor

The designated health and safety officer shall provide written confirmation to the RTC that the line has been adequately located and can be feasibly avoided, and excavation shall not start until this confirmation has been received by the RTC.

If utility relocation is required, the RTC shall coordinate with all appropriate utility providers and local agencies to integrate with other construction projects and minimize disturbance to nearby communities, as required by California Water Code §11590. The RTC shall notify the public in advance of any relocation that is anticipated to disrupt utility service. The RTC shall contact utility owners if construction causes any damage and promptly reconnect disconnected cables and lines with approval of the owners.

- b. Findings and Rationale** – Implementation of Mitigation Measure HAZ-3 would reduce the potential for utility line disruption and upset during construction. This mitigation measure would reduce impacts to a less than significant level.
 - c. Supportive Evidence** – Please refer to pages 3.8-31 through 3.8-33 of the Final EIR (Volume 2).
- 3. Impact HAZ-4.** Ground disturbance during construction could release existing soil contaminants and expose construction personnel and the public to health hazards.
- a. Mitigation** – The following mitigation is required.

HAZ-4(a) Conduct Soil Sampling and Implement Necessary Remediation. Prior to construction, the RTC shall prepare and submit Work Plan(s) for a Supplemental Soils Investigation to County of Santa Cruz Environmental Health. Following notification that County of Santa Cruz Environmental Health has received, reviewed, and accepted these Work Plan(s), the RTC shall conduct a Supplemental Soils Investigation, which shall include soil sampling at selected locations within the limits of the Project corridor under the supervision of a professional geologist or professional civil engineer to

identify the concentrations of anticipated contaminants which may include: pesticides, herbicides, TPHs, heavy metals, PAHs, and other reasonably anticipated contaminants of concern.

The RTC shall coordinate with County of Santa Cruz Environmental Health Division to develop and implement a program to remediate or manage known contaminated soil during construction. If necessary, any additional information gathered from the Supplemental Soil Investigation shall be used to identify locations along the corridor that may require remedial action in order to prevent exposure of construction workers, maintenance personnel, and trail users to these contaminants. The environmental data collected shall also be used to identify the appropriate disposal options for those soils or demolished materials that require off-site disposal.

Disposal shall occur at an appropriate facility licensed to handle such contaminants and remedial excavation shall proceed under the supervision of an environmental consultant licensed to oversee such remediation. Where possible, potentially contaminated soils and rail ballast shall be stockpiled and characterized to determine the appropriate means and location for proper disposal. The remediation/disposal program shall be approved by Santa Cruz County Environmental Health Services. RTC shall submit any required correspondence to County of Santa Cruz Environmental Health Division prior to issuance of grading permits. All proper waste handling and disposal procedures shall be followed in accordance with applicable DTSC and CalOSHA regulations. Upon completion of the Supplemental Site Investigation, the environmental consultant shall prepare a report presenting the findings of the additional assessment. The report shall include figures depicting the boring locations, summary tables of analytical data, conclusions, and recommendations.

HAZ-4(b)

Prepare and Implement Soils Management Plan. The RTC shall ensure a Soils Management Plan (SMP) is developed by a qualified engineer and implemented in order to protect workers during ground-disturbing activities and to remove and/or mitigate exposure to hazardous-material-containing soil and ballast, where present in the trail corridor. Laboratory data for the impacted soil, identified as part of the soils and ballast assessment report prepared under Mitigation Measure HAZ-4(a), shall be used to profile excavated soil prior to transport, treatment, and recycling at a licensed treatment facility. Additional profiling of the export soils shall be performed as needed to satisfy requirements of the receiving facility. Removal, transportation, and disposal of impacted soil shall be performed in accordance with applicable DTSC and CalOSHA laws, regulations, and ordinances. The SMP shall include health and safety information for workers and the general public with an emphasis on potential adverse health effects and how to seek proper help if an accident is suspected and inform the various contractors and workers of the presence of shallow soil impacted with contaminants and the appropriate measures to avoid exposure to contaminants. These measures may include, but would not be limited to, the following:

1. Installing temporary security fencing around the construction site and flag/cone off the areas of contaminated soils (Hot Spots) until the contaminants are removed
2. Providing all personnel entering a Hot Spot with site-specific awareness training
3. Requiring that all personnel whose work will involve the excavation or disturbance of soils in and around the Hot Spot must have successfully completed 40-hour Hazardous Worker (HAZWOPER) training
4. Requiring a HAZWOPER supervisor to be on-site at all times during the excavation or disturbance of soils in a Hot Spot
5. Prohibiting personnel who cannot prove that they are authorized to enter a Hot Spot or do not have the appropriate personal protective equipment from entering a Hot Spot
6. Prohibiting eating, drinking, smoking, chewing gum or tobacco in Hot Spots, and requiring consumable items and activities be confined to designated worker break areas.

In the event that contaminated soil and/or groundwater are identified where not previously anticipated during construction, the SMP shall also require that construction cease, and that appropriate handling and disposal procedures be implemented. Contaminated soils and/or groundwater can be identified by discoloration or stains, distinctive odors, absence of plants and animals, subsequent erosion from the absence of plant life, or the presence of paint chips or other materials known to contaminate soils. Procedures for properly handling, storing, and disposing contaminated soils may include, but are not limited to, the following:

1. Placing contaminated soils in properly labeled drums or lined hazardous waste storage/transportation conveyance units (i.e., roll-off waste boxes) in preparation of transportation and disposal
2. Avoiding temporary stockpiling of contaminated soils or hazardous materials
3. If temporary stockpiling is necessary:
 - a. Covering the stockpile with plastic sheeting or tarps
 - b. Installing a berm around the stockpile to prevent runoff from leaving the area
 - c. Avoiding stockpiling in or near storm drains or watercourses
4. Monitoring the air quality during excavation operations at locations potentially exhibiting elevated concentrations of hazardous material
5. Collecting water from decontamination procedures and treating and/or disposing of it at an appropriate disposal site
6. Collecting non-reusable protective equipment and disposing at an appropriate disposal site

b. Findings and Rationale – Implementation of Mitigation Measures HAZ-4(a) and HAZ-4(b) would reduce the impact of exposing construction workers and the public to health hazards associated

with contaminated soils released during ground-disturbing activities. These measures would reduce impacts to a less than significant level.

- c. **Supportive Evidence** – Please refer to pages 3.8-34 through 3.8-38 of the Final EIR.
4. **Impact HAZ-C.** Cumulative development may result in significant cumulative hazards and hazardous materials impacts, but the Project’s contribution would not be cumulatively considerable.
- a. **Mitigation** – Mitigation Measures AG-3(b), AG-3(e), and AG-5 in Section 3.2, Agricultural Resources, and Mitigation Measures HAZ-4(a), HAZ-4(b), and HAZ-4(c).
 - b. **Findings and Rationale** – Cumulative projects such as future development along Highway 1, redevelopment of the Davenport Cement Plant, and buildout of the Santa Cruz County General Plan could cumulatively increase the potential for exposure of people to hazards and hazardous materials. However, impacts would not be cumulatively considerable with adherence to existing local, regional and state regulations. The Proposed Project could expose construction workers, trail users, and maintenance personnel to agricultural chemicals due to Project corridor’s proximity to existing agricultural properties and expose soil contaminants released during Project construction. However, cumulative impacts from exposure to agricultural chemicals and contaminants would not be cumulatively considerable. Impacts associated with the project would be less than significant with mitigation.

As discussed in Section 3.8, Hazards and Hazardous Materials, the Proposed Project and Alternative 1 could expose construction workers, trail users, and maintenance personnel to agricultural chemicals due to the Project corridor’s proximity to existing agricultural properties, as well as exposure to existing soil contaminants released during Project construction. However, implementation of Mitigation Measures AG-3(b), AG-3(e), and AG-5 in Section 3.2, Agricultural Resources, and Mitigation Measures HAZ-4(a), HAZ-4(b), and HAZ-4(c), where applicable, would reduce Project-specific impacts to a less than significant level. With these measures, the Project’s contribution to a cumulative impact from exposure to agricultural chemicals or other soil contaminants would not be cumulatively considerable.

H. HYDROLOGY AND WATER QUALITY

- 1. **Impact HYD-1.** The Project may result in an increase of pollutant discharges to Waters of the State.
 - a. **Mitigation** – the following mitigation is required.

HYD-1(a)	Prepare Accidental Spill Control Plan and Conduct Environmental Training Prior to Construction. Prior to commencement of construction activities, the RTC or its contractor shall prepare a Spill Response Plan (SRP) and Spill Prevention, Control and Countermeasure Plan (SPCC) for the Project, which shall apply to the construction phase. These plans shall include procedures for quick and safe clean-up of accidental spills. The SRP and/or SPCC shall prescribe hazardous materials handling procedures for reducing the potential for a spill during construction and shall include an emergency response program to ensure quick and safe clean-up of accidental spills and proper disposal of contaminants. Additionally, the contractor shall conduct environmental training program to communicate the risk for accidental spills, environmental concerns and appropriate work practices, including spill
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prevention and response measures to all field personnel prior to construction. A construction inspector or monitor shall ensure a copy of these plans are kept at construction staging areas or other location accessible and frequented by the construction crew and shall ensure that the plans are followed during all construction activities.

HYD-1(b) Maintain Vehicles and Equipment During Construction. All construction vehicles and equipment, including all hydraulic hoses, shall be maintained in good working order to minimize leaks that could escape the vehicle or contact the ground. A vehicle and equipment maintenance log shall be maintained and updated on a monthly basis for the duration of Project construction. A construction inspector or monitor shall check the vehicles and equipment and ensure the logs are maintained.

HYD-1(c) Conduct Design-level Drainage Analysis Prior to Construction, and Implement Identified Measures to Minimize Runoff During Construction. Please refer to Impact GEO-3 in Section IV.E, *Geology and Soils*, above.

HYD-1(d) Prepare Stormwater Control Plan and Operation & Maintenance Plan prior to Construction and Implement Identified Stormwater Control Measures. Please refer to Impact GEO-3 in Section IV.E, *Geology and Soils*, above.

b. Findings and Rationale – Implementation of Mitigation Measures HYD-1(a) through HYD-1(d) would reduce the impact on hydrology and water quality by ensuring that the amount and rate of on- and off-site stormwater runoff would be reduced to the maximum extent feasible, and that, where feasible, stormwater runoff would be treated prior to discharge off-site. Together, these measures would reduce impacts to water quality to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.9-21 through 3.9-26 of the Final EIR (Volume 2).

2. Impact HYD-3. The Project would alter drainage patterns in the Project corridor, which may impact water quality.

a. Mitigation – The following mitigation is required.

HYD-1(c) Conduct Design-level Drainage Analysis and Minimize Runoff During Construction. Please refer to Impact GEO-3 in Section IV.E, *Geology and Soils*, above.

HYD-1(d) Prepare Stormwater Control Plan and Operation and Maintenance Plan prior to Construction and Implement Identified Stormwater Control Measures. Please refer to Impact GEO-3 in Section IV.E, *Geology and Soils*, above.

b. Findings and Rationale – Implementation of Mitigation Measures HYD-1(c) and HYD-1(d) would ensure the Proposed Project would not result in the discharge of stormwater that would result in off-site erosion or flooding or exceed the stormwater conveyance capacity of existing or planned stormwater drainage systems. This measure would reduce impacts regarding drainage patterns to a less than significant level.

- c. **Supportive Evidence** – Please refer to pages 3.9-30 through 3.9-31 of the Final EIR (Volume 2).
3. **Impact HYD-4.** The Project would place structures in a 100-year flood hazard area, but would not impede or redirect flood flows.
- a. **Mitigation** – The following mitigation is required.
 - HYD-1(c) **Conduct Design-level Drainage Analysis and Minimize Runoff During Construction.** Please refer to Impact GEO-3 in Section IV.E, *Geology and Soils*, above.
 - HYD-1(d) **Prepare Stormwater Control Plan and Operation and Maintenance Plan prior to Construction and Implement Identified Stormwater Control Measures.** Please refer to Impact GEO-3 in Section IV.E, *Geology and Soils*, above.
 - b. **Findings and Rationale** – Mitigation Measures HYD-1(c) and HYD-1(d) would ensure that drainage patterns are not substantially altered. Furthermore, implementation of these mitigation measures would ensure that the Proposed Project would not impede or redirect flood flows which could expose people or structures to a significant risk of loss, injury, or death involving flooding. Therefore, these mitigation measures would reduce impacts regarding 100-year flood hazards to a less than significant level.
 - c. **Supportive Evidence** – Please refer to pages 3.9-32 through 3.9-33 of the Final EIR (Volume 2).
4. **Impact HYD-C.** Cumulative development would not result in significant cumulative hydrology and water quality impacts, and the Project’s contribution, with mitigation, would not be cumulatively considerable.
- a. **Mitigation** –HYD-1(a), HYD-1(b), HYD-1(c), and HYD-1(d).
 - b. **Findings and Rationale** – Cumulative projects in the North Coast area, including a portion of the Davenport Hydrologic Sub-Area, are limited and are not expected to introduce a substantial amount of new impermeable surfaces or result in substantially more off-site runoff in local waterways. Other development under the Santa Cruz County General Plan may increase impervious surfaces, which would increase runoff, exacerbate flooding conditions, and reduce groundwater recharge. However, the amount of impervious surface would be relatively minor, and adherence to the applicable state and local regulations would reduce impacts associated with runoff from cumulative development. Furthermore, although the Project would result in an increase of pollutant discharges to waters of the state, would alter drainage patterns in the project corridor, and would place structures in a 100-year flood hazard area, impacts would be less than significant with mitigation.

As discussed in EIR Section 3.9, Hydrology and Water Quality, the Project would result in an increase of pollutant discharges to Waters of the State, would alter drainage patterns in the Project corridor, and would place structures in a 100-year flood hazard area. However, mitigation identified in this EIR would reduce these Project-level impacts to a less than significant level.

With mitigation, these Project impacts would not be significant, would not result in a substantial contribution to cumulative impacts, and thus would not be cumulatively considerable.

- c. **Supporting Evidence** – Please refer to page 3.9-34 of the Final EIR (Volume 2).

I. NOISE

- 1. **Impact N-2.** The Project would not expose persons to or generate excessive ground-borne vibration or ground-borne noise levels.

- a. **Mitigation** – The following mitigation is required.

N-2(a) Provide Notification of Construction Vibration. The construction contractor shall provide written notification at least three weeks prior to the start of any construction activities involving use of vibratory equipment (e.g., asphalt construction and unpaved should construction) to all residential units located within 50 feet of the construction area that will produce the vibration. The notice shall inform residents of the estimated start date and duration of daytime vibration-generating construction activities.

N-2(b) Limit Construction to Daytime Hours. The construction contractor shall limit construction activities within 150 feet of a sensitive receptor (e.g., residence) to between the hours of 8:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. to 4:00 p.m. on Saturday or Sunday.

- c. **Findings and Rationale** – Implementation of Mitigation Measures N-2(a) and N-2(b) would reduce impacts regarding excessive ground-borne vibration and ground-borne noise levels by allowing surrounding uses time to prepare, and by limiting construction to daytime hours. These mitigation measures would reduce impacts to a less than significant level.

- c. **Supportive Evidence** – Please refer to pages 3.11-11 through 3.11-12 of the Final EIR (Volume 2).

- 2. **Impact N-4.** Construction may result in a substantial temporary increase in noise levels.

- a. **Mitigation** – The following mitigation is required.

N-2(b) Limit Construction to Daytime Hours. Please refer to Impact N-2 in Section IV.I, *Noise*, above.

N-4 Implement Noise-Reducing Measures for Construction Equipment Used within 150 feet of Residences. During construction, the construction contractor shall employ the following noise-reducing measures where use of construction equipment occurs within 150 feet of residences (considered a sensitive receptor) on Coast Road, east and west of Old Dairy Gulch, and south of Panther/Yellowbank Beach): (1) Use acoustical shelters around air compressors, generators, and any other stationary construction equipment; (2) properly muffle and maintain all construction equipment powered by internal combustion engines; (3) prohibit unnecessary idling of internal

appropriate stopping sight distance suggested by AASHTO Guidelines. This sight distance shall be provided through a combination of measures such as minor vegetation trimming and/or removal, sidewalk/shoulder curb extensions, roadway realignment or narrowing, etc.

T-3(b) Install Agricultural Vehicle and Trail Warning Signs. Informational signs shall be installed along the trail, preceding agricultural road crossings, warning trail users of the presence of agricultural vehicles. Informational signs shall also be installed on the roadways preceding the trail crossings and where agricultural access points intersect with adjacent roadways, warning operators about the presence of pedestrians and bicyclists.

T-3(c) Install Pedestrian Signage at Davenport Lot: South. To minimize jaywalking behavior by new trail users and pedestrians leaving the Davenport Lot: South, informational signage shall be installed to direct pedestrians who desire to cross Highway 1 to the formalized pedestrian crossing of Highway 1 at Ocean Street, adjacent to the improved Davenport Lot: North.

b. Findings and Rationale – Mitigation Measures T-3(a) through T-3(c) would reduce impacts related to safety hazards by requiring safety features, adequate sight distance, and increased signage. Together, these mitigation measures would reduce impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.14-18 through 3.14-22 of the Final EIR (Volume 2).

K. TRIBAL CULTURAL RESOURCES

1. Impact TCR-1. The Project may cause a substantial adverse change in the significance of a tribal cultural resource.

a. Mitigation – The following mitigation is required.

TCR-1 Conduct Native American Monitoring During Construction. A Native American monitor shall be retained and remain present during disturbing activities within previously undisturbed native soils, including any archaeological excavation, and shall participate in the orientation meeting required under Mitigation Measure CR-2(b) in Section 3.5, *Cultural Resources*, of the EIR.

In the event that cultural resources of Native American origin are identified during construction, the Native American monitor shall have the authority to halt and redirect ground disturbance away from the find. The RTC and/or the State Parks District Tribal Liaison, as appropriate, shall consult with a qualified archaeologist and begin or continue Native American consultation procedures. If the RTC and/or State Parks District Tribal Liaison, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The mitigation plan may include but would not be limited to avoidance, capping in place, excavation

b. Findings and Rationale – Cumulative traffic conditions for 2035 and 2040 were modeled in the Project vicinity and determined to represent LOS F conditions, which exceed the Caltrans threshold of LOS E for the cumulative scenario. Therefore, cumulative plus project conditions through the year 2035 and the year 2040 would have a significant and unavoidable cumulative impact on traffic conditions. Because any worsening of existing traffic conditions would exceed the applicable Caltrans threshold, and because mitigation to completely avoid an increase in vehicle trips on Highway 1 would not be feasible, the Project’s contribution to a significant traffic impact would be cumulatively considerable for both 2035 and 2040. Although not required to reduce the Project impact to a less than significant level, the RTC would implement Mitigation Measure T-1 (described under Impact T-1 in Section IV.J, *Transportation/Circulation*, above) as a condition of Project approval to incrementally reduce vehicle trips by promoting walking and bicycling between the City of Santa Cruz and the proposed trail.

c. Supportive Evidence – Please refer to pages 4-18 through 4-20 of the Final EIR (Volume 2).

The following statutory finding applies to this impact: :

Changes or alterations have been required in, or incorporated into, the project that mitigate the significant effect on the environment, but not to a less than significant (i.e., less than cumulatively considerable) level. No feasible mitigation is available to reduce this impact to a less than cumulatively considerable level.

(See Pub. Resources Code § 21081(a)(1).)

VI. FINDINGS REGARDING ALTERNATIVES

A. LEGAL REQUIREMENTS FOR ALTERNATIVES

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives...which would substantially lessen the significant environmental effects of such projects.” “Feasible” means “capable of being accomplished in a reasonable period of time taking into account economic, environmental, legal, social and technological factors” (CEQA Guidelines § 15364). The concept of feasibility also encompasses whether a particular alternative promotes the Project’s underlying goals and objectives, and whether an alternative is impractical or undesirable from a policy standpoint. (See *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 (CNPS).)

The issue of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared and again when CEQA findings are adopted. When assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is “potentially” feasible. Potentially feasible alternatives are suggestions by the EIR preparers that may or may not be adopted by lead agency decision makers. When CEQA findings are made after EIR certification, the lead agency decision making body independently evaluates whether the alternatives are actually feasible, including whether an alternative is impractical or undesirable from a policy standpoint. (See *CNPS*, supra, 177 Cal.App.4th at p. 999.)

If a significant impact can be substantially lessened (i.e., mitigated to a less than significant level) by adoption of mitigation measures, lead agency findings need not consider the feasibility of alternatives to reduce that impact. (See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521.)

Nevertheless, Section 5.0 of the Final EIR (Volume 2) and these Findings of Fact do consider the effectiveness

of the potentially feasible alternatives set forth in the EIR to substantially reduce all of the Project's significant impacts.

The proposed alternatives were selected for review in the EIR because of their potential to avoid or substantially lessen certain Project impacts, or because they were required under CEQA Guidelines (e.g., the No Project alternative). The Project and alternatives are described in more detail in the North Coast Rail Trail Project Final EIR and Appendices thereto.

The four alternatives considered for the proposed North Coast Rail Trail Project are:

- Alternative 1: Trail Only, which includes removing the rail tracks and locating the trail on the rail bed;
- Alternative 2: Inland Side, which includes locating the trail on the coastal side of the tracks from Davenport to Scaroni Road, and on the inland side of the tracks from Scaroni Road to Wilder Ranch;
- Alternative 3: Farmers' Alternative, which includes removing the rail tracks and locating the trail on the rail bed in the northern portion of the trail from Davenport to Scaroni Road, and locating the trail outside the rail corridor along the coastal side of Highway 1 in the southern portion of the trail from Scaroni Road to Wilder Ranch; and
- Alternative 4: No Project Alternative, which includes no changes to existing conditions along the Project corridor and thus no trail.

Alternative 4 was determined to be environmentally superior to the Proposed Project and Alternatives 1-3. However, if the environmentally superior alternative is the No Project alternative, CEQA requires the EIR shall also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6). The Proposed Project is determined to be the Environmentally Superior project for most Resource Topics, and all the alternatives are rejected for the reasons stated below in Sections VI.B and IV.C.

B. PROJECT OBJECTIVES

An EIR must only evaluate reasonable alternatives to a project that could feasibly attain most of the project objectives and evaluate the comparative merits of the alternatives (CEQA Guidelines § 15126.6(a)). The primary objective of the North Coast Rail Trail Project is to provide an accessible bicycle/pedestrian path for active transportation, recreation, and environmental and cultural education along the existing rail corridor, consistent with the MBSST Network Master Plan. Additional project objectives include:

- Provide a continuous public trail along the Santa Cruz Branch Line railroad corridor and connecting spur trails in Santa Cruz County (Master Plan objective 1.1)
- Provide an ADA-accessible trail, including parking areas with paths to the trail
- Develop the trail so future rail transportation service along the corridor is not precluded (Master Plan policy 1.2.4)
- Maximize ocean views and scenic coastal vistas along a coastal alignment for experiencing and interpreting the Monterey Bay National Marine Sanctuary (sanctuary), and historical and agricultural landscapes (Master Plan policy 1.1.2 and 1.1.4, objective 2.1)
- Maximize safety and serenity for experiencing and interpreting the sanctuary and landscapes by providing a trail separate from roadway vehicle traffic (Master Plan goal 1)
- Minimize trail impacts to private lands, including agricultural, residential, and other land uses (Master Plan objective 1.5)
- Minimize trail impacts to sensitive habitat areas and special-status plant and animal species (Master Plan objective 1.4, policy 1.4.1)
- Utilize existing built trails, roadways, and other transportation facilities to the fullest extent possible (Master Plan objective 1.1, policy 1.1.3)

- Utilize existing lands owned by various government entities, open space groups, and institutions to develop the trail (Master Plan objective 4.4)
- Comply with requirements of approving state agencies, including Coastal Commission, Caltrans, and State Parks
- Complete Project construction by 2021 to maximize funding for the Project, and meet current funding obligations (Master Plan objective 4.6, policy 4.6.2 speak to maximizing funding)

C. FINDINGS ON ALTERNATIVES

1. Alternative 1: Trail Only

- a. **Description** –The Trail Only alternative would involve removal of the existing railroad tracks and ties, and construction of a multi-use trail on the rail bed. Fencing would be installed on either side of the trail in areas with steep slopes. This alternative is analyzed throughout this EIR at an equal level of detail as the Proposed Project.
- b. **Findings and Rationale** – As noted earlier, the one significant, unavoidable effect of the proposed project is its cumulatively considerable contribution to significant traffic impacts. Notably, Alternative 1 would not reduce the severity of that impact, as indicated on pages 3.14-15, 3.14-16 through 3.14-17, 3.14-21, 3.14-22, 4-18 through 4-21, and 5-48 through 5-49 of the Final EIR (Volume 2). Thus, the CEQA policy of reducing significant environmental effects to the extent feasible would not be satisfied through the adoption of Alternative 1. In fact, because Alternative 1 would cause a significant unavoidable effect to historical resources that would not occur under the project, approval of the project better serves the environmentally protective policies of CEQA than would approval of Alternative 1. Even so, in the interests of transparency and public disclosure, the RTC addresses below the question of whether the alternative is feasible within the meaning of CEQA, though no such inquiry is legally required.

The Trail Only alternative would result in removal of the existing Davenport Branch Line, which extends between Davenport and Santa Cruz and is now part of the Santa Cruz Branch Rail Line. For this reason, Alternative 1 would not meet the objective of “[d]evelop[ing] the trail so future rail transportation service along the corridor is not precluded.” As described in Section 3.5, *Cultural Resources* (Final EIR Volume 2), the Davenport Branch Line is considered a historical resource, and the railroad tracks and ties are considered character-defining features and are essential in reflecting its role in the transport of materials that supported the reconstruction of San Francisco after the 1906 earthquake, the Panama Canal, and other noteworthy engineering achievements. Removal of the tracks and ties would result in the material impairment of essential character defining features of this resource, conflict with Secretary of the Interior’s Standards for the Treatment of Historic Properties, and thus constitute a significant adverse impact under CEQA. Therefore, Alternative 1 would have a significant unavoidable impact to historical resources. Consequently, compared to the Proposed Project, the Trail Only alternative would have greater overall impacts to cultural resources. This alternative would also result in more severe impacts with regard to hazards/hazardous materials associated with removal of the rail tracks and ties. However, this alternative would have substantially similar or lower impacts on air quality, biological resources, geology and soils, greenhouse gas emissions/climate change, hydrology and water quality, land use and planning, noise, public safety, recreation, transportation/circulation, tribal cultural resources, and utilities and service systems. Please refer to Section 5.0, *Project Alternatives*, of the Final EIR (Volume 2) for additional detail.

Additionally, the Trail Only alternative would have contractual, regulatory, and fiscal challenges, all of which would result in very considerable delays in carrying out this alternative, if the RTC were inclined to pursue it. As stated in Section 1.2.2 (Final EIR Volume 2), the federal Surface Transportation Board (STB) requires that there be freight rail service on the Santa Cruz Branch Rail Line, and the funding agreements for purchase of the Santa Cruz Branch Rail Line require that the RTC be responsible for continuing freight to contract with a rail service operator for as long as it is required by the STB. In 2012 when RTC purchased the Santa Cruz Branch Rail Line, it selected railroad operator Iowa Pacific Holdings (known locally as Santa Cruz and Monterey Bay Railway) to operate the Santa Cruz Branch Rail Line. In July 2018, because the Santa Cruz and Monterey Bay Railway did not meet contractual obligations, the RTC entered into an agreement with Progressive Rail to provide rail operations on the Santa Cruz Branch Rail Line and to serve as the common carrier on this line as designated by the Surface Transportation Board (STB).

The RTC owns the Santa Cruz Branch Rail Line ROW, minus a “Freight Easement” extending 10 feet on either side of the centerline of the tracks and including rights of access along the length of the easement. As stated in the deed for the Freight Easement, the easement is for purposes of conducting freight rail operations and fulfilling rights and obligations as a common carrier freight railroad under applicable federal laws and regulations. This includes the right to use the property to provide freight rail service to all customers on or served from the property, and to operate, use, construct, reconstruct, maintain, repair, relocate and/or remove existing and/or future railroad, and railroad-related equipment, facilities and transportation systems necessary for and related to freight rail operations. The Freight Easement is owned by the common carrier freight operator designated by the Surface Transportation Board, and the operator conducts railroad operations subject to an “Administration, Coordination and License Agreement” with the RTC.

Master Response E in the Final EIR (Volume 1) explains that construction of Alternative 1 would likely begin after the year 2028 (several years later than would be the case with the proposed project) because of the additional time required to reverse policy, contractual, and regulatory commitments that the RTC has made regarding the use of railroad tracks. Provided that the RTC’s contractual agreement with its rail operator is terminated or expires, no termination would be effective until the STB approves transfer or abandonment of freight service. Obtaining approval from the STB to abandon freight may be challenged in court, causing a lengthy, costly and uncertain outcome. Abandoning rail uses required by the California Transportation Commission (CTC) would require paying the CTC and the state at least \$11 million, or potentially up to \$29 million. The only funding that is currently available to the RTC to pay for this process is from Measure D, which provides approximately \$1.6 million per year for rail purposes. Therefore, RTC expects it would take several years to amass the funds necessary to repay the CTC and thus, due to these regulatory and fiscal challenges, anticipated construction would not begin until approximately 2028. Additionally, the farther in the future project delivery is, the higher the risk that currently secured funding will not be available.

In light of all of these factors, the RTC concludes that the inevitable delays associated with the Trail Only Alternative would render the alternative infeasible, given the definition of “feasible” as “capable of being accomplished in a successful manner *within a reasonable period of time*, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, § 15364 [italics added].) The very negative financial considerations set forth above further cause the RTC to conclude that the financial burdens associated with this alternative make it economically and fiscally infeasible. The RTC concludes that, in light of the considerations described above, a reasonably prudent public agency ought not to pursue such an alternative. (See *Flanders v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 622.)

Therefore, in addition to the Trail Only alternative being environmentally inferior because it would result in a substantial and unavoidable Project impact to the historic Davenport Branch Line, while being no better than the project with respect to cumulative traffic impacts, the RTC finds that the specific economic, financial, legal, social, technological or other considerations set forth above make the Trail Only alternative infeasible. After balancing competing policy considerations, the RTC also finds that implementation of Alternative 1 would represent an undesirable policy outcome. One of many bases for this latter conclusion is the fact that Alternative 1 would not meet the project objective of “[d]evelop[ing] the trail so future rail transportation service along the corridor is not precluded.” For all of the reasons set forth above, any one of which, by itself, would be sufficient, the RTC rejects Alternative 1 as infeasible.

2. Alternative 2: Inland Side

- a. **Description** – The Inland Side alternative would locate the trail on the inland side of the tracks in the southern portion, between Scaroni Road and Wilder Ranch, and on the coastal side of the tracks in the northern portion, from Davenport to Scaroni Road. The trail would not be located on the inland side in the northern portion because doing so would require a large amount of earthwork and retaining walls to provide adequate trail width, which would increase environmental impacts.
- b. **Findings and Rationale** – As noted earlier, the one significant, unavoidable effect of the proposed project is its cumulatively considerable contribution to significant traffic impacts. Notably, Alternative 2 would not reduce the severity of that impact, but in fact would make it worse, as indicated on pages 5-18 and 5-48 through 5-49 of the Final EIR. Thus, the CEQA policy of reducing significant environmental effects to the extent feasible would not be satisfied through the adoption of Alternative 2. In fact, because Alternative 2 would cause traffic impacts more severe than those of the project, approval of the project better serves the environmentally protective policies of CEQA than would approval of Alternative 2. Even so, in the interests of transparency and public disclosure, the RTC addresses below the question of whether the alternative is feasible within the meaning of CEQA, though no such inquiry is legally required.

The Inland Side alternative would not result in any significant and unavoidable environmental impacts. However, this alternative would not reduce any of the Project’s impacts to less than significant levels. Impacts to agricultural resources and biological resources would be greater than the Proposed Project because there would be more active farmland and sensitive habitat affected on the inland side in the southern portion of the Project corridor. Please refer to Section 5.0, *Project Alternatives*, pages 5-10 through 5-18 of the Final EIR (Volume 2).

Additionally, this alternative would not meet the Project objectives to the same extent as the project. In particular, Alternative 2 would be less successful than the project in meeting the following two project objectives: “[m]aximize ocean views and scenic coastal vistas along a coastal alignment for experiencing and interpreting the Monterey Bay National Marine Sanctuary (sanctuary), and historical and agricultural landscapes”; and “[m]inimize trail impacts to sensitive habitat areas and special-status plant and animal species.” Further, the large amount of earthwork and retaining walls to provide adequate trail width would increase construction costs, substantially compared to the proposed project, making this alternative challenging from a fiscal standpoint.

In summary, the Inland Side alternative is environmentally inferior to the project with respect to seven resource topics, including cumulative traffic impacts (the only significant unavoidable effect of the project), and fails to meet Project objectives to the same extent as the project. After balancing competing policy considerations, including the greater level of impacts associated with Alternative 2, the RTC also finds that implementation of Alternative 2 would represent an undesirable policy outcome. For these reasons, the RTC rejects Alternative 2 as infeasible.

3. Alternative 3: Farmers' Alternative

- a. **Description** –The Farmers' Alternative would remove the existing railroad tracks and ties and locate the trail on the rail bed along the same alignment as Alternative 1 north of Scaroni Road, and locate the trail along the coastal side of Highway 1 (instead of the rail corridor) south of Scaroni Road, to reduce conflict between agricultural operations in the southern portion of the Project corridor, before returning to the rail corridor just north of Wilder Ranch.
- b. **Findings and Rationale** – As noted earlier, the one significant, unavoidable effect of the proposed project is its cumulatively considerable contribution to significant traffic impacts. Notably, Alternative 3 would not reduce the severity of that impact, but in fact would make it worse, as indicated on pages 5-27 through 5-28 and 5-48 through 5-49 of the Final EIR. Thus, the CEQA policy of reducing significant environmental effects to the extent feasible would not be satisfied through the adoption of Alternative 3. In fact, because Alternative 3 would cause traffic impacts more severe than those of the project, approval of the project better serves the environmentally protective policies of CEQA than would approval of Alternative 3. Even so, in the interests of transparency and public disclosure, the RTC addresses below the question of whether the alternative is feasible within the meaning of CEQA, though no such inquiry is legally required.

The Farmers' Alternative would remove a portion of the Davenport Branch Line, and thus would result in more severe impacts with regard to cultural resources and hazards/hazardous materials. As described above for Alternative 1 (Trail Only), removal of the tracks and ties would impact the essential character defining features of this historical resource and conflict with Secretary of the Interior's Standards for the Treatment of Historic Properties. Therefore, the Farmers' Alternative would have a significant unavoidable impact to historical resources and more severe impacts with regard to hazards and hazardous materials associated with removal of the tracks and ties. This alternative would reduce impacts on agricultural resources and biological resources because it would avoid conflicts with existing agricultural uses and avoid sensitive habitat in the southern portion of the alignment. However, Alternative 3 would not reduce Project impacts to a less than significant level. Due to the increased impacts to cultural resources and hazardous materials, the total overall impact of the Farmers' Alternative would be greater than the Proposed Project. Please refer to Section 5.0, *Project Alternatives*, pages 5-19 through 5-29, of the Final EIR (Volume 2).

Additionally, the Farmers' Alternative would have contractual, regulatory, and fiscal challenges associated with removing the rail and ceasing operation of freight and passenger service. Refer to the discussion above for Alternative 1 (Trail Only), which also involves rail removal.

Further, this alternative would not meet the Project objectives to maximize safety or minimize impacts to sensitive habitats to the same extent as the project.

In summary, the Farmers' Alternative would be environmentally inferior to the project because it would result in greater overall impacts, greater transportation-related impacts, and a substantial and unavoidable Project impact to the historic Davenport Branch Line. It would also fail to meet key project objectives as effectively as the project would. After balancing competing policy considerations, the RTC finds that implementation of Alternative 3 would represent an undesirable policy outcome. For these reasons, the RTC rejects this alternative as infeasible.

4. Alternative 4: No Project

- a. Description** –The No Project Alternative assumes that the Project is not implemented and that the RTC continues operating and maintaining the rail corridor in its current condition under current policy obligations with the possibility of future rail use.
- b. Findings and Rationale** – The No Project alternative would result in the rail corridor remaining “as is” and not constructing the trail and parking improvements. Because of the reduced development, this alternative would result in generally less than significant or no environmental impacts. However, this alternative would not meet the project objectives to provide a continuous ADA-accessible public trail along the Santa Cruz Branch Line railroad corridor or maximize ocean views and scenic coastal vistas along a coastal alignment to the same extent as the Project. Nor would it fulfill the RTC’s policy commitment to implement the approved Monterey Bay Scenic Sanctuary Trail Master Plan. After balancing competing policy considerations, the RTC finds that implementation of Alternative 4 would represent an undesirable policy outcome. For these reasons, the RTC rejects the No Project Alternative as infeasible.

VII. FINDINGS REGARDING MITIGATION MEASURES AND ALTERNATIVES PROPOSED IN NOP AND DRAFT EIR COMMENTS

Some comments received in response to the Notice of Preparation (NOP) and on the Draft EIR suggested Project alternatives and additional mitigation measures. The Findings regarding the suggested alternatives are provided under “A. Suggested Project Alternatives” below.

In response to Draft EIR comments, some mitigation measures were revised, including Mitigation Measures AG-3(c), AG-3(e), AG-5, BIO-5, BIO-8(c), CR-1(a), CR-1(b), CR-2(a), CR-2(b), CR-3, and T-1. Additionally, Mitigation Measure HAZ-1, which the RTC recommends be adopted by the California Department of Parks and Recreation acting as a responsible agency, was developed in direct response to comments. However, where the suggestions requested minor modifications or variations in adequate mitigation measures identified in the Draft EIR, or requested mitigation measures were too vague or speculative to be addressed, these requests were declined as unnecessary. The RTC adopts and incorporates by reference the specific reasons for declining such measures contained in the responses to comments in the Final EIR (Volume 1) as one ground for rejecting these measures. The Mitigation Monitoring and Reporting Program (MMRP) associated with this EIR is referenced in Section XI.

A. SUGGESTED PROJECT ALTERNATIVES

1. Farmers' Alternative (Pamela Silkwood, Horan Lloyd)

This comment suggests an alternate alignment for the trail that would 1) remove the rail and locate the trail on the rail bed, in effect following the Alternative 1 (Trail Only) alignment, in the northern portion between Davenport and Scaroni Road; and 2) deviate from the proposed trail alignment

along the rail corridor and instead extend along the coastal side of Highway 1 south of Scaroni Road, before rejoining the Alternative 1 alignment in the rail corridor approximately 0.1 mile north of the Wilder Ranch State Park entrance. In addition to this alternative alignment, the commenter also suggests the option of constructing spur trails that could extend from the alignment westward to and along the coastal bluff.

Findings and Rationale – As described in Section 5.1, *Development of Alternatives*, in the Final EIR (Volume 2), the RTC determined that including an alternative with new spur trails extending out to and along the coastal bluffs would cause additional environmental impacts. In addition, both the State Department of Parks and Recreation and California Coastal Commission approval would be required, and RTC anticipates that both state agencies are unlikely to support the spur trail option due to its proximity to the bluff edge and the severe coastal bluff erosion in this area. This is confirmed in a letter dated November 9, 2017, from Chris Spohrer, District Superintendent, California State Parks, to Cory Caletti, RTC, in response to RTC’s request that State Parks review equestrian use of the trail and the Farmers’ Alternative.

The suggested alternative trail alignment, extending along the rail bed in the northern portion and along Highway 1 in the southern portion, without coastal bluff spurs has been retained as Alternative 3 (Farmers’ Alternative) and is evaluated in Section 5.2, *Alternatives Evaluated in Draft EIR*, of the Final EIR (Volume 2). The RTC’s reasons for rejecting the alternative are set forth above in Section VI.C, *Findings on Alternatives*, which explains that the Farmers’ Alternative would result in more significant environmental impacts than the Proposed Project, including a significant and unavoidable impact to cultural resources by removing the historic Davenport Branch Line.

2. Electric High-Rail and Rail-Bike Track with Trail (Richard Rahders)

This comment suggests an alternative including building a trail along the side of the tracks and maintaining the tracks to a standard that allows the tracks or rail bed to be used by various small-scale vehicles (e.g., cars, trucks and bikes) equipped to use both the tracks and roadways.

Findings and Rationale – As described in Section 5.1, *Development of Alternatives*, in the Final EIR (Volume 2), the RTC dismissed this alternative from further consideration and evaluation because an alternative including building a trail along the side of the tracks and maintaining the tracks to a standard that allows them to be used by small-scale vehicles would not likely reduce the severity of any of the significant effects of the Proposed Project and would likely have substantially greater environmental impacts from introducing use of various small-scale vehicles. Also, the Project does not include use of the tracks, but rather simply retention of the tracks. Additionally, there are existing contractual obligations to retain and allow use of the rail for freight and passenger service, as described under “C. Findings on Alternatives.” Thus, the RTC also finds that specific economic, legal, social, technological, or other considerations make this alternative infeasible due to contractual, regulatory, and fiscal challenges of the kind associated with Alternative One (Trail Only), as discussed in Section VI.C.1 of these findings.

3. Trail Extension North of Davenport (Multiple Commenters)

Multiple commenters suggested an alternative that includes extending the trail further northward.

Findings and Rationale – As described in Section 5.1, *Development of Alternatives*, in the Final EIR (Volume 2), an alternative that includes extending the trail northward is included as Segment 4,

Davenport Landing/End of Railroad Tracks, in the MBSST Network Master Plan and would instead be analyzed as a separate Project under CEQA, not as an alternative to the Proposed Project. Furthermore, extending the trail would result in greater environmental impacts than the Proposed Project, due to the increased length and associated disturbance area, and would require substantial additional funding which the RTC has not yet identified for design and construction of Segment 4. Thus, the RTC finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative to the Project suggested above.

4. Highway 1 Crossing at Panther Beach (Bureau of Land Management)

This comment recommends a crossing in the vicinity of Panther/Yellowbank beach for connectivity to other federal lands, including the Cotoni-Coast Dairies National Monument located directly across Highway 1 from the Project corridor.

Findings and Rationale – As described in Section 5.1, *Development of Alternatives*, in the Final EIR (Volume 2), an at-grade crossing of Highway 1 is unlikely to be approved by Caltrans due to safety concerns and current policy (based on Caltrans Highway Design manual, Chapter 1—Basic Design Policies). Furthermore, the California Coastal Commission and State Parks may not approve an overpass due to aesthetic/ visual concerns and an underpass would result in greater impacts associated with excavation and earth movement (e.g. air quality, biological resources, cultural resources, geology/soils, GHG emissions, transportation/traffic). Thus, the RTC finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative to the Project suggested above.

5. Equestrian Use (Multiple Commenters)

Several comment letters suggest allowing equestrian use along the trail.

Findings and Rationale – As described in Section 5.1, *Development of Alternatives*, in the Final EIR (Volume 2), equestrian use on the coastal side of Highway 1 is not allowed under current State Parks policy due to safety issues associated with riding along unstable coastal bluffs and food safety issues associated with riding adjacent to agricultural fields. This prohibition was confirmed in a letter dated November 9, 2017, from Chris Spohrer, District Superintendent, California State Parks, to Cory Caletti, RTC, in response to RTC’s request that State Parks review equestrian use of the trail and the Farmers’ Alternative. Thus, the RTC finds that specific economic, legal, social, technological, or other considerations make infeasible the alternative to the Project suggested above.

VIII. FINDINGS ON RESPONSES TO COMMENTS ON THE DRAFT EIR AND REVISIONS TO THE DRAFT EIR

Findings and Rationale – Volume 1 of the Final EIR includes the comments received on the Draft EIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines § 15088(b), as well as to provide clarification regarding environmental issues raised. Volume 2 (Draft EIR) and Volume 3 (Draft EIR Appendices) of the Final EIR also incorporates information obtained after publication of the Draft EIR and revisions made for clarification and to provide additional detail.

The RTC has reviewed and considered the Final EIR and all of the information contained therein. The RTC finds that the responses to comments made on the Draft EIR and the revisions made to the Draft EIR merely

clarify, amplify, or make insignificant modifications to the analysis presented in the document and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b). The Draft EIR has been reproduced in its entirety with revisions shown in underline for additions and ~~strikeout~~ for deletions.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

The RTC adopts and makes this statement of overriding considerations concerning the Project's unavoidable significant impacts to explain why the Project's benefits override and outweigh its unavoidable impacts. In the RTC's judgment, the Project and its benefits outweigh its unavoidable significant effect to cumulative traffic impacts. The following statement identifies the specific reasons why, in the RTC's judgment, the benefits of the Project as approved outweigh its unavoidable significant effect. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the RTC would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding Findings, which are incorporated by reference into this Section IX, and in the documents found in the Record of Proceedings, as defined in Section II.

The EIR has identified and discussed significant effects that may occur as a result of the Project. As set forth in these CEQA Findings, RTC has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the Project and has made specific findings on each of the Project's significant impacts and on mitigation measures and alternatives. With implementation of the mitigation measures discussed in the EIR, all of the Project-level effects can be mitigated to a level of less than significant. However, the Project will result in a significant and unavoidable cumulative impacts as follows:

1. **Cumulative Traffic Impact (Impact T-C).** Cumulative development would result in significant cumulative traffic impacts. It is not feasible to completely avoid an increase in vehicle trips on Highway 1. Therefore, the Project's contribution to a significant traffic impact would be cumulatively considerable.

In accordance with Section 15093 of the CEQA Guidelines, and having reduced the adverse significant environmental effects of the Project to the extent feasible, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable adverse impacts after mitigation, the Commission hereby finds that the following legal, economic, social and environmental benefits of the Project outweigh its unavoidable adverse impacts and render them acceptable based upon the following considerations. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact.

- a. The implementation of the Proposed Project would provide a continuous public trail along the Santa Cruz Branch Line railroad corridor and provide a connection to various spur trails in Santa Cruz County, consistent with RTC's approved Monterey Bay Sanctuary Scenic Trail Master Plan.
- b. The Proposed Project would increase active transportation facilities and recreation facilities in the North Coast area of Santa Cruz County.
- c. The Proposed Project would provide an ADA-accessible trail, including improvements to parking areas with connects to the trail.
- d. The Proposed Project would develop the trail so future rail transportation along the corridor is not precluded.
- e. Implementation of the Proposed Project would maximize ocean views and scenic coastal vistas along a coastal alignment for experiencing and interpreting the Monterey Bay National Marine Sanctuary and agricultural landscapes, consistent with goals and policies of the California Coastal Commission, and State Parks and Recreation Department.

- f. The Proposed Project would enhance the accessibility of existing and future parks and open space facilities, consistent with goals and policies of the Santa Cruz County Parks and Recreation Department; as well as planned trails on the Cotoni-Coast Dairies unit of the Bureau of Land Management's California Coastal National Monument and on the San Vicente Redwoods property owned and operated by a consortium of land conservation partners.
- g. The Proposed Project would maximize safety and serenity for experiencing and interpreting the sanctuary and landscapes by providing a trail separate from roadway vehicle traffic.
- h. The Proposed Project would utilize lands owned by various government entities to develop the trail.

X. MITIGATION MONITORING AND REPORTING PROGRAM

The RTC finds that a Mitigation Monitoring and Reporting Program (MMRP) for the North Coast Rail Trail Project has been prepared for the project and hereby adopts the MMRP concurrently with these Findings of Fact and Statement of Overriding Considerations (Public Resources Code, § 21081.6(a)(1)).

CEQA requires that an agency adopt an MMRP that includes mitigation measures prior to approving a project. The MMRP for the Project has been prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Sections 15091(d) and 15097 of the CEQA Guidelines.

The purpose of the MMRP is to ensure the implementation, in accordance with CEQA requirements, of the mitigation measures adopted by the RTC and under its control. The mitigation measures adopted in the North Coast Rail Trail Project EIR Findings are listed in Sections IV and V of this document. The MMRP is bound separately as a stand-alone document and hereby incorporated by reference.