AGENDA: April 18, 2024

TO: Santa Cruz County Regional Transportation Commission

FROM: Grace Blakeslee, Senior Transportation Planner

RE: Coastal Rail Trail Segments 10 and 11 Project: Affirm Support in the Ultimate Trail Configuration, Seek Additional Funding, Work to Reduce Costs and Share Costs with the Rail Operator, Acceptance and Adoption of Final Environmental Review Documents and Consideration of Additional Funding Needs

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RECOMMENDATIONS

Staff recommends that the Santa Cruz County Regional Transportation Commission (RTC):

1. Consistent with the Coastal Rail Trail Segments 5, 7, and 18, affirm support for the Coastal Rail Trail Segments 10 and 11 project in the Ultimate Trail Configuration;
2. Direct staff to work with the County of Santa Cruz on value analysis efforts to reduce costs for the Coastal Rail Trail Segments 10 and 11 project in the Ultimate Trail Configuration;
3. Direct staff to negotiate necessary arrangements with the railroad operator (St. Paul and Pacific Railroad and their contracted freight provider Big Trees & Pacific also known as Roaring Camp Railroad) for relocation or the track to accommodate the Ultimate Trail Configuration at their cost to the extent feasible;
4. Direct staff to continue to pursue additional funding sources for Coastal Rail Trail Segments 10 and 11 to fully fund the project and commit to fully funding the project with state, federal, and local funding sources;
5. Direct staff to identify the necessary steps for the California Transportation Commission to assign the Coastal Rail Trail Segments 10 and 11 Active Transportation Program grant award received by the County of Santa Cruz in the amount of $67.6 million to the Regional Transportation Commission should it be desirable and beneficial;
6. Accept the Coastal Rail Trail Segments 10 and 11 Final Environmental Impact Report as adequate for decision making; and
7. Adopt Findings, Overriding Considerations, and the Mitigation Monitoring and Reporting Program for the Coastal Rail Trail Segments 10 and 11 Ultimate Trail Configuration and the Optional First Phase: Interim Trail, and file a Notice of Determination for the Proposed

Project in its entirety to complete the Project Approval and Environmental Document phase.

BACKGROUND

The Monterey Bay Sanctuary Scenic Trail Network (MBSST) is the Regional Transportation Commission's (RTC) proposed 50-mile bicycle and pedestrian trail network. The spine of the trail network is the 32-mile Coastal Rail Trail from Davenport to Watsonville and Pajaro, to be built along the RTC-owned rail right-of-way. The MBSST Master Plan organized the trail alignment into 20 segments with logical beginning and end points. RTC is working closely with partner agencies to develop the MBSST between Davenport and Watsonville.

Seventeen percent of Measure D revenues are allocated to the Measure D Active Transportation category (Measure D AT) for the Coastal Rail Trail. Funds can be used for trail construction, trail operations and management, as well as maintenance and drainage of the corridor. Measure revenues leverage state and federal grants to complete the entire trail network, and RTC may want to finance to expedite implementation.

Segments 10 and 11 of the Coastal Rail Trail encompass 4.7 miles of the MBSST's Coastal Rail Trail spine along the RTC owned rail right-of-way between 17th Avenue and State Park Drive in the unincorporated area of Santa Cruz County. The project fact sheet is included as Attachment 1. RTC is a "responsible agency" under the California Environmental Quality Act (CEQA) for the Segments 10 and 11 environmental review. Responsible agencies under CEQA are all public agencies which propose to carry out or approve a project for which another public agency, acting as lead agency, has previously prepared an Environmental Impact Report (EIR) or negative declaration (CEQA Guidelines Section 15381).

DISCUSSION

Coastal Rail Trail Configuration

After a planning and public outreach process that lasted about two and one-half years and included environmental review, in November 2013, the RTC adopted the Monterey Bay Sanctuary Scenic Trail Network (MBSST) Master Plan with the 32-mile Coastal Rail Trail composed of 20 segments as the primary component. That MBSST Master Plan was also adopted by the County of Santa Cruz, and the cities of Watsonville, Capitola, and Santa Cruz. That master plan shows the trail next to the track in what has become

known as the "Ultimate Trail Configuration" and includes a policy stating that the trails be developed "in such a way so that future rail transit services along the corridor are not precluded." Consistent with the MBSST Master Plan, Coastal Trail Segments 7 and 18 have been constructed in the Ultimate Trail Configuration, Segment 5 will begin construction soon in the Ultimate Trail Configuration, and Segments 8 and 9 are being designed in the Ultimate Trail Configuration. **Consistent with the construction and development of Coastal Rail Trail Segments 5, 7, 8, 9, and 18, RTC staff recommends that the RTC affirm its support for the Coastal Rail Trail Segments 10 and 11 project in the Ultimate Trail Configuration.**

Project Funding and Project Costs

The County of Santa Cruz obtained $67.6 million in State Active Transportation Program funds to construct Segments 10 and 11, which provides funding for the Ultimate Trail Configuration project, including final design. This is the largest Active Transportation Program funding award in State history. In addition, the RTC has programmed $4.55 million for the Project Approval and Environmental Document (PA&ED) phase, and $12.84 million for construction in Measure D Active Transportation (Measure D AT) funds for a total project funding of $85 million.

Recent cost estimates show a total project cost for the Ultimate Trail Configuration of $111.7 million, an increase of nearly $27 million over the available funding. The increase in estimated costs is a result of industry-wide escalation, updated estimated cost of environmental mitigation, and design refinements resulting in scope additions including a structural viaduct near New Brighton State Park, retaining walls, and drainage system. The County of Santa Cruz March 26, 2024 staff report to the County Board of Supervisors discusses the cost estimates in more detail. Project costs will continue to be updated as the project moves into final design.

The County of Santa Cruz, in coordination with the RTC, is looking at options to raise additional funds for the project and to reduce the project costs. In February 2024, RTC submitted a grant application for federal RAISE funds in the amount of $19.5 million for Segments 8-12 which included $8.4 million for Segments 10 and 11. RTC staff submitted an earmark request to Senator Padilla's office for $10 million that includes Segments 10 and 11. Staff will continue to seek additional funding to cover cost increases. If the RTC is not successful in securing all the funds to cover cost increases, the RTC could program additional Measure D AT funds to the project.

Options for decreasing project costs include, but are not limited to, conducting a Value Analysis which involves review and analysis by a

multidisciplinary team of persons not involved in the project; reducing the scope of the project to reduce the number of trail miles; or working with the rail operator and their contracted freight provider to share the cost for railroad track relocation.

The fact that, at its March 26, 2024 meeting, the County of Santa Cruz Board of Supervisors did not approve the project and did not approve entering into a Caltrans Baseline Agreement creates the following funding challenges for the project:

- Need for a Time Extension - Based on funding deadlines for the State Cycle 6 Active Transportation Program funds, the County of Santa Cruz could request that the California Transportation Commission postpone award of the previously approved Coastal Rail Trail Segments 10 and 11 final design funding for up to 12 months from June 2024 to June 2025. The California Transportation Commission has the discretion to extend or deprogram funding if the lead agency cannot meet funding deadlines. While the approval of a time extension is a discretionary action, many more time extensions are approved than denied. Additionally, delays during preconstruction activities may necessitate a time extension for the construction phase as well.

- Difficulty for additional funding – Requests for additional grant funding such as the submitted RAISE grant funding application may be more difficult to secure. Construction readiness is often an important factor determining a project's competitive for state and federal grant funds.

RTC understands that the County of Santa Cruz will be reconsidering approval of the project in the Ultimate Trail Configuration and entering into a Caltrans Baseline Agreement at its April 30, 2024 Board of Supervisors' meeting.

Measure D Active Transportation Category Funding

Current Measure D AT category revenue projections estimate approximately $174 million in tax revenues, including revenues from interest, over the 30-year life of Measure D (FY 2016-17 through FY 2046-47). Revenue projections are updated at least annually based on economic forecasts. Eligible expenses for Measure D AT category are trail project development and construction, trail operations and management, as well as maintenance and drainage of the RTC-owned branch line right-of-way.

To-date, approximately $32 million of the programmed Measure D AT revenues have been used to leverage over $160 million in state and federal

grants to develop Coastal Rail Trail projects. An additional $12.3 million of Measure D AT is programmed to Coastal Rail Trail Segment 12 for the right of way component and to serve as a match to future state and federal grant applications. Demonstrating successful project delivery and grant administration is important for competing for future state and federal grants.

Approximately $63 million of the $174 million in expected Measure D AT revenues are programmed through FY 2027-28 based on the adopted Measure D 5-year plan (November 2023). Based on prior trail cost estimates and financing assumptions, this results in a Measure D AT program balance of $97 million as shown in Table 1: Scenario 1.

As noted previously in this staff report, updated cost estimates show a total project cost for the Segments 10 and 11 Ultimate Trail Configuration of $111.7 million, an increase of nearly $27 million over the secured funding. RTC staff is also aware that the cost estimates for Segments 8 and 9 have increased by $16 million for a total project cost of $59 million. Between the two projects there is a $43 million funding gap.

Prior to committing additional Measure D AT funds, RTC should consider project delivery, cost increases and other eligible Measure D AT expenses, including corridor and trail maintenance costs beyond the funds programmed in the current Measure D 5-year plan (through FY 2027-28).

Staff is seeking additional state and federal funding to fully fund Segments 8 through 11 based on current cost estimates. Staff is also leading a Value Analysis utilizing RTC's on-call civil and structural engineering consultant to develop strategies to reduce cost to construct, operate, and maintain the trails, identify and mitigate risks and associated costs, and support the overall delivery of the projects. If the RTC is not successful in securing state and federal funds to cover cost increases and implementing value analysis recommendations, the RTC could program additional Measure D AT funds to the project to fill the funding gap.

For informational purposes, Table 1 shows how various Measure D AT programming scenarios may impact the remaining Measure D AT capacity. These include options for fully funding Segments 8 through 11, and reserving funds for future corridor maintenance and trail maintenance. Should RTC choose to close 100% of the funding gaps for Segments 8 through 11 based on current cost estimates, RTC would need to borrow $72 million in FY 2025-26 based on current project schedules (Table 1: Scenarios 2, 3, and 4). The Measure D AT remaining capacity to fund other eligible expenses would be $15 million (Table 1: Scenario 2). The RTC does not have sufficient capacity to fund Segments 8 through 11, future corridor

maintenance, and future trail maintenance (Table 1: Scenarios 3 and 4). Borrowing $72 million in revenues is expected to have a debt repayment of approximately $125 million (principal and interest). This is in addition to the borrowing that is needed from the Measure D Highway Corridors category to deliver the Highway 1/Segment 12 project based on its current project schedule.

Table 1: Measure D Active Transportation Category (in millions)

	Scenario 1 (Approved $)	**Scenario 2 (Approved $ + Additional Funding for Segments 8-11)**	**Scenario 3 (Approved $ + Additional Funding for Segments 8-11 + Future Corridor Maintenance)**	**Scenario 4 (Approved $ + Additional Funding for Segments 8-11 + Future Corridor Maintenance + Future Trail Maintenance)**
Projected Measure D Revenues*	**$174**	**$174**	**$174**	**$174**
Bond Proceeds	$20	$72	$72	$72
Approved Measure D AT through FY27/28**	($63)	($63)	($63)	($63)
Additional Funding for Segments 8-11***	$0	($43)	($43)	($43)
Estimated Trail Maintenance Cost Estimates FY28/29 through FY46/47****	$0	$0	$0	($30)
Estimated Corridor Maintenance Estimates FY28/29 through FY46/47	$0	$0	($36)	($36)
Debt Service (principal and interest)	($34)	($125)	($125)	($125)
Remaining Measure D Capacity	**$97**	**$15**	**($21)**	**($51)**

*Measure D AT revenues estimates $170.3 million plus $3 million interest (April 2024).

** Recent adopted Measure D AT 5-year plan (FY22/23-FY27/28) plus prior Measure D AT expenditures (FY16/17-FY22/23) for trail planning and oversight, corridor maintenance, trail maintenance, and project delivery (i.e preconstruction and construction expenditures.

*** Additional $27 million in cost estimates for Segments 10 & 11 and $16 million in costs for Segments 8 & 9.

**** Assumes 80/20 and 50/50 Measure D and local agency cost share for portions of the trail within the County of Santa Cruz jurisdiction and city jurisdictions respectively.

As shown in Table 1: Scenarios 3 and 4, the Measure D AT category will be oversubscribed if all of the following occur:

- All approved Measure D AT funds are spent on projects currently under development including funds programmed in the current adopted Measure D 5-year plan (through 2027-28);

- RTC programs Measure D AT funding to close 100% of the funding gaps for the Segments 8 & 9 and 10 & 11 and borrows $72 million in revenues and assumes the associated financing costs;
- RTC continues to fund corridor maintenance at a cost of approximately $1.2 million per year for the life or Measure D using Measure D AT revenues; and,
- RTC commits to funding trail maintenance cost for all segments under development or all segments constructed during the life of Measure D (through FY 2046-47) at a 50/50 cost share where the trail is located within the jurisdiction of the City of Santa Cruz and City of Watsonville and assumes 80/20 or 100% of trail maintenance costs where the trail is located within the jurisdiction of the County of Santa Cruz.

There is sufficient capacity to fully fund Segments 10 and 11 based on current cost estimates and project scope, including borrowing, if needed. However, this would reduce future Measure D AT revenues available for delivery of future segments, corridor maintenance, and trail maintenance (FY 2028-29 through FY 2046-47) based on current estimates. The more state and federal funds that are secured, the less that Measure D funds will be needed to fully fund Segments 8 through 11. RTC staff is seeking other state and federal funding for Segments 10 and 11 so as to not oversubscribe Measure D and preserve funding for future trail segments. RTC staff will also continue to request that local jurisdictions assume the cost of trail maintenance in order to reserve Measure D AT funds for trail construction. RTC staff will also continue to seek alternative funding sources to maintain and repair the Santa Cruz Branch Rail Line in order to minimize corridor maintenance expenses over the life of Measure D AT.

Staff and the railroad operator's contracted freight provider, Big Trees & Pacific Railroad also known as Roaring Camp Railroad, have discussed cost saving opportunities associated with the relocation of tracks currently included the Segments 10 and 11 project. One option being considered by RTC and Roaring Camp Railroad is Roaring Camp Railroad complete the track relocation in advance of the trail construction and at Roaring Camp Railroad's expense.

To help reduce costs and fully fund the project, staff recommends that the RTC commit to fully funding Segments 10 and 11 with additional local, state and federal funds, and direct staff to:

1. **Work with the County of Santa Cruz on value engineering efforts to reduce costs for the Coastal Rail Trail Segments 10 and 11 project in the ultimate trail configuration;**

2. **Continue to pursue additional funding sources for Coastal Rail Trail Segments 10 & 11 to fully fund the project and commit to fully funding the project with state, federal and local funding sources; and**
3. **Negotiate necessary arrangements with the railroad operator (St. Paul and Pacific Railroad and their contracted freight provider Big Trees & Pacific) for relocation or the track in advance of the trail construction at their cost.**

Project Delivery Options

Implementing Agency
Should Segments 10 and 11 not be approved by the County, the RTC could request that the California Transportation Commission assign the RTC as the implementing agency and recipient of the $67.6 million in State Active Transportation grant funds. The RTC can use the Final EIR produced by the County and take over the project as the implementing agency from this point forward. This would need the support of the County, and would subject future project decisions to approvals by the RTC rather than the County of Santa Cruz Board of Supervisors, with the exception of subsequent permit approvals from the County of Santa Cruz. Under this option, the RTC would enter into the Caltrans Baseline Agreement and would commit to fully funding the project. This would also demonstrate to the California Transportation Commission the local commitment to constructing Segments 10 and 11. It is important for Santa Cruz County to retain its credibility for delivering grant awarded projects so that future grant applications are looked at favorably. **Staff recommends that the RTC direct staff to investigate with the California Transportation Commission the steps necessary for the RTC to become the implementing agency and be awarded the funding, should it be deemed desirable and beneficial.**

Railbanking
Options for reducing project costs by delaying or not reconstructing railroad tracks or construction of the Interim Trail are subject to an abandonment and railbanking process, which requires either the rail operator to file to the Surface Transportation Board for abandonment or another entity file for adverse abandonment with the Surface Transportation Board. A staff report to the RTC in February 2022 provides details regarding railbanking as a preservation strategy, and the adverse abandonment process. Consistent with previous direction of the RTC, staff engaged with the rail operator and their contracted freight provider (St. Paul and Pacific Railroad and Big Trees & Pacific also known as Roaring Camp) regarding the possibility of abandonment and railbanking. The operator and their contracted freight provider expressed firm opposition. Considering the rail operator's firm

opposition to railbanking, the RTC or other entity could file for adverse abandonment. The February 2022 staff report states that adverse abandonment and railbanking could be a long process due to objections. The RTC could decide to pursue adverse abandonment and railbanking but because it could be a long process, it could put funding for the project at risk.

Environmental Review
As the lead agency under the California Environmental Quality Act (CEQA), the County of Santa Cruz prepared the Final Environmental Impact Report (EIR) for Segments 10 and 11. The Segments 10 and 11 Final EIR evaluates potential impacts of constructing the Coastal Rail Trail between 17th Avenue and State Park Drive. The Final EIR evaluates a single build alternative which includes development of the Ultimate Trail Configuration where the trail would be located next to the railroad track, primarily on the inland side, and an Optional First Phase: Interim Trail where the trail would be constructed in place of the existing railroad tracks, which would require railbanking. The Final EIR also evaluates alternative alignments and mitigation measures. The Final EIR consists of Volume 1: Comments and responses, Volume 2: Draft EIR, and Volume 3: Appendices. The Executive Summary is included as Attachment 2 and the full document is available at https://dpw.co.santa-cruz.ca.us/Portals/19/pdfs/RailTrail/RTS1011_FEIR_Vols%201-3_COMBINED.pdf

Following a public hearing at its March 26, 2024 meeting, the County of Santa Cruz certified the Final EIR, and adopted the Findings, the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program for the Segments 10 and 11 project in the Ultimate Trail configuration and the Optional First Phase: Interim Trail. However, the County of Santa Cruz did not approve the Project or Interim Option.

The majority of Segments 10 and 11 are within the RTC owned rail line right-of-way; therefore, the RTC has discretionary approval of the proposed project and is considered a responsible agency under CEQA. The RTC complies with CEQA by considering the Coastal Rail Trail Segments 10 and 11 Final EIR prepared by the County of Santa Cruz and by reaching its own conclusions on whether and how to approve the project (State CEQA Guidelines Section 15096(a)).

Therefore, consistent with the County of Santa Cruz's action on March 26, 2024, RTC staff recommends that the RTC adopt a resolution (Attachment 3) accepting the Coastal Rail Trail Final EIR as adequate for decision making and adopt the Findings of Fact, the Statement of Overriding Considerations, and the Mitigation and

Monitoring and Reporting Program for the proposed project in its entirety, Ultimate Trail Alignment and the Optional First Phase: Interim Trail.

FISCAL IMPACT

There are no new fiscal impacts associated with accepting the environmental analysis and adopting findings. There are no new fiscal impacts associated with taking steps to reduce project costs and raise additional project funds. However, RTC may consider programming additional funding at a future date to fully fund construction of the project depending on future project costs and funding needs to deliver the Coastal Rail Trail Segments 10 and 11 project. Table 1 above shows the impact of several possible funding scenarios.

SUMMARY

Consistent with the construction and development of other trail segments, staff recommends that the RTC affirm its support for the Coastal Rail Trail Segments 10 and 11 project in the Ultimate Trail Configuration. RTC staff submitted applications for federal funding for the project and will continue seeking funds for the project. Staff recommends that the RTC direct staff to continue seeking funds to fully fund the project and commit to fully funding the project. Staff also recommends that the RTC direct staff to work with the County on a value analysis process to help reduce costs and work with the rail operator on arrangements to cover the cost of track relocation needed for the project. The RTC could decide to become the lead agency for the project so staff will investigate with the California Transportation Commission the steps needed to become lead agency, if needed or desired by the RTC.

As the lead agency under CEQA, in March 2024, the County of Santa Cruz certified the Coastal Rail Trail Segments 10 and 11 Final EIR and adopted Findings of Fact, Statement of Overriding Consideration and Mitigation Monitoring and Reporting Program for the Ultimate Trail Configuration. Staff recommends that the RTC, as a responsible agency under CEQA, accept the Certified Final Environmental Impact Report, and adopt Findings of Fact, Overriding Considerations and Mitigation Monitoring and Reporting Program for the Ultimate Trail Configuration and the Optional First Phase: Interim Trail.

Attachments:

1. Project Fact Sheet Segments 10 and 11
2. Coastal Rail Trail Segments 10 and 11 FEIR Executive Summary

3. Resolution Accepting the Segments 10 and 11 FEIR
    a. CEQA Findings, Statement of Overriding Considerations
    b. Mitigation Monitoring and Reporting Program

PROJECT FACT SHEET

Updated March 2024

Active Transportation: Coastal Rail Trail Segments 10 & 11

Project Description

The Coastal Rail Trail Segments 10 and 11 project (as defined in the Monterey Bay Sanctuary Scenic Trail {MBSST} Network Master Plan) proposes to construct 4.7 miles of the MBSST's rail trail spine between 17th Avenue in the unincorporated area of Santa Cruz County known as Live Oak through Jade Street Park in the City of Capitola, then down the coast to State Park Drive.

The goals of this project are to increase the proportion of trips accomplished by biking and walking, improve safety and mobility of non-motorized users, and to provide high-quality connections to schools, parks, and community facilities. When constructed, this project will be a part of a proposed 32-mile Coastal Rail Trail network that parallels the entire coastline of Santa Cruz County.

Segment 10 is particularly challenging due to right-of-way constraints requiring realignment of sections of the railroad track bed. The project includes a 200-foot span pre-engineered bicycle and pedestrian bridge over Rodeo Gulch Creek on the inland side of the rail trestle bridge.

Segment 11 is particularly challenging due to extreme topography, including bridge structures at Soquel Creek, New Brighton State Beach, and Borregas Creek.

Project Highlights

- Provides a dedicated bicycle and pedestrian trail, improving safety and connectivity to schools and commercial centers
- Includes three new bicycle and pedestrian bridges
- Over 49,000 residents live within one mile of the corridor
- 14 schools, 26 parks, and New Brighton and Seacliff State Beaches are within one mile of the corridor
- Enhances mobility and transportation for disadvantaged communities

Project Delivery Strategy

The County is advancing the environmental and design phases of the project. The project is funded through a combination of Measure D-Regional Active Transportation Funds and State Active Transportation Program funds, with the exception of the stretch of trail that crosses Soquel Creek. The section of trail over Soquel Creek and involving the Capitola Trestle, as described in the Ultimate Trail Configuration, is being developed as part of RTC's Electric Rail Transit Project.

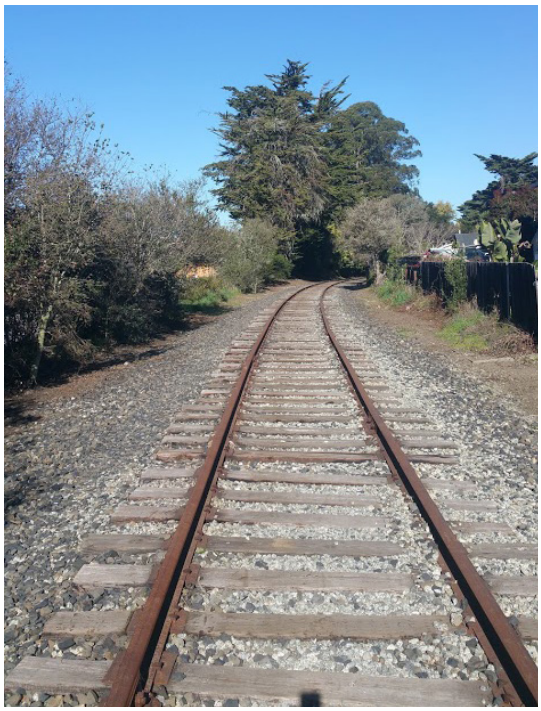
PROJECT FACT SHEET

Updated March 2024

Active Transportation: Coastal Rail Trail Segments 10 & 11

Total Programming

Estimated Total Project Cost	$111.7M
Funding Sources	
Measure D (Active Transportation)	$17.4M
State Active Transportation Program	$67.6M
Total Funding	$85M
Need	$27M



Project Schedule

The project's environmental phase began in 2021, and was completed in Spring 2024. The final design phase is expected to be completed in 2025. The project is scheduled to go to construction in 2026.

Preliminary project rendering

Executive Summary

The County of Santa Cruz (County), in coordination with the City of Capitola (City) and the Santa Cruz County Regional Transportation Commission (RTC), is proposing the **Coastal Rail Trail Segments 10 and 11 Project** (Project) to be developed along the RTC-owned rail corridor that generally parallels the coastline in central Santa Cruz County (**Figure 1-1**, Regional Location). The County is serving as the California Environmental Quality Act (CEQA) lead agency.

This document is an Environmental Impact Report (EIR) analyzing the environmental effects of the Proposed Project in compliance with the *CEQA Guidelines*. This section summarizes the characteristics of the Project, alternatives to the Project, and the environmental impacts and mitigation measures associated with the Project.

Project Synopsis

The Project is an approximately 4.5-mile new multi-use bicycle and pedestrian trail proposed to extend along the RTC-owned railroad corridor from the eastern side of 17th Avenue at the western limits of the Project to the western side of State Park Drive at the eastern limits of the Project, extending through unincorporated Santa Cruz County and the City of Capitola (**Figure 2-1**, Project Location). Segment 10 extends from 17th Avenue to 47th Avenue, and Segment 11 extends from 47th Avenue to State Park Drive.

The project purpose is to provide an accessible bicycle/pedestrian path for active transportation, recreation, and environmental and cultural education along the rail corridor, consistent with the Monterey Bay Sanctuary Scenic Trail (MBSST) Network Master Plan.

This EIR includes an evaluation of the *Ultimate Trail Configuration (Trail Next to Rail Line)*, which includes an *Optional Interim Trail (Trail on the Rail Line)* as a first phase, for both Segments 10 and 11. Therefore, both the Ultimate Trail Configuration and the Optional Interim Trail alignments are part of the Proposed Project and analyzed at an equal level of detail. The trail alignments are presented in **Appendices A.1** and **A.2**, respectively. The Ultimate Trail Configuration is consistent with the MBSST Network Master Plan alignment and is considered the preferred alignment and approach by the County.

Ultimate Trail Configuration (Trail next to Rail Line)

In Segment 10, the trail would be located along the inland side of the railroad tracks. The Project would result in four new trail connections and improvements at four roadway crossings and one waterway crossing, including flashing pedestrian/bicycle signs, bulb-outs, sidewalk extensions, and drainage improvements.

In Segment 11, the trail would be located on the coastal side of the railroad tracks, except in two areas. At the east end of Segment 11, the trail would be on the inland side of the tracks between Mar Vista Drive and State Park Drive. In Capitola between the Cliff Drive Parking Lot and Monterey Avenue (which includes the Capitola Trestle Bridge), trail users would be directed off the RTC-owned rail corridor and onto the existing on-street bicycle lanes and pedestrian sidewalks through Capitola Village.

In Segment 11, the Project would result in improvements at eight new trail connections, including chicanes and public art (Cliff Drive Plaza/Capitola Village) and a new concrete stairway (Coronado Ramp/New Brighton Parking Lot). There would be six waterway crossings and improvements at five roadway crossings, including a new clear-span bridge, regrading of a roadway, drainage improvements, flashing pedestrian/bicycle signs, and a new crosswalk.

The Ultimate Trail Configuration includes the following design options, which are also analyzed in this EIR:

- **Design Option A: Interim Trail on Capitola Trestle over Soquel Creek.** In Segment 11, the trail would be modified to transition from alongside the rail (Ultimate Trail Configuration) to on the rail line (Optional Interim Trail) for a 0.5-mile section in Capitola between the Cliff Drive Parking Lot and Monterey Avenue (including the Capitola Trestle Bridge), instead of directing trail users to bicycle lanes and sidewalks through Capitola Village.
- **Design Option B: Inland Side of Track between Grove Lane and Coronado Street in Capitola.** In Segment 11, the trail would be located on the inland side of the rail (instead of the coastal side) for a 0.3-mile section between Grove Lane and Coronado Street, where the Coronado Ramp is proposed for a trail connection to the Park Avenue/Coronado Street intersection.

For the Ultimate Trail Configuration, the typical width of the paved trail would be 12 feet with striping in the middle to separate eastbound and westbound. Railbanking is not required to implement the Ultimate Trail Configuration.

Optional Interim Trail (Trail on the Rail Line)

In Segment 10, the trail would be located on the rail line (rather than next to the rail line). The trail would generally be constructed along the Santa Cruz Branch Railroad centerline. Improvements to waterway and roadway crossings would generally be the same as described above for the Ultimate Trail Configuration, except that the trail would be built on the existing railroad bridges for waterway crossings, and at roadway crossings, rail equipment would be removed, and no concrete track panels would be installed.

In Segment 11, the trail would also be located on the rail line, including the 0.5-mile section between the Cliff Drive Parking lot and Monterey Avenue in Capitola (which includes the Capitola Trestle Bridge); thus, trail users would not be directed off the RTC-owned rail corridor through Capitola Village. Improvements at other waterway and road crossings would generally be the same as described above for the Ultimate Trail Configuration, except that the trail would be built on the existing railroad bridges for waterway crossings, and at roadway crossings, the rail equipment would be removed, no concrete track panels would be installed, and an additional crossing at Monterey Avenue with updated curb ramps and striping would be installed.

Upon completion of the first phase of the Optional Interim Trail (estimated to be 30 years in duration for purposes of analysis), the Optional Interim Trail would be removed, and the Ultimate Trail Configuration would be constructed. Thus, the Optional Interim Trail includes three phases (hereinafter referenced as parts): (1) implementation of the Interim Trail, which includes removal of the rail and construction of the trail on the rail line; (2) demolition of the Interim Trail and rebuilding of the rail line; and (3) construction of the Ultimate Trail Configuration alongside the rail.

For the Optional Interim Trail, the typical width of the paved trail would be 16 feet with striping in the middle to separate eastbound and westbound. Once the Ultimate Trail Configuration is

constructed, the typical width of the paved trail would be 12 feet. Railbanking is required to implement the Optional Interim Trail.

Trail Amenities and Features

For both the Ultimate Trail Configuration and the Optional Interim Trail, fencing and/or guardrails would be installed along the trail alignment for safety and security in accordance with the MBSST Master Plan. Lighting that is "dark sky compliant" would be installed along portions of the trail that do not benefit from existing light sources along adjacent roadways and crossings. On bridges and viaducts and in environmentally sensitive areas, there would be low-level lighting, similar to that on the San Lorenzo River Trestle Bridge. Trash receptacles, including recycling receptacles and dog waste stations, would be added near 12 roadway crossings. Informational, educational, and directional signage would be placed at strategic locations along the trail.

Construction Timing

Ultimate Trail Configuration. Construction of the Ultimate Trail Configuration without the Optional Interim Trail is estimated to begin in 2026 and would continue for approximately 48 months.

Optional Interim Trail. Construction of the Optional Interim Trail is estimated to occur as follows. It is estimated by the RTC, County, and City that the Optional Interim Trail could be in operation for approximately 25–30 years, recognizing that this is an interim or temporary condition driven by freight activity and that it could be longer or shorter than estimated below for purposes of analysis:

1. Implementation of the Optional Interim Trail: 2023–2027 (4 years)
    - 2023–2025 – Complete environmental review, design, and right-of-way process
    - 2026–2027 – Trail construction
2. Demolition of the Optional Interim Trail and Rebuilding of the Rail Line: 2056–2060 (4 years)
3. Construction of the Ultimate Trail Configuration: 2060–2064 (4 years)

Construction Activities

In general, construction activities for Segments 10 and 11 would include excavation of material sources, clearing and grubbing, and tree removal; grading, rail realignment, retaining wall and abutment construction, viaduct and bridge construction, drainage improvements, and placement of crushed aggregate base and paved surface; and revegetation, installation of fencing, signs, lighting, and other trail- and safety-related features. There would be drilling associated with construction of the retaining walls and viaducts but no pile driving.

The Project would be constructed in accordance with the recommendations included in the Draft Geotechnical Investigation Report (Pacific Crest Engineering 2021) and any additional recommendations identified in the final Geotechnical Investigation to be prepared upon final project design. Additionally, the structures (viaducts, bridges) would be constructed in accordance with American Association of State Highway and Transportation Officials and California Department of Transportation (Caltrans) standards.

Several best management practices are included in the project description and will be identified in the construction bid documents and implemented during project construction to minimize dust, emissions, and erosion and to protect air quality, biological resources, and water quality.

Project Purpose and Objectives

The project **purpose** is to provide an Americans with Disabilities Act (ADA)-accessible bicycle/pedestrian path for active transportation, recreation, and environmental and cultural education along the existing rail corridor.

The project **objectives** are based on and consistent with objectives and policies in the adopted MBSST Network Master Plan.

The project objectives include the following:

1. Provide a continuous public trail with continuity in design along the Santa Cruz Branch Line railroad corridor and connecting spur trails in Santa Cruz County (Master Plan Objective 1.1)
2. Develop the trail so future rail transportation service along the corridor is not precluded (Master Plan Policy 1.2.4)
3. Maximize ocean views and scenic coastal vistas along a coastal alignment for experiencing and interpreting the Monterey Bay National Marine Sanctuary (sanctuary), coastal environment, local history, and affected communities (Master Plan Policies 1.1.2 and 1.1.4, Objective 2.1)
4. 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)
5. Minimize trail impacts to private lands, including agricultural, residential, and other land uses (Master Plan Objective 1.5)
6. Minimize trail impacts to sensitive habitat areas and special-status plant and animal species (Master Plan Objective 1.4, Policy 1.4.1)
7. Comply with requirements of local, state, and federal agencies with jurisdiction

Project Alternatives

Pursuant to Section 15126.6 of the *CEQA Guidelines*, the County considered several project alternatives, including design options and features, suggested during the scoping process. The following project alternatives are evaluated in this EIR (Chapter 5, *Project Alternatives*, Section 5.2).

- Alternative 1: Trail Only
- Alternative 2: Rail with Trail on Opposite Side of Tracks
- Alternative 3: No Project

Alternative 1. The Trail Only Alternative would involve permanent removal of the existing railroad tracks and ties and construction of the trail generally on the rail bed, including across the Capitola Trestle Bridge. Thus, trail users would not be directed to sidewalks and bicycle lanes along surface streets through Capitola Village. The paved trail would have a typical width of 16 feet. Railbanking is not required to implement Alternative 1.

Alternative 2. Under Alternative 2, the trail would be located on the opposite side of the tracks than the Ultimate Trail Configuration in most sections. Like the Ultimate Trail Configuration, trail users would be directed to sidewalks and bicycle lanes along surface streets through Capitola Village. The paved trail would have a typical width of 12 feet. Railbanking is not required to implement Alternative 2.

Alternative 3. The No Project Alternative assumes that the project corridor would remain "as is" with no planned development of a trail for alternative transportation, recreation, or other uses. Railbanking is not required to implement Alternative 3.

Areas of Known Controversy and Key Issues

Areas of known controversy and key issues include the tree removal required for project implementation.

Issues to be Resolved

Issues to be resolved include the County's (as well as the City's and RTC's) choice among the Proposed Project with or without the Optional Interim Trail and Project alternatives and implementation of mitigation measures to reduce the significant impacts to the extent feasible.

Summary of Impacts and Mitigation Measures

Proposed Project

The potential impacts of the *Ultimate Trail Configuration (Trail Next to Rail Line)*, including Design Options A and B, and the *Optional Interim Trail (Trail on the Rail Line)* were analyzed at an equal level of detail in Chapter 3. The potential cumulative impacts are addressed in Chapter 4, *Other CEQA Required Discussions*.

Table ES-1, located at the end of this Executive Summary, includes a summary of the impacts of the *Ultimate Trail Configuration (Trail Next to Rail Line)*, including Design Options A and B, and the *Optional Interim Trail (Trail on the Rail Line)*; proposed mitigation measures, if required, and the residual impact after application of mitigation. Impacts are categorized as follows:

- **No Impact.** No adverse effect at all on environmental conditions and/or a beneficial effect by reducing the severity of existing environmental problems or hazards.
- **Less than Significant.** An impact that may be adverse but does not exceed the identified significance threshold and does not require mitigation measures.
- **Less than Significant with Mitigation.** An impact that may be adverse and exceed the identified significance threshold but can be reduced to below the significance threshold level with the adoption of identified mitigation measures.
- **Significant and Unavoidable.** An impact that may be adverse and exceed the identified significance threshold and cannot be reduced to below the threshold level even with the adoption of any identified mitigation measures.

Table ES-2, located at the end of this Executive Summary, provides a summary list of the mitigation measures identified for the Proposed Project and Project Alternatives.

Project Alternatives

The potential impacts of Alternatives 1, 2, and 3 were analyzed at a lesser level of detail, as allowed by CEQA, in Chapter 5, *Project Alternatives*, Section 5.2, *Alternatives Evaluated in Draft EIR*.

Table ES-3, located at the end of this Executive Summary, provides a comparative summary of the Project impacts for the Proposed Project, including Ultimate Trail Configuration and Optional Interim Trail, and Project Alternatives. Refer to Section 5.2 for the complete alternatives analysis.

Significant and Unavoidable Impacts

As presented in **Table ES-1** and **Table ES-2**, the *Ultimate Trail Configuration (Trail Next to Rail Line)*, *Optional Interim Trail (Trail on the Rail Line)*, Alternative 1 (Trail Only), and Alternative 2 (Rail with Trail on Opposite Side of Tracks) would all result in the following significant and unavoidable Project impacts:

- Aesthetics
  - Adverse effect on scenic vistas through the removal of mature trees (Impact AES-1)
  - Inconsistency with policies that pertain to tree and vegetation removal (Impact AES-2)
  - Cumulative aesthetics impacts from increased development in open spaces disrupting scenic vistas from tree removal (Impact AES-C)
- Biological Resources
  - Adverse effect on monarch butterfly and autumnal and/or wintering roost sites from tree removal (Impact BIO-1)
  - Interference with wildlife movement from tree removal and habitat fragmentation (Impact BIO-9)
  - Conflict with policies and ordinances protecting trees (Impact BIO-10)
  - Cumulative biological resources impacts from tree removal and fragmentation of habitat and wildlife corridors (Impact BIO-C)
- Greenhouse Gas Emissions/Climate Change
  - Inconsistency with applicable greenhouse gas reduction plans related to tree removal (Impact GHG-2)
  - Cumulative greenhouse gas impacts from tree removal (Impact GHG-C)

Environmentally Superior Alternative

As described in Chapter 5, *Project Alternatives*, Section 5.3, *Environmentally Superior Alternative*, and **Table 5-5**, the impacts of the following were compared:

- *Ultimate Trail Configuration (Trail Next to Rail Line)*
- *Optional Interim Trail (Trail on the Rail Line)*
- Alternative 1 (Trail Only)
- Alternative 2 (Rail with Trail on Opposite Side of Tracks)
- Alternative 3 (No Project)

Based on this comparison, Alternative 3 (No Project) would result in less or substantially less environmental impacts for all the resource topics. Therefore, CEQA requires an environmentally superior build alternative be identified.

As described in Section 5.3, the overall impacts of the build alternatives are similar, and there is no clear environmentally superior alternative. Therefore, the County considered two measures to identify an environmentally superior alternative: (1) minimizing significant and unavoidable impacts and (2) environmentally superior for most resource topics.

Minimizing Significant and Unavoidable Impacts. Using this measure, the County considers Alternative 1 (Trail Only) to be environmentally superior because it results in substantially less tree removal:

- Ultimate Trail Configuration – 803 trees
- Optional Interim Trail – 957 trees
- Alternative 1 (Trail Only) – 288 trees
- Alternative 2 (Rail with Trail on Opposite Side of Tracks) – 1,000 trees

However, this alternative results in increased impacts to monarch habitat at Escalona Gulch because it requires the removal of large wind buffer and autumnal roost trees on the north (inland) side of the tracks that would not be affected by the *Ultimate Trail Configuration (Trail Next to Rail Line)*.

Environmentally Superior for Most Resource Topics. Using this measure, the County considers the *Ultimate Trail Configuration (Trail Next to Rail Line)* to be environmentally superior because it requires less ground disturbance overall. Compared to *Ultimate Trail Configuration (Trail Next to Rail Line)*:

- Optional Interim Trail includes two additional construction periods, the wider construction footprint disturbs both sides of the tracks, and rail demolition increases risk of hazardous materials exposure.
- Alternative 1 (Trail Only) has a wider construction footprint that disturbs both sides of the tracks (16-foot-wide trail instead of 12-foot-wide trail) and extends an additional 0.5 mile (by continuing the trail in the rail corridor, rather than directing users to the on-street system through Capitola Village), rail demolition increases risk of hazardous materials exposure, and permanent removal of the Santa Cruz Branch Rail Line increases impacts to identified historic resource.
- Alternative 2 (Rail with Trail on Opposite Side of Tracks) requires more earthwork and ground disturbance for additional retaining wall construction (and fewer viaducts), also resulting in more impacts on sensitive habitats and aquatic features.

Attachment 3

RESOLUTION NO.

Adopted by the Santa Cruz County Regional Transportation Commission
on the date of April 4, 2024
on the motion of Commissioner
duly seconded by Commissioner

A RESOLUTION ACCEPTING THE COASTAL RAIL TRAIL FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ULTIMATE TRAIL CONFIGURATION AND THE OPTIONAL FIRST PHASE: INTERIM TRAIL

WHEREAS, the Regional Transportation Commission (RTC) purchased the Santa Cruz Branch Rail Line (Branch Line) in 2012 for preservation, continuation of freight and recreational rail service, implementation of additional recreational rail service, potential future passenger rail service, and construction of a bicycle and pedestrian trail;

WHEREAS, the RTC is charged with implementing the Santa Cruz County portion of the 2-county Monterey Bay Sanctuary Scenic Trail (MBSST) Network and the RTC adopted an award-winning MBSST Master Plan that defines the alignment and development of the Santa Cruz County's 50-mile bicycle and pedestrian trail system, and certified a programmatic Environmental Impact Report in November 2013;

WHEREAS, the spine of the trail will be built within or adjacent to the 32-mile RTC-owned railroad right-of-way from Davenport to Pajaro;

WHEREAS, the MBSST in Santa Cruz County is separated into 20 segments for planning and project delivery purposes with 16 of these segments along the rail right-of-way;

WHEREAS, Segments 10 and 11 of the MBSST are located with the City of Santa Cruz and the County of Santa Cruz;

WHEREAS, the environmental impacts of the Coastal Rail Trail Segments 10 and 11 Plan are analyzed in the Coastal Rail Trail Segments 10 and 11 Final Environmental Impact Report, prepared by County of Santa Cruz as the lead agency and reviewed by RTC as responsible agency (Public Resources Code Section 15381), with RTC making appropriate findings;

WHEREAS, the Coastal Rail Trail Segments 10 and 11 Final Environmental Impact Report evaluates potential impacts of constructing a single build alternative which include development of the Ultimate Trail Configuration where the trail would be located next to the railroad track alignment and an Optional First Phase:

Interim Trail where the trail would be constructed in place of the existing railroad track alignment;

WHEREAS, the County of Santa Cruz proposes to construct Coastal Rail Trail Segments 10 and 11 within the RTC owned Santa Cruz Branch Rail Line right-of-way (rail line right-of-way) from 17th Avenue to State Park Drive within the unincorporated area of the Santa Cruz County and, as owner of the rail line right-of-way, RTC has discretionary approval of the proposed Coastal Rail Trail Segment 10 & 11 project;

THEREFORE, BE IT RESOLVED BY THE SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION THAT:

1. The Coastal Rail Trail Final Environmental Impact Report is accepted by the Santa Cruz County Regional Transportation Plan as adequate for decision making following certification of the Final Environmental Impact Report by the County of Santa Cruz as the lead agency.

2. The Santa Cruz County Regional Transportation Commission adopts Final Environmental Impact Report Findings, Statement of Overriding Consideration, and Mitigation Monitoring Reporting Program for the Ultimate Trail Configuration and the Optional First Phase: Interim Trail.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAIN: COMMISSIONERS

ATTEST:

_____
Kristin Brown, Chair

_____
Mitch Weiss, Secretary

Exhibit A: Findings of Fact, Statement of Overriding Consideration,
Exhibit B: Mitigation Monitoring Reporting Program

Distribution: RTC Fiscal
RTC Project Manager
County of Santa Cruz

CEQA FINDINGS OF FACT, STATEMENT OF OVERRIDNG CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE COASTAL RAIL TRAIL SEGMENTS 10 AND 11 PROJECT

This document includes the following sections:

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 County of Santa Cruz (County), as the lead agency for the Coastal Rail Trail Segments 10 and 11 Project (Project). These Findings of Fact pertain to the Final Environmental Impact Report ("EIR"), State Clearinghouse #2021110080.

A. PROJECT DESCRIPTION SUMMARY

The Project is an approximately 4.5-mile new multi-use bicycle and pedestrian trail proposed to extend along the existing RTC-owned railroad corridor, from the eastern side of 17th Avenue at the western limits of the Project to the western side of State Park Drive at the eastern limits of the Project, extending through unincorporated Santa Cruz County and the City of Capitola (City). Segment 10 extends from 17th Avenue to 47th Avenue, and Segment 11 extends from 47th Avenue to State Park Drive.

This EIR includes an evaluation of the Ultimate Trail Configuration (Trail Next to Rail Line), as well as an Optional Interim Trail (Trail on the Rail Line). Additionally, the EIR evaluates two design options for the Ultimate Trail Configuration, including Design Option A (Interim Trail on Capitola Trestle over Soquel Creek) and Design Option B (Inland Side of Track between Grove Lane and Coronado Street in Capitola).

Therefore, the Ultimate Trail Configuration (including Design Options A and B) and the Optional Interim Trail alignments are part of the Proposed Project and were analyzed at an equal level of detail in Chapter 3.0, Environmental Impact Analysis.

The typical width of the paved trail for the Ultimate Trail Configuration would be 12 feet, and the Optional Interim Trail would be 16 feet wide, both with striping in the middle to separate eastbound and westbound pedestrian and bicycle traffic. Appendix A of the EIR includes the schematic design plans for the Ultimate Trail Configuration (A.1), Optional Interim Trail (A.2), and Ultimate Trail Design Option A (A.3) and Design Option B (A.4).

Additionally, the EIR evaluated Alternative 1 (Trail Only) and Alternative 2 (Rail with Trail on Opposite Side of Tracks) in Chapter 5.0, Project Alternatives. Under Alternative 1, the railroad tracks and ties would be

removed, a 16-foot-wide paved trail would be located on the rail centerline, and the 12-foot-wide Ultimate Trail Configuration alongside the rail would not be constructed. Under Alternative 2, a 12-foot-wide trail would be located on the opposite side of the tracks than the Proposed Project (Ultimate Trail Configuration). The other alternative evaluated in Chapter 5.0 is Alternative 3 (No Project), as required by CEQA.

These Findings of Fact pertain to the Proposed Project: Ultimate Trail Configuration (Trail Next to Rail Line), including Design Options A and B, and the Optional Interim Trail (Trail on the Rail Line), unless otherwise noted. These **findings** are part of the package of documents required under CEQA to support the RTC would rely on and incorporate in any approval issued by the RTC and which would be coordinated with additional necessary approvals by other public agencies such as the County of Santa Cruz (approved March 26. 2024), City of Capitola, California Coastal Commission, California State Department of Parks and Recreation, and other agencies.

B. PROCEDURAL COMPLIANCE WITH CEQA

The County, as the CEQA lead agency, published the Draft EIR on October 16, 2023, and the Final EIR on March 1, 2024, in compliance with CEQA requirements. As allowed for in CEQA Guidelines §15084(d)(2), the County retained consultants to assist with the preparation of the environmental documents. Acting as lead agency, the County directed, reviewed, and edited as necessary all material prepared by the consultants, and such publicly released material reflects the County'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 the County's issuance of the Notice of Preparation (NOP) of an EIR on November 5, 2021. The NOP was filed with the State Clearinghouse (SCH), which assigned the EIR SCH #2021110080 and started a 30-day comment period that ended December 7, 2021. The County noticed and held a virtual scoping meeting 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. The virtual scoping meeting was held on November 17, 2021. The NOP and scoping meeting date were published in the Santa Cruz Sentinel on November 5, 2021.

- A virtual Public Open House was held on April 6, 2022, to share the draft schematic design plans for the Project.

- Other design progress meetings that were open to the public included meetings with the RTC Bicycle Advisory Committee, RTC Elderly and Disabled Advisory Committee, and City Transportation and Public Works Commission in April 2022; and Capitola City Council in March 2023. Additional public outreach efforts are listed in Section 1.6 of the Draft EIR.

- The County issued the Draft EIR by distributing a Notice of Availability (NOA) and filing a Notice of Completion (NOC) with the State Clearinghouse on October 16, 2023. The Draft EIR NOA 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 NOA and Draft EIR were also posted on County, and RTC websites; and physical hard copies of the Draft EIR were made available for review at the County Parks Office, Santa Cruz County Government Center, Capitola Library, and Live Oak Library. Additionally, notices were posted at the following street and/or trail intersections with the rail corridor: 17th Avenue, 30th Avenue, 38th Avenue, 41st Avenue,

47th Avenue, Monterey Avenue, Grove Lane, the Coronado Street trail to New Brighton State Beach, New Brighton Road, Estates Drive, Mar Vista Drive, and State Park Drive.

- The Draft EIR was available for a 60-day public review period starting Monday, October 16, 2023, and ending Friday, December 15, 2023. The County hosted a virtual public hearing to receive oral public comments on the Draft EIR on November 16, 2023.

- Following close of the public review period, the County reviewed and responded to all substantive comments received during the public review period. Revisions made to the Draft EIR are shown in the Final EIR (Volume 2) in ~~strikethrough~~ (deleted) and <u>underlined</u> (added) text. The revisions provided clarification and additional information, and no substantial revisions were made.

- The County published the Final EIR on March 1, 2024. The County 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 County Board of Supervisors held a public hearing on March 26, 2024, to consider certification of the Final EIR and approval of the Project.

- During the County Board of Supervisors meeting, the Board certified the Final EIR, approved the Project, and adopted these Findings of Fact and Statement of Overriding Considerations, and adopted a Mitigation Monitoring and Reporting Program as required by CEQA.

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, March 2024,

2. Draft Environmental Impact Report, October 2023 (Revised March 2024), and

3. Draft EIR Appendices, October 2023 (Revised March 2024).

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 environmental effects of the project, unless the public agency makes one or more of the following findings with respect to each significant impact:

> Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
>
> Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
>
> Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project 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 decision-making 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.)

The 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. The 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 the RTC, including, but not limited to, the Final EIR and 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 County 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 the County's Findings of Fact are based are located at 979 17th Avenue, Santa Cruz, California. The custodian of these documents is Rob Tidmore, Project 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 and EIR (2013).
- The Notice of Preparation and all other public notices issued by the County 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 County with respect to the Project.
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project (EIR Appendix D).
- All findings and resolutions adopted by County 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 the County and consultants to the County, including RRM Design, Harris & Associates, EcoSystems West, and Rincon Consultants.

- All documents and information submitted to the County by responsible, trustee, or other public agencies, or by individuals or organizations, in connection with the Project, up through the date that the County approved the Project.

- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County and RTC, in connection with the Project.

- Any documentary or other evidence submitted to the County and the RTC at such information sessions, public meetings, and public hearings.

- Matters of common knowledge to the County and 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 of which the County 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 County staff, RTC 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 County's decisions relating to the approval of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

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 Coastal Rail Trail Segments 10 and 11 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 3.15 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 Chapter 3, Sections 3.1 through 3.14, and Chapter 4, Section 4.1, of the EIR. The references to portions of the EIR as supportive evidence for the findings are intended to***

be helpful guidance to the decisionmakers and the public but they are not necessarily the only such evidence in the record supporting the findings.

A. AESTHETICS

1. **Impact AES-3.** The Project would not adversely affect daytime or nighttime views.

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

    b. **Findings and Rationale** – The Proposed Project would involve installation of minor light sources along the approximately 1.5 miles (Segment 10) and 2.7 miles (Segment 11) segments of the Coastal Rail Trail where needed for safety. However, any new lighting would be "dark sky compliant" in that it would minimize light pollution and offensive glare by directing light downward; and on bridges and viaducts and in environmentally sensitive areas, there would be low-level lighting, similar to that on the San Lorenzo River Trestle Bridge. Thus, new lighting would not spill beyond the trail and would have a minimal effect on the existing lighting conditions. Additional public use of adjacent streets by trail visitors could incrementally increase glare from car windows and headlights during operating hours; however, this would be minimal and limited to operating hours. Therefore, this impact would be less than significant.

    c. **Supportive Evidence** – Please refer to pages 3.1-22 through 3.1-24 of the Final EIR (Volume 2).

B. AIR QUALITY

1. **Impact AIR-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** – 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 County, City, or immediately surrounding areas such as the San Francisco Bay Area and Monterey Bay Area. 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. This impact would be less than significant.

    c. **Supportive Evidence** – Please refer to page 3.2-12 through 3.2-14 of the Final EIR (Volume 2).

2. **Impact AIR-2.** 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. This impact would be less than significant.

    c. **Supportive Evidence** – Please refer to pages 3.2-14 through 3.2-20 of the Final EIR (Volume 2).

3. **Impact AIR-3.** 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 3.2-20 through 3.2-23 of the Final EIR (Volume 2).

4. **Impact AIR-4.** The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

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

   b. **Findings and Rationale** – Due to the linear nature of the Project, few existing receptors would be located within a few hundred feet of the active construction area on any given day. Following construction, the Proposed Project would accommodate pedestrians and bicyclists, who typically do not generate odors. Trash receptacles along the trail would be emptied and waste collection bats restocked as part of trail maintenance, which would reduce potential emissions and odors. Therefore, this impact would be less than significant.

   c. **Supportive Evidence** – Please refer to pages 3.2-23 through 3.2-25 of the Final EIR (Volume 2).

5. **Impact AIR-C.** Cumulative development may result in significant cumulative air quality impacts. The Project's contribution would not be cumulatively considerable.

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

   b. **Findings and Rationale** – The Project would be consistent with the AQMP and help implement the plan. The Project would not result in new vehicle trips and would not result in impacts related to CO hotspots. Further, the Project would provide an alternative transportation corridor for bicyclists, pedestrians, and other users, which is expected to reduce vehicular travel and associated emissions. Therefore, the Project's contribution to cumulative air quality impacts would not be cumulatively considerable. This impact would be less than significant.

   c. **Supportive Evidence** – Please refer to pages 4-10 through 4-11 of the Final EIR (Volume 2).

C. CULTURAL RESOURCES

1. **Impact CR-3.** Ground-disturbing activities during project construction may disturb human remains.

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

   b. **Findings and Rationale** – The Northwest Information Center records search did not identify any known cemeteries or burial sites on or within a 0.5-mile radius of the Project corridor. Human burials outside formal cemeteries can occur in prehistoric archaeological contexts and are known to be present within the vicinity of the Project corridor. Thus, there is always potential for previously unrecorded or unidentified human remains to exist below ground surface. However, compliance with existing regulations protects human burial remains from disturbance, vandalism, or destruction and provides, including: Chapter 16.40 of the County's Municipal Code,

PRC Section 5097, and California Health and Safety Code Sections 7050.5, 7051, and 7054. PRC Section 5097.98 also addresses the disposition of Native American burials, protects such remains, and establishes the NAHC as the entity to resolve any related disputes. Therefore, this impact would be less than significant.

c. **Supportive Evidence** – Please refer to pages 3.4-24 through 3.4-26 of the Final EIR (Volume 2).

2. **Impact CR-1**. The Project may adversely affect historical resources, including the Santa Cruz Branch Rail Line (Ultimate Trail Configuration, including Design Option B).

The following applies only to the Ultimate Trail Configuration, including Design Option B.

The Optional Interim Trail and Design Option A of the Ultimate Trail Configuration would result in a less than significant impact with mitigation. Refer to Section IV, Findings for Impacts Identified as Significant but Mitigated to a Less than Significant Level, B. Cultural Resources.

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

b. **Findings and Rationale** – The Ultimate Trail Configuration (including Design Option B, but not Design Option A) would involve changes to two identified historical resources, including the Santa Cruz Branch Railroad and the Stockton Avenue Bridge; however, the Project elements would not result in the material impairment of either resource such that it would no longer convey their significance. Therefore, impacts to historical resources would be less than significant.

c. **Supportive Evidence** – Please refer to pages 3.4-12 through 3.4-19 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. This impact would be less than significant.

c. **Supportive Evidence** – Please refer to pages 3.5-12 through 3.5-15 of the Final EIR (Volume 2).

2. **Impact GEO-2.** The Project may exacerbate exposure of the public to liquefaction or landslide hazards and may be located on a geological unit or soil that would become unstable as a result of lateral spreading, landslides, and liquefaction.

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

b. **Findings and Rationale** – The Project would not include habitable structures and therefore would not expose residents to a risk of injury or death from landslides or seismic-related ground failure, including liquefaction. Portions of the trail alignment are mapped as an area with very high susceptibility for liquefaction, and lateral spreading could occur within sloping areas around the trail alignment that have been subject to liquefaction during strong seismic shaking. Some

portions of the Project could potentially be subject to a landslide hazard that could undermine the trail. Construction of the Project would introduce uninhabited built features that could be damaged from liquefaction, landslides, and/or lateral spreading. Implementation of the Project would incrementally increase the number of recreational users in the Project corridor, and those users could be exposed to an increased risk of injury or death from liquefaction or lateral spreading. However, the risks including those associated with liquefaction would be reduced with implementation of recommendations from the project Geotechnical Investigation Reports. Therefore, this impact would be less than significant.

c. **Supportive Evidence** – Please refer to pages 3.5-15 through 3.5-18 of the Final EIR (Volume 2).

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

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

   b. **Findings and Rationale** – The subsurface soils identified along the Project corridor have a moderate potential for erosion. Construction of the Project could result in soil erosion or the loss of topsoil due to earthmoving activities such as excavation, grading, soil compaction and moving, soil stockpiling, slope modification, and culvert installation. However, the Project includes BMPs to be implemented during construction, which would reduce impacts related to runoff and erosion. Therefore, this impact would be less than significant level.

   c. **Supportive Evidence** – Please refer to page 3.5-18 through 3.5-23 of the Final EIR (Volume 2).

4. **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 Project corridor is underlain by varying areas of low to moderately expansive clay. Although the Project would not include habitable structures and therefore would not expose residents to a risk of injury or death from expansive soils, seasonal shrinking and swelling of expansive clay soils could result in heave or settlement damage to proposed improvements. However, the risk associated with expansive soils would be reduced with implementation of the recommendations in the project Geotechnical Investigation Reports. Therefore, this impact would be less than significant.

   c. **Supportive Evidence** – Please refer to page 3.5-23 through 3.5-25 of the Final EIR (Volume 2).

5. **Impact GEO-C.** Cumulative development would not result in significant cumulative geology and soils impacts. The Project's contribution would not be cumulatively considerable.

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

   b. **Findings and Rationale** – Any future development along the Project corridor would be required to address potential seismic and soil issues on a case-by-case basis. Cumulative buildout of the County and City of Capitola General Plans 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 Project's contribution to cumulative air quality impacts would not be cumulatively considerable. This impact would be less than significant.

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

E. GREENHOUSE GAS EMISSIONS/CLIMATE CHANGE

1. **Impact GHG-1.** The Project would not result in greenhouse gas emissions that would have a significant impact on the environment.

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

   b. **Findings and Rationale** – Temporary impacts related to construction activities would result in a nominal one-time contribution to regional GHG emissions. Operation of the Project would increase the feasibility of non-motorized transportation and would contribute to a regional net decrease in vehicle miles traveled (VMT). Further, the Project would provide an alternative transportation corridor for bicyclists, pedestrians, and other users, which is expected to reduce vehicular travel and associated emissions. Therefore, this impact would be less than significant.

   c. **Supportive Evidence** – Please refer to pages 3.6-15 through 3.6-18 of the Final EIR (Volume 2).

2. **Impact GHG-3.** 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 trail, including portions of Segment 11 from Jade Street Park to New Brighton State Beach, is in the potential sea level rise and storm flooding hazard areas. However, the trail would not introduce any new structures for human occupancy that would potentially require protection from sea level rise as part of climate adaptation efforts or that would result in displacement of residents in the event of storm flooding. Additionally, the Project would be subject to routine maintenance. Through routine maintenance and inspections, it is anticipated any areas of the trail that are experiencing excessive erosion or inundation would be identified. If necessary, appropriate actions would be taken to minimize the risk to trail users. Such actions could include trail segment closure and detour, structural improvements, or trail relocation, for which appropriate environmental review would be conducted. Therefore, this impact would be less than significant.

   c. **Supportive Evidence** – Please refer to pages 3.6-21 through 3.6-23 of the Final EIR (Volume 2).

G. HYDROLOGY AND WATER QUALITY

1. **Impact HYD-1.** The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality nor conflict with water quality control plan.

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

   b. **Findings and Rationale** – The inclusion of stormwater drainage features and treatment devices and compliance with the National Pollution Discharge Elimination System (NPDES)-required Stormwater Pollution Prevention Plan (SWPPP), County Code, and Capitola Municipal Code

would reduce impacts to water quality standards and waste discharge requirements. Therefore, this impact would be less than significant.

c. **Supporting Evidence** – Please refer to pages 3.8-16 through 3.8-23 of the Final EIR (Volume 2).

2. **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. The small amount of new impervious surface area that the Project would introduce relative to the total surface area of each groundwater basin impacted by the Project would be minimal. Due to the limited and dispersed impervious surfaces, there would be no adverse effects to groundwater recharge. This impact would be less than significant.

   c. **Supporting Evidence** – Please refer to page 3.8-24 through 3.8-27 of the Final EIR (Volume 2).

3. **Impact HYD-3.** The Project would not substantially alter drainage patterns in the Project corridor or vicinity.

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

   b. **Findings and Rationale** – Implementation of Project BMPs during Project construction and use of existing or planned storm drain infrastructure during Project operation would minimize potential alteration to drainage patterns in the Project corridor or vicinity. Runoff from new impervious trail surfaces would discharge to a proposed graded natural material swale on the track side of the trail. These drainage systems (e.g., swales, V ditches, pipes) would comply with County Design Criteria Standards and Capitola Design Criteria Standards. Any off-site flows that would be intercepted by existing or proposed storm drain infrastructure would be piped in the new storm drain system under the proposed trail to an outlet structure at an existing storm drain system or creek downstream. Therefore, this impact would be less than significant.

   c. **Supporting Evidence** – Please refer to pages 3.8-27 through 3.8-31 of the Final EIR (Volume 2) and Response 6.1 of the Final EIR (Volume 1).

4. **Impact HYD-4.** The Project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

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

   b. **Findings and Rationale** – Once constructed and in use, the trail would not involve the use of hazardous materials or other pollutants that could be inadvertently released due to Project inundation in a flood hazard, tsunami, or seiche zone. Therefore, this impact would be less than significant.

   c. **Supporting Evidence** – Please refer to pages 3.8-31 through 3.8-34 of the Final EIR (Volume 2).

5. **Impact HYD-C.** Cumulative development would not result in significant cumulative hydrology and water quality impacts. The Project's contribution would not be cumulatively considerable.

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

b. **Findings and Rationale** – Planned development would not result in significant cumulative impacts concerning violation of water quality standards or waste discharge requirements, decreased groundwater supplies or interference with groundwater recharge, alterations to existing drainage patterns, or conflicts with water quality or groundwater plans. The Project's contribution to hydrology and water quality impacts would not be cumulatively considerable. Therefore, this impact would be less than significant.

c. **Supporting Evidence** – Please refer to pages 4-19 through 4-20 of the Final EIR (Volume 2) and Response 6.1 of the Final EIR (Volume 1).

H. LAND USE AND PLANNING

1. **Impact LUP-1.** The Project would not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

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

   b. **Findings and Rationale** – The Project corridor extends through developed communities with zoning that allows for trails and recreational facilities with applicable use permits. The Project would be consistent with most of the applicable goals, objectives, and policies identified in the County General Plan, City of Capitola General Plan, New Brighton State Beach General Plan, Capitola Bicycle Transportation Plan, County Bicycle Plan, and Monterey Bay Sanctuary Scenic Trail Master Plan. Therefore, this impact would be less than significant.

   c. **Supporting Evidence** – Please refer to pages 3.9-8 through 3.9-23 of the Final EIR (Volume 2).

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

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

   b. **Findings and Rationale** – Because the majority of land near the Project corridor is already developed or preserved open space (New Brighton State Beach), future development would be limited to redevelopment or infill projects. Although overall use of the lands surrounding the Project corridor would increase, the land use impact of the Project would be less than significant, would not result in a substantial contribution to an existing cumulative land use impact, and thus would not be cumulatively considerable. Therefore, this impact would be less than significant.

   c. **Supporting Evidence** – Please refer to pages 4-20 through 4-21 of the Final EIR (Volume 2).

I. NOISE

1. **Impact N-2.** 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 noise would be minimal and intermittent. Therefore, this impact would be less than significant.

   c. **Supporting Evidence** – Please refer to pages 3.10-7 through 3.10-13 of the Final EIR (Volume 2).

2. **Impact N-C.** Cumulative development may result in significant cumulative noise impacts to ambient vehicle noise. The Project's contribution would not be cumulatively considerable.

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

    b. **Findings and Rationale** – The Project, in combination with cumulative development, would not result in a significant cumulative impact related to construction noise and vibration, or stationary noise sources. Cumulative development would have the potential to result in cumulatively considerable increases in ambient vehicle noise; however, the Project's contribution would not be cumulatively considerable. Therefore, this impact would be less than significant.

    c. **Supporting Evidence** – Please refer to pages 4-21 through 4-22 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 County and City of Capitola area along the corridor. The Proposed Project would not construct buildings or other facilities that present unique challenges for fire protection and emergency response services. The trail would generally improve emergency access along the railroad tracks by providing paved access along the corridor. Therefore, this impact would be less than significant.

    c. **Supportive Evidence –** Please refer to pages 3.11-12 through 3.11-16 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 –** Increased human activity along the Project corridor, including the potential for increased persons who are unhoused, loitering, or trespassing onto adjacent lands, could result in additional calls from the public for police protection or law enforcement service. However, the Project would not require the construction of additional County Sheriff's or Capitola Police Department (CPD) stations or the expansion of services currently provided by the County Sheriff's Office or CPD to respond to additional calls because the Project would not result in an increase in population. Existing police services; project features such as lighting, fencing, and signage; and improved access to the Project corridor are expected to minimize potential illegal activities such as vandalism, trespassing, and the establishment of illegal encampments. The Project is not anticipated to adversely affect service ratios or response times, nor result in the need for additional police protection or law enforcement facilities. Therefore, this impact would be less than significant.

    c. **Supportive Evidence –** Please refer to pages 3.11-16 through 3.11-19 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 County or City. The Project would be located adjacent to several existing parks and extend through established communities via the existing railroad ROW. The proposed improvements within the Project corridor would increase connectivity and access to surrounding communities and adjacent parks by allowing formal use of the corridor for transportation and recreation purposes. Although it is estimated that there could be 500–1,500 daily trail users in the Project corridor, only a small percentage of the users would use the improved trail access to these parks. Therefore, impacts would be less than significant.

    c. **Supportive Evidence –** Please refer to page 3.11-20 through 3.11-23 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 potential increase in the use of health service facilities from trail users (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. This impact would be less than significant.

    c. **Supportive Evidence –** Please refer to page 3.11-23 through 3.11-27 of the Final EIR (Volume 2).

5. **Impact PUB-C.** Cumulative development could result in significant cumulative impacts to public safety and services. The project's contribution would not be cumulatively considerable.

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

    b. **Findings and Rationale** – The Project could have the cumulative effect of attracting more visitors to the Santa Cruz region. However, buildout of the Coastal Rail Trail would not introduce a permanent population to the Santa Cruz region. Increased use of the rail corridor by trail users is not expected to adversely affect response times or generate a need for additional public services personnel that warrants expansion of existing facilities or construction of new facilities. Therefore, the Project's contribution to emergency service response times would not be cumulatively considerable. This impact would be less than significant.

    c. **Supportive Evidence –** Please refer to pages 4-22 through 4-23 of the Final EIR (Volume 2).

K. TRANSPORTATION AND CIRCULATION

1. **Impact T-1.** The project would meet the screening criteria set by California Office of Planning and Research (OPR), which developed the CEQA Guidelines; Caltrans; Santa Cruz County, and the City of Capitola and thus would not conflict or be inconsistent with *CEQA Guidelines*, Section 15064.3(b).

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

b. **Findings and Rationale** – The project would meet screening criteria related to VMT analysis, would be consistent with the 2040 Metropolitan Transportation Plan and Sustainable Community Strategy (SCS) adopted by the Association of Monterey Bay Area Governments, and would satisfy the conditions of several OPR example projects that would not require induced demand analysis for potential operational impacts related to VMT. Further, the Project would provide the option for alternative transportation modes along the Project corridor, resulting in an overall reduction in VMT that would ultimately improve the existing circulation system. Therefore, this impact would be less than significant.

c. **Supporting Evidence** – Please refer to pages 3.12-15 through 3.12-20 of the Final EIR (Volume 2).

2. **Impact T-2.** Neither construction nor operation of the Project would substantially increase hazards due to a geometric design feature or incompatible use.

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

   b. **Findings and Rationale** – Potential construction-related hazards would be temporary. Construction signage and, as a necessary, a flagger, would minimize hazards. Operationally, the project would include improved safety features such as interconnected traffic signals, chicanes, and rapid-flashing beacons. In Capitola Village, wayfinding signage would direct trail users to the existing on-street bicycle lanes and pedestrian sidewalks and striping modifications would improve visibility of the existing bicycle lanes and provide separation of pedestrians and bicyclists where they are currently intermixed. These improvements would minimize potential operational impacts related to user conflicts. Therefore, the Project would minimize potential conflicts. This impact would be less than significant.

   c. **Supportive Evidence –** Please refer to pages 3.12-20 through 3.12-26 of the Final EIR (Volume 2).

3. **Impact T-C.** Cumulative development would result in significant cumulative traffic impacts. The Project's contribution would not be cumulatively considerable.

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

   b. **Findings and Rationale –** Planned development would result in significant cumulative impacts associated with increased VMT, traffic, and potential hazards during construction, and emergency access. However, the Project would not result in increased VMT, traffic and potential hazards; thus, the Project's contribution would not be cumulatively considerable.

   c. **Supportive Evidence –** Please refer to pages 4-24 of the Final EIR (Volume 2).

L. UTILITIES AND SERVICE SYSTEMS

1. **Impact UTIL-1.** The Project would require the relocation or replacement of water, wastewater, electricity, gas and telecommunication conveyance infrastructure.

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

   b. **Findings and Rationale** – Construction of the Project would necessitate the relocation, modification, and/or replacement of existing water, wastewater, storm water drainage, electricity, and telecommunications facilities infrastructure. These improvements are included as part of the Project and impacts are analyzed throughout this EIR. In addition, the Project could require limited

use of electricity for power tools during construction and would require a minor amount of electricity for the new lighting for trail operation if solar is not used, but would not result in substantial demand on the existing supply. The Project would not require use of natural gas or telecommunication facilities. Therefore, impact would be less than significant.

c. **Supporting Evidence** – Please refer to pages 3.14-11 through 3.14-19 of the Final EIR (Volume 2).

2. **Impact UTIL-2.** Sufficient water supplies are availble to serve construction and operation of the project.

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

   b. **Findings and Rationale -** The Proposed Project would generate minor demand for water during construction and no demand for water during operation. Construction activities would use water to prepare concrete, control dust, wash equipment, tires and parts as needed, and re-seed disturbed areas. However, water demand would be incremental. This impact would be less than significant.

   c. **Supporting Evidence –** Please refer to pages 3.14-19 through 3.14-22.

3. **Impact UTIL-3**. The Project would not generate wastewater in excess of existing treatment capacity and would not require or result in the relocation or construction of new or expanded wastewater treatment facilities.

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

   b. **Findings and Rationale** – The Proposed Project would not result in the addition of bathrooms or otherwise generate wastewater, and thus would not require or otherwise affect wastewater treatment facilities. This impact would be less than significant.

   c. **Supporting Evidence** – Please refer to pages 3.14-22 through 3.14-24 of the Final EIR (Volume 2).

4. **Impact UTIL-4.** The Project would not generate solid waste in excess of local landfill capacity and would comply applicable regulations related to solid waste.

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

   b. **Findings and Rationale** – The Proposed Project would generate approximately 11,811 cubic yards of construction-related solid waste, which would be sufficiently accommodated by the available permitted capacity at the Buena Vista Landfill or the regional Monterey Peninsula Landfill in Marina if necessary. During operation, solid waste would be generated by trail users. The Project would not result in an increase in permanent population or introduce unanticipated growth in the County or City. As such, any waste generated along the Project corridor would not be considered new waste added to the waste stream; rather, the Project would result in waste being collected from new locations. This impact would be less than significant.

   c. **Supporting Evidence** – Please refer to pages 3.14-25 through 3.14-30 of the Final EIR (Volume 2).

5. **Impact UTIL-C.** Cumulative development may result in significant cumulative impacts to utilities and service systems. The Project's contribution would not be cumulatively considerable.

a. Mitigation – No mitigation is required.

b. Findings and Rationale – Planned development or buildout of cumulative projects would increase demands on utilities infrastructure. However, there are no cumulative significant impacts anticipated from cumulative projects, and the Project's contribution to cumulative impacts would not be cumulatively considerable.

c. Supporting Evidence – Please refer to pages 4-25 through 4-27 of the Final EIR (Volume 2).

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

The County 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. Revisions made to mitigation measures between publication of the Draft EIR and Final EIR are shown in underline for additions and ~~strikeout~~ for deletions. All revisions are minor and were made to strengthen the mitigation measure or provide further clarification or detail about the measure, but do not change the resulting impact conclusion. ***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 3.14 and Section 4.1 of the EIR, as well as relevant responses to comments in the Final EIR.***

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 which avoid or substantially lessen the significant effects on the environment (to less than significant levels). (See Pub. Resources Code § 21081(a)(1).)

A. BIOLOGICAL RESOURCES

1. **Impact BIO-2.** The project could adversely affect sensitive fish species including Tidewater Goby and its critical habitat, California Central Coast Steelhed and its critical habitat, and Pacific Lamprey.

   a. Mitigation – The following mitigation is required.

   BIO-1a Conduct Biological Monitoring for Sensitive Wildlife Species. During project construction, the County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement biological monitoring measures for sensitive wildlife species, as specified below:

   - Prior to initiation of construction activities, a USFWS- and/or CDFW-approved biologist shall prepare a construction monitoring plan that identifies all areas to be protected with exclusion fencing, and all areas requiring monitoring by an agency-approved biologist or trained construction monitor.

   - Prior to initiation of construction activities, an agency-approved biologist shall conduct environmental training for all construction personnel. The training shall include a description of the sensitive wildlife species known or with potential to occur in the Project alignment and surroundings (monarch butterfly, sensitive fish species, potential Santa Cruz black salamander, sensitive and common native

nesting avian species, sensitive and common roosting bats species, and San Francisco dusky-footed woodrat).

- Prior to initiation of construction activities, the construction contractor shall install temporary exclusion fencing (solid silt fencing) in specified areas along the Project boundaries, approximately 6 inches below grade and 3.0 feet above grade, with wooden stakes at intervals of not more than 8.0 feet. Breaks in the exclusion fencing at minimum intervals of 0.25 miles shall allow for wildlife passage across the alignment. The fence shall be maintained in working order for the duration of construction activities. The agency-approved biologist or trained construction monitor shall inspect the fence daily and notify the construction foreman when fence maintenance is required.

- Construction activities shall be timed to minimize impacts to sensitive biological resources, as shown in **Table 3.3-9**.

- The agency-approved biologist shall be present on site, to direct and inspect all ground-disturbing activities (including but not limited to tree removal, vegetation removal, grading, grubbing, exclusion fence installation and removal, and for construction activities located in or near sensitive wildlife resources). 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 an approved biologist.

- The approved biologist shall train a designated construction monitor who shall oversee implementation of all protective mitigation measures when the biologist is not present. This representative shall be trained in the identification of special-status wildlife. This representative shall not have the authority to handle special-status species.

- Once ground disturbance activities have been completed, the approved biologist or trained construction monitor shall conduct regular inspections of the work area. Prior to the start of work each day, the biologist or monitor shall check for wildlife underneath any vehicle or heavy equipment within the construction site.

- The biologist will remain on call. In the event that the construction monitor identifies a sensitive wildlife species in or near the Project area, the approved biologist will be available to confirm the identification and, depending on the species and with agency authorization, relocate the animal out of harm's way. Suitable relocation sites shall be identified in advance with the approval of the relevant agencies.

- The 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 workday, excavations (i.e., trenches, holes) 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.

- With agency approval, the approved biologist shall remove invasive aquatic species such as bullfrogs and crayfish from suitable aquatic habitat in and near the construction impact area, if present.

BIO-7a **Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing.** The County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures:

- To the extent feasible, all trail construction activities, including access routes, staging areas, stockpile areas, and equipment maintenance are to be located outside the limits of mapped sensitive habitats. Sensitive habitat areas shall be mapped by a qualified biologist and clearly shown on construction plans. Sensitive habitat areas include, but may not be limited to: monarch butterfly roost habitat near Rodeo Gulch, Escalona Gulch, Tannery Gulch, New Brighton State Beach, and Flatiron Creek; coastal scrub adjacent to the Porter-Sesnon open space element of New Brighton State Beach; mixed riparian forest, and coast live oak woodland and forest along the rail corridor.

- During construction, temporary fencing (e.g., wildlife exclusion fencing[1]) shall be installed at the outermost edge of 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.

- Areas designated as environmentally sensitive (i.e., ESHA, County sensitive habitats, and CDFW sensitive natural communities) will be avoided. No work-related activity including equipment staging, vehicular parking, etc., shall be allowed outside the limits of designated work areas when within or adjacent to sensitive habitats including the dripline of trees to be protected.

- Mature trees will be retained wherever feasible and limbing of trees and shrubs in mixed riparian forest, coast live oak woodland and forest, coastal scrub, and potential and/or known monarch roost habitat should be favored in lieu of removal. When possible, in temporary impact areas, stumps and burls of native coast live oaks, coast redwoods, and arroyo willows shall be retained to allow for re-sprouting following Project completion.

- Limbing and removal of coast live oak trees located in coast live oak woodland and 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.

BIO-7b **Develop Project-Specific Biological Resources Mitigation and Management Plan for Impacts to Biological Resources Resulting from Trail Construction and Operation.** The County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures.

A qualified (USFWS- and CDFW-approved) biologist shall prepare a Project-specific Biological Resources Mitigation and Management Plan (MMP) to compensate for direct

[1] See also Mitigation Measure BIO-1a: Conduct Biological Monitoring for Sensitive Wildlife Species, Bullet 3, regarding exclusion fencing.

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. Out-of-kind mitigation will be incorporated into the MMP where it contributes to the overall ecological integrity of mitigation habitat.

The MMP will be prepared based on EIR-certified Design Plans (typically 60% or higher) during Project permitting. The MMP will be implemented during and after Project construction, typically within one year of Project completion.

The Biological Resources MMP shall include the following:

- Description of the trail alignment including as-built acreage of temporary and permanent impacts to mixed riparian forest, coast live oak woodland and forest, coastal scrub, and monarch butterfly roost sites, including the number and type of trees slated for removal with City of Capitola and County status as Protected or Significant trees, respectively.

- Ecological functions and values assessment of sensitive habitats, including monarch butterfly habitat to determine suitable mitigation ratios (at a minimum, no net loss) in consultation with USFWS, CDFW, California Coastal Commission (CCC), the County, and the City.

- Goals of compensatory mitigation, including types and areas of sensitive habitat to be created, restored, enhanced and/or preserved; number and type of trees to be replaced, specific functions and values of mitigation habitat types, mitigation ratios (created/restored/enhanced/preserved: impacted), and performance criteria, including:

    - Conservation of functions and values of monarch autumnal and overwintering roost habitat and nectaring sites (including maintaining suitable grove structure, wind protection, and water sources)2;

    - Conservation of edge habitats; and

    - Conservation of functions and values for wildlife movement including habitat mosaics, links between creeks, open spaces 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. In the Coastal Zone, mitigation ratios for ESHA typically start at 3:1 (creation/substantial restoration: impact). This ratio is doubled for enhancement (6:1) and tripled for preservation (9:1); however, a minimum of 1:1 must include creation of in-kind ESHA habitat for any mitigation strategy.

[2] See also Mitigation Measure BIO-1b, Enhance Monarch Roost Habitat along the Rail Corridor (Escalona Gulch, New Brighton State Beach, and Borregas Creek), in Section V, Findings for Impacts that are Significant and Unavoidable, B. Biological Resources.

- Location and acreage of sensitive habitat, including monarch roost habitat, mitigation areas including ownership status, and existing functions and values of restored and/or enhanced sensitive habitats.

- Project stakeholders including the County, City of Capitola, and RTC shall identify undeveloped public and private properties as potential mitigation areas. Acquisition could include direct purchase or placement of conservation easements on portions of parcels that are in close proximity to the impacted areas, that share similar ecological value with the impacted areas, that are otherwise constrained from development due to existing conditions (such as County aquatic and riparian setbacks, ESHA, steep slopes, etc.) and currently do not but could support native sensitive habitats (habitat creation) or would benefit from restoration, enhancement, or preservation, as needed to fulfill mitigation acreage and proximity requirements. <u>On-site (immediately adjacent to the trail) mitigation may occur at Rodeo Gulch and within New Brighton State Beach, including the Porter-Sesnon open space element of New Brighton State Beach.</u>

- All County Significant trees, Capitola Protected trees, and native trees will be replaced at a minimum 1:1 ratio ("in kind" for native trees) at a location and ratio to be determined by the County Environmental Coordinator, City Community Development Department, and/or other responsible regulatory agencies. Wherever feasible, tree replacement plantings will be situated to promote ecosystems benefits and services by replacing displaced habitat functions and values and/or enhancing remaining habitat. Where tree replacement plantings exceed a minimum 1:1 replacement ratio, tree replacement plantings may be situated to enhance the urban streetscape with the design goals of beautifying neighborhoods (especially those with a disproportionate paucity of trees), reducing the urban heat island, and improving carbon sequestration. <u>Limited tree replacement plantings (in combination with enhancement and/or restoration of oak savannah, native grassland, and ecotones[3]) may occur onsite (immediately adjacent to the trail) where there is adequate space. These locations may include where the trail crosses Rodeo Gulch, extends along Jade Street Park and along New Brighton State Beach, including within the Porter-Sesnon open space element of New Brighton State Beach.</u> Urban streetscape features such as public or private greenbelts, medians, parking strips, and/or other similar available spaces with sufficient space may be used for replacement tree planting. Urban streetscape species composition may include coast redwood, coast live oak, tanoak, and buckeye in upland areas and white alder, box elder, blue elderberry, big leaf maple, and western sycamore in riparian 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 monarch roost sites, sensitive fish species, potential Santa Cruz black salamander, sensitive and

[3] Ecotones or edge habitats are a transition area between two biological communities, where two communities meet and integrate.

common native nesting avian species, sensitive and common roosting bat species, and/or San Francisco dusky-footed woodrat).

- Maintenance activities during operation shall include replanting native vegetation found within similar habitats within the same watershed and weed eradication that avoids take of sensitive wildlife species (e.g., woodrats, breeding birds). 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 woody and plant species that deter human passage such as poison oak, Pacific blackberry, and stinging nettle)

        - Strategies to protect wildlife movement, both across and along the trail corridor, as well as north and/or south of the corridor to connect open spaces, supported by complex and mature sensitive habitat mosaics, including perennial water sources.

        - 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 monarch butterfly habitat and habitat for wildlife movement;

    - Ascertain the sufficiency of trail access, facilities development and management, and interpretive design features associated with the Project to protect biological resources.

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).** Monarch butterfly (presently federal ESA Candidate species, likely Threatened or Endangered by 2024).

- **California Department of Fish and Wildlife (CDFW).** Sensitive habitats, work below the break in bank of stream corridors, riparian habitat, CESA Endangered species, Fully Protected species, and Species of Special Concern.

- **California Coastal Commission (CCC).** Environmentally sensitive habitat areas (ESHA).

- **California State Parks.** Sensitive resources and habitats on New Brighton State Beach property.

- **Regional Water Quality Control Board (RWQCB).** Non-wetland riparian habitat.

- **County of Santa Cruz (County).** Sensitive habitats, including ESHA, aquatic features and riparian habitat, and Significant trees.

- **City of Capitola (City).** Riparian habitat and sensitive habitats, including ESHA, and Protected trees.

- The Draft MMP shall be submitted to USFWS, CDFW, CCC, California State Parks, County, and City of Capitola for review prior to formal adoption. Monitoring reports will be provided to relevant agencies.

BIO-7c **Implement Best Management Practices to Protect Biological Resources during Construction.** During construction of the Project, the County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall ensure the following best management practices to protect water quality and biological resources during Project construction activities are included in the construction specifications and implemented during Project construction:

- Minimize removal or disturbance of existing vegetation outside the footprint of Project construction activities.

- Limit site access and parking, equipment storage and stationary construction activities to the designated staging areas.

- Prior to staging any equipment or vehicles within or adjacent to the rail corridor, 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. Remove invasive exotic plants from the Project area. All equipment used on the site 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 area 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.

- During construction activities, 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[4]. 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.

- 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 3.3-9**. Ideally, most if not all vegetation clearing will be done in the fall.

Table 3.3-9 Preferred Timing for Construction Activities Listed by Biological Resource

Biological Resource	Preferred Period of Avoidance	Preferred Construction Window	Life Events/Functions/ Values to be Protected	Construction Activity to Be Avoided
Mixed Riparian/ Habitats below the break in bank	Rainy season, approximately October 15–May 31	June 1–October 15	Stable banks, slopes, and soil	All construction
Sensitive Fish Species/ Potential Santa Cruz Black Salamander	Rainy season, approximately October 15–May 31	June 1–October 15	Fish migration/critical habitat functions and values	Work in or near aquatic features and riparian vegetation
Monarch Butterfly	Autumnal and Overwintering roost season, approximately September 15–March 31	April 1–September 15	Autumnal roosting, overwintering and nectaring activities	All construction within designated buffers; cutting, limbing, and tree removal, noise, and vibration within 300 feet of roost sites

[4] See also Mitigation Measure BIO-1a: Conduct Biological Monitoring for Sensitive Wildlife Species, Bullet 3, regarding exclusion fencing, in Section IV, Findings for Impacts Identified as Significant but Mitigated to a Less than Significant Level, A. Biological Resources.

				prior to temperature reaching 55°F
Avian Species	February 1–August 31	September 1–January 31	Nesting activities	All construction within designated buffers from active nest sites
Bat Species	November 1–February 15 and May 1–August 31	February 15–April 30 and September 1–October 31	Roosting, especially maternity roosts and winter hibernacula	Pruning, limbing, and tree removal
San Francisco Dusky-Footed Woodrat	October 15–July 31	August 1–October 15	Houses, especially during breeding and rearing	Vegetation/tree removal and woodrat relocation
Tree Removal	October 15–August 31	Sept 1–Oct 15 (this is during the beginning of the monarch autumnal roost period)	Breeding birds, bats, roosting monarchs, slope stability	Cutting, limbing, tree removal, monarch roost encroachment

[a] Central California coast steelhead, tidewater goby, and Pacific lamprey.

Each "preferred" time frame 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-8a: Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats. During construction of Segments 10 and 11, the County of Santa Cruz (with approval from the City of Capitola and RTC) and the construction contractor shall 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 scrub-shrub and forested wetlands and aquatic/riverine habitats, to the extent feasible. Wetlands and aquatic/riverine areas shall be clearly shown on construction plans. In coordination with a qualified biologist, temporary fencing (e.g., silt fencing) shall be installed at the outermost edge of all features not directly affected by trail construction.

BIO-8b: Develop and Implement Aquatic Resources Mitigation and Monitoring Plan. The County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures.

A qualified biologist shall be retained to prepare an Aquatic Resources 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, USACE, Central Coast RWQCB, California Coastal Commission, and/or 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, open spaces, scenic viewpoints) along the central 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 wetlands, Coastal Act wetlands, and aquatic/riverine features as identified in a forthcoming formal delineation of jurisdictional wetlands and other non-wetland 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/preserved: impacted). Based on a recent memo by the Coastal Commission for a project at Gleason Beach in Sonoma County, mitigation ratios for permanent wetland impacts will likely begin at 4:1 for creation or substantial restoration. For wetland enhancement, this ratio is doubled (8:1) and tripled for habitat preservation (12:1). For all mitigation strategies, at least 1:1 must include creation of new sensitive habitat.

- 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 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 aquatic wildlife species.

- 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 alignment 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 USACE, USFWS, RWQCB, CDFW, CCC, California State Parks, County, and City of Capitola for review.

b. Findings and Rationale – Implementation of Mitigation Measures BIO-1a, BIO-7a, BIO-7b, BIO-7c, BIO-8a, and BIO-8b would reduce the potential impacts on Tidewater Goby (and other sensitive fish species) by implementing protection measures during construction (environmental training of construction personnel by an agency-approved biologist and regular monitoring/inspections of the work area to ensure compliance with all protective measures and conditions); limiting construction in sensitive and aquatic/riverine habitats and during sensitive times; implementing best management practices (BMPs) to further protect sensitive and aquatic habitats during construction, to protect water quality, prevent erosion and sedimentation, and protect fish habitat; and compensating for any losses to wetlands and aquatic/riverine habitats through implementation of an aquatic habitat mitigation and monitoring plan (MMP), which would include creation, restoration, enhancement, and/or preservation of wetlands and aquatic/riverine habitats. These measures would reduce potential impacts to Tidewater Goby to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.3-51 through 3.3-57 of the Final EIR (Volume 2).

2. Impact BIO-3. The Project could adversely affect Santa Cruz black salamander, if present.

a. Mitigation – The following mitigation is required[5].

BIO-1a **Conduct Biological Monitoring for Sensitive Wildlife Species**. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

BIO-7a **Minimize Construction in Sensitive Habitats and Install Protective Fencing.** Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

BIO-7b: **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-2 in Section IV.A, Biological Resources, above.

BIO-7c: **Implement Best Management Practices during Construction.** Please refer to Impact BIO-12in Section IV.A, Biological Resources, above.

BIO-8a **Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats.** Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

BIO-8b **Develop and Implement Aquatic Resources Mitigation and Monitoring Plan.** Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

b. Findings and Rationale – Implementation of Mitigation Measures BIO-1a, BIO-7a, BIO-7b, BIO-7c, BIO-8a, and BIO-8b would reduce the potential impacts on the Santa Cruz black salamander by implementing protection measures during construction (worker training, BMPs, monitoring); minimizing construction in sensitive areas and aquatic/riverine habitats; and compensating for lost habitat by implementing a MMP specifically for aquatic resources. These measures would reduce potential impacts to the Santa Cruz black salamander to a less than significant level.

[5] Revisions made to mitigation measures between publication of the Draft EIR and Final EIR are show in underline for additions and ~~strikeout~~ for deletions. Additional minor revisions made after publication of the Final EIR are shown in double underline and ~~strikeout~~. All revisions are minor and were made to strengthen the mitigation measure or provide further clarification or detail about the measure, but do not change the resulting impact conclusion.

c. Supportive Evidence – Please refer to pages 3.3-57 through 3.3-61 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-1a Conduct Biological Monitoring for Sensitive Wildlife Species. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-4 Conduct Breeding Bird Surveys and Identify Protective Buffers prior to Construction, if Construction occurs between February 1 and August 31. During construction, the County of Santa Cruz (with approval from the City of Capitola and the RTC)) and the construction contractor shall implement the following measures:

- The avian breeding season occurs from February 1 through August 31 with a peak in breeding/nesting activity between April and June for most birds.
- If feasible, Project activities will be initiated outside the breeding season in order to avoid impacts to breeding birds. Should Project activities be initiated between September and February, no avian breeding surveys would be required.
- If Project activities are to be initiated during breeding season, or if Project activities lapse for 1 week or more during breeding bird season, prior to construction/resumption of construction activities, an agency-approved biologist will conduct avian breeding surveys for all birds (and their nests) protected under the MBTA. According to current CDFW permit conditions, the survey area will encompass tree stands and structures within the Project corridor and the following buffers (where accessible):
  - 250 feet for passerines/non-raptors;
  - 500 feet for small raptors such as accipiters; and
  - 1,000 feet for larger raptors such as buteos.

  Per current CDFW permit conditions, surveys will be conducted within 1 week of the initiation or resumption of Project activities including, but not limited to, staging equipment, tree removal, vegetation clearing, and/or ground disturbing activities.
- In the event nesting avian species are observed, postpone Project activities until a qualified biologist has determined young birds have fledged or implement buffers appropriate to the construction activity and the species, such as those recommended in PG&E's Nesting Bird Management Plan (PG&E et al. 2015)[6]:

[6] PG&E et al.'s Nesting Bird Management Plan (2015) was based on a review of the effects of nest disturbance on reproductive success and consultation with subject experts and takes into account the nesting habits of the bird and the bird's sensitivity to disturbance, as well as the type of activity, duration, and noise level of disturbance (including direct and indirect effects), to develop disturbance categories (low, medium, or high) and associated buffers.

- Raptors (platform nesting): 300 feet (90 meters)
- Cavity-nesters (depending on species): 50 feet (15 meters)
- Bridge/building, tree, and ground/understory nesters: 75 feet (23 meters)

- Sensitive avian species, if nesting in or near the Project corridor, will be given special consideration and may require additional protective measures as determined through consultation with the relevant agency (USFWS or CDFW). The standard protective buffers recommended in PG&E et al. (2015) for sensitive birds that are known to nest or have potential to nest in or near the corridor are as follows:
  - Allen's hummingbird – standard buffer: 50 feet (15 meters)
  - Wrentit – standard buffer: 75 feet (23 meters)
  - Olive-sided flycatcher – standard buffer: 75 feet (23 meters)
  - Oak titmouse – standard buffer: 50 feet (15 meters)
  - Nuttal's woodpecker – standard buffer: 50 feet (15 meters)
  - Yellow warbler – standard buffer: 75 feet (23 meters)
  - Peregrine falcon – standard buffer: 500 feet (152 meters)
  - White-tailed kite – standard buffer: 300 feet (91 meters)
  - Bald eagle – consultation required [standard buffer: 1,320 feet (402 meters)].
- Protective buffers will be clearly marked for avoidance by construction activities.
- The approved biologist will document pre-construction baseline monitoring of the nest to characterize "normal" behavior. If approved by the agencies, the biologist may have the discretion to reduce the buffer and monitor the nest for disturbance. If the birds show signs of abnormal behaviors (e.g., defensive flights/vocalizations, standing up from brooding, and flying away from the nest) that are associated with construction activity, the biologist will reinstate the larger buffer. Work within the setback will be delayed until after the young have fledged.
- The biologist will have the authority to stop work if breeding birds exhibit behaviors that may cause nest abandonment or failure.
- If postponing Project activities and/or installing buffers are not feasible, further discussions with the appropriate resource agencies (USFWS and/or CDFW) will be necessary to develop alternative requirements.

BIO-7a **Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-7b **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-2 in Section IV.A, *Biological Resources,* above.

BIO-7c **Implement Best Management Practices to Protect Biological Resources during Construction.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

b. Findings and Rationale – Implementation of Mitigation Measures BIO-1a, BIO-4, BIO-7a, BIO-7b, and BIO-7c would reduce potential impacts on sensitive and native nesting avian species by implementing protective measures during construction (worker training, BMPs, monitoring); conducting preconstruction breeding bird surveys and identifying protective buffers; minimizing construction in and adjacent to breeding habitats; and incorporating breeding bird habitat into the Project-specific Biological Resources MMP. These measures would reduce potential impacts to sensitive and native nesting bird species to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.3-61 through 3.3-69 of the Final EIR (Volume 2).

5. Impact BIO-5. Project construction could adversely affect sensitive and common roosting bat species that may use coast live oak, riparian, and other trees along the alignment.

a. Mitigation – The following mitigation is required.

BIO-1a **Conduct Biological Monitoring for Sensitive Wildlife Species.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-5 **Conduct Bat Surveys and Implement Measures to Protect Roosting Bats during Construction.** The County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures. To avoid impacts to individual roosts, winter hibernacula, and maternity roosts, during all months, throughout the Project corridor and especially in mature coast live oak woodland and riparian habitats, prior to limbing/tree removal, an agency-approved biologist shall conduct a pre-construction survey for bats to determine if cavity, crevice or foliage-roosting bats are present, as follows:

- Bat maternity roosting occurs typically between May 1 and August 31, and winter hibernacula (shelter occupied during the winter by a dormant animal) for many bat species are found between November 1 and February 15.

- All trees and limbs proposed for removal, topping or pruning should be marked in the field by the Project proponent in advance of the Project start date.

- A qualified biologist shall determine if bats are using the Project corridor for roosting. For any trees/snags/structures (bridges) that could provide roosting habitat for cavity, crevice, or foliage-roosting bats, potential bat roost features shall be thoroughly evaluated to determine if bats are present. Visual inspection, emergence, and/or acoustic surveys shall be utilized as initial techniques.

- If established maternity colonies are found, in coordination with CDFW, a buffer shall be established around the colony to protect pre-volant young from construction disturbances until the young can fly; or implement other measures acceptable to CDFW.

- If individual roosting bats or winter hibernacula are found, in consultation with CDFW or based on CDFW recommendations, the qualified biologist shall develop and implement acceptable passive exclusion methods. If feasible, exclusion shall take place during the appropriate windows (between September 1 and November 1) (Authorization from CDFW is required to evict winter hibernacula for bats).

- 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:

  - If foliage-roosting bats are determined to be present, 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 4 days of the survey, the survey efforts shall be repeated.

BIO-7a **Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-7b **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-2 in Section IV.A, Biological Resources, above.

BIO-7c **Implement Best Management Practices to Protect Biological Resources during Construction.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

b. Findings and Rationale – Implementation of Mitigation Measures BIO-1a BIO-5, BIO-7a, BIO-7b, and BIO-7c would reduce potential impacts to roosting bat species from construction-related impacts by implementing protection measures during construction (worker training, BMPs, monitoring); conducting preconstruction bat surveys and implementing protective measures for bat maternity roosts and roosting bats; minimizing construction activities in and adjacent to sensitive habitats providing bat roosting habitat; and incorporating roosting bat habitat into the Project-specific biological resources MMP and compensating for loss of trees along the alignment. These measures would reduce potential impacts to roosting bats to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.3-69 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-1a **Conduct Biological Monitoring for Sensitive Wildlife Species.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-6 **Implement Dusky-Footed Woodrat Protection Measures During Construction.** During construction of the Project, the County of Santa Cruz (with approval of the City of Capitola and the RTC) and the construction contractor shall implement the following measures. Prior to construction, a qualified biologist shall conduct a pre-construction 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, in consultation with CDFW, that allows for the relocation of woodrats and their houses. The plan shall include the following (or similar and CDFW-approved) criteria:

- Relocation will occur when vulnerable young are least likely to be present in the woodrat houses (ideally between August 1 and October 30).
- During dismantling of woodrat houses, woody debris, food caches, and nesting materials will be retained and relocated to reconstructed or artificial shelters.
- Relocation sites will be in the nearest suitable habitat outside the Project footprint.
- 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).
- Monitoring shall be conducted for 30 days after relocation is completed and include infrared and motion activated cameras and an occupancy assessment.
- A report on San Francisco dusky-footed woodrat house monitoring shall be provided to CDFW, within 30 days following the end of the monitoring period, and shall include the methods and results of relocation, occupancy determinations, and discussion of any remedies that may be needed.

BIO-7a **Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-7b **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-2 in Section IV.A, *Biological Resources,* above.

BIO-7c **Implement Best Management Practices to Protect Biological Resources during Construction.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

b. Findings and Rationale – Implementation of Mitigation Measures BIO-1a, BIO-6, BIO-7a, BIO-7b, and BIO-7c would reduce potential impacts to the San Francisco dusky-footed woodrat from construction-related impacts by implementing protection measures during construction (worker training, BMPs, monitoring); conducting preconstruction surveys for woodrat houses and implementing protective measures (clearly flag all houses, prepare a Woodrat Relocation Plan if they cannot be avoided, additional monitoring); minimizing construction activities in habitats that support woodrats; and including preservation and enhancement of edge habitats in the project-specific MMP . These measures would reduce potential impacts to dusky-footed wood rat to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.3-74 through 3.3-78 of the Final EIR (Volume 2).

8. Impact BIO-7. The Project would result in adverse effects to riparian habitat, other sensitive natural communities, and Coastal Act ESHA.

b. Mitigation – The following mitigation is required.

BIO-7a **Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-7b **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-2 in Section IV.A, *Biological Resources,* above.

BIO-7c **Implement Best Management Practices to Protect Biological Resources during Construction.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

c. Findings and Rationale – Implementation of Mitigation Measures BIO-7a, BIO-7b, and BIO-7c would reduce potential impacts to sensitive habitat during construction to the greatest extent feasible, and mitigate permanent and temporary losses where possible through avoidance, minimization, and construction-related BMPs. Mitigation Measure BIO-7b would reduce permanent impacts on sensitive habitats by developing a Project-specific resource management plan to further deter encroachment into sensitive habitats with fencing, dense vegetative barriers, and interpretative panels, and through the creation and restoration of in-kind habitats with similar or greater ecological functions and values to those displaced by the Project. These measures would reduce potential impacts to riparian habitat, other sensitive natural communities, and Coastal Act ESHA, to a less than significant level.

d. Supportive Evidence – Please refer to pages 3.3-78 through 3.3-91 of the Final EIR (Volume 2).

9. **Impact BIO-8.** The Project would result in adverse effects to palustrine emergent wetlands and forested wetlands and aquatic/riverine habitats.

   b. Mitigation – The following mitigation is required.

   BIO-7a Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

   BIO-7b 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-2 in Section IV.A, *Biological Resources,* above.

   BIO-7c Implement Best Management Practices to Protect Biological Resources during Construction. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

   BIO-8a Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

   BIO-8b Develop and Implement Aquatic Resources Mitigation and Monitoring Plan. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

   c. Findings and Rationale – Mitigation Measures BIO-7a, BIO-7b, BIO-7c, BIO-8a, and BIO-8b would reduce potential impacts to palustrine emergent wetlands and aquatic/riverine habitats by implementing protection measures during construction (BMPs to protect water quality); minimizing construction in sensitive areas including wetlands and aquatic/riverine habitats and installing protective fencing; developing a Project-specific MMP for biological resources; and requiring avoidance, minimization, and compensatory mitigation for permanent loss of wetlands and aquatic/riverine habitat. These measures would reduce potential impacts to palustrine emergent wetlands and aquatic/ riverine habitats to a less than significant level.

   d. Supportive Evidence – Please refer to pages 3.3-91 through 3.3-98 of the Final EIR (Volume 2).

B. CULTRAL RESOURCES

1. **Impact CR-1.** The Project (Optional Interim Trail Only) may adversely affect historical resources, including the Santa Cruz Branch Rail Line (Optional Interim Trail and Design Option A of Ultimate Trail Configuration).

   The following applies only to the Optional Interim Trail and Design Option A of the Ultimate Trail Configuration.

   The Ultimate Trail Configuration, including Design Option B, would result in a less than significant impact without mitigation. Refer to Section III, Findings for Impacts Identified as Less than Significant, C. Cultural Resources.

   a. Mitigation – The following mitigation is required.

   CR-1 Standards Design Review for Capitola Trestle Bridge Rehabilitation (Only Required for Optional Interim Trail and Design Option A). During design of the Capitola Trestle Bridge rehabilitation and improvements for the Optional Interim Trail, as well as Design Option A of the Ultimate Trail Configuration, the County of Santa Cruz, City of Capitola,

and/or RTC shall retain a qualified historic preservation professional, who meets the Secretary of the Interior's Professional Qualifications Standards in Architecture or Architectural History, to provide input on Project plans specifically related to the Capitola Trestle Bridge. The input from the qualified historic preservation professional shall take place from conceptual and schematic phases through design development to identify and implement design elements for the Capitola Trestle Bridge that shall facilitate compliance with the Secretary of the Interior's Standards. The qualified historic preservation professional shall consider the character-defining features as outlined in the National Park Service's Preservation Brief 17: Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character and provide treatment recommendations as appropriate. The qualified historic preservation professional shall review the 60% and 90% plans for the Capitola Trestle Bridge and provide recommendations as needed, which shall be incorporated into the final design. Prior to the issuance of construction permits, the qualified historic preservation professional shall prepare a Secretary of the Interior's Standards Project Review Memorandum to document the rehabilitation and Interim Trail improvement's compliance with the standards. This memorandum shall be submitted to the County, City, and/or RTC for review and approval and included in the administrative record upon acceptance.

b. Findings and Rationale – Although the rehabilitation activities and new deck proposed for the Capitola Trestle Bridge conceptually comply with the Secretary of the Interior's Standards, the plans have not been finalized and would be subject to further refinement. Implemenation of Mitigation Measure CR-1 would ensure that these elements remain consistent with the Secretary of the Interior's Standards as the design plans are finalized, future design input from a qualified historic preservation professional would be required. Therefore, impacts would be reduced to less than significant for the Optional Interim Trail and Design Option A of the Ultimate Trail Configuration.

c. Supportive Evidence – Please refer to pages 3.4-12 through 3.4-19 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-2a **Worker's Environmental Awareness Program.** The County of Santa Cruz shall retain a qualified archaeologist to conduct Worker's Environmental Awareness Program training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. Training shall be provided periodically throughout ground-disturbing activities as new construction personnel are added to the Project. The training shall be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualifications Standards for Archeology. Archaeological sensitivity training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find. Training shall be documented on a sign-in sheet to be provided to the County.

CR-2b **Archaeological Monitoring.** For construction activities occurring within the boundaries of previously recorded archaeological resources and a 300-foot buffer around each

resource, the County of Santa Cruz shall retain a qualified archaeologist to delineate these locations and monitor Project-related ground-disturbing activities. Archaeological monitoring shall be performed under the direction of an archaeologist meeting or exceeding the Secretary of the Interior's Professional Qualifications Standards for Archeology. Monitors shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt, and Mitigation Measure CR-2d, Implementation of Protocol for Unanticipated Discovery of Cultural Resources, shall be implemented. Archaeological monitoring may be reduced or halted at the discretion of the monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments that are planned to be excavated are composed of fill, or negative findings during the first 50% of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground disturbance moves to a new location within the Project corridor and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Furthermore, monitoring may be terminated in the event that it is determined that the soils within the Project corridor do not have the potential to contain cultural resources. The monitor shall submit a report within 30 days of completion of all ground-disturbing activities to the County to document compliance.

CR-2c **Native American Monitoring.** For construction activities occurring within the boundaries of previously recorded archaeological resources and a 300-foot buffer around each resource, the County of Santa Cruz shall retain a Native American monitor from a locally affiliated Tribal member(s). Native American monitor(s) shall have the authority to halt and redirect work should any archaeological or Tribal Cultural Resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt, and Mitigation Measure CR-2d, Implementation of Protocol for Unanticipated Discovery of Cultural Resources, shall be implemented. Native American monitoring may be reduced or halted at the discretion of the monitors, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments that are planned to be excavated are composed of fill, or negative findings during the first 50% of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground disturbance moves to a new location in the Project corridor and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Furthermore, monitoring may be terminated in the event that it is determined that the soils within the Project corridor do not have the potential to contain cultural resources.

CR-2d **Implementation of Protocol for Unanticipated Discovery of Cultural Resources**. In the event that archaeological resources are unexpectedly encountered during ground-disturbing construction activities, the construction contractor shall halt work within 200 feet of the find, and the County of Santa Cruz shall contact an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology to immediately evaluate the find if an archaeological monitor is not already present. If the find is determined by the qualified archaeologist to be prehistoric and a Native American monitor is not already present, then the County shall contact a Native American representative to participate in the evaluation of the find. If necessary, archaeological testing for California Register of Historical Resources eligibility shall be

completed by the qualified archaeologist. If the discovery proves to be eligible for the California Register of Historical Resources and impacts to the resource cannot be avoided via Project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the deposit, per the requirements of California Public Resources Code, Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The County, in coordination with the City, shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, per California Public Resources Code, Section 15126.4(b)(3)(C).

b. Findings and Rationale – Implementation of Mitigation Measure CR-2a, CR-2b, and CR-2c would require Compliance with the Compliance with Chapter 16.40 of the County Code and Chapter 17.56 of the Capitola Municipal Code, depending on where resources are discovered, would reduce impacts to archaeological resources. However, while the ordinances address actions to be taken if archaeological resources are encountered during ground disturbance and the potential development of a mitigation plan, there is still the potential for the Project to impact unanticipated cultural resources because the ordinances do not address the evaluation of these resources. This mitigation measure would reduce potential impacts to the unanticipated discovery of archaeological resources to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.4-19 through 3.4-24 of the Final EIR (Volume 2).

3. 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 **Standards Design Review for Capitola Trestle Bridge Rehabilitation (Only Required for Optional Interim Trail and Design Option A).** Please refer to Impact CR-2 in Section IV.B, Cultural Resources, above.

CR-2a **Worker's Environmental Awareness Program.** Please refer to Impact CR-2 in Section IV.B, *Cultural Resources,* above.

CR-2b **Archaeological Monitoring.** Please refer to Impact CR-2 in Section IV.B, *Cultural Resources,* above.

CR-2c **Native American Monitoring.** Please refer to Impact CR-2 in Section IV.B, Cultural Resources, above.

CR-2d **Implementation of Protocol for Unanticipated Discovery of Cultural Resources.** Please refer to Impact CR-2 in Section IV.B Cultural Resources above.

b. Findings and Rationale – Implemenation of Mitigation Measure CR-1 would require a qualified historic preservation professional to prepare a Secretary of the Interior's Standards Project

Review Memorandum to document the rehabilitation and rail trail improvement's compliance with the Secretary of the Interior's Standards. Implementation of Mitigation Measure CR-2a, CR-2b, CR-2c, and CR-2d would require a Worker's Environmental Awareness Program, archaeological monitoring, Native American monitoring, and protocol for unanticipated discovery of cultural resources to reduce impacts related to the potential discovery of archaeological resources during Project construction. Therefore, although the cumulative development of the Coastal Rail Trail could result in a significant cumulative impacts to archaeological resources, and two built historic resources, the Project's contribution would not be cumulatively considerable with implementation of Mitigation Measures CR-1, CR-2a, CR-2b, CR-2c, and CR-2b. Therefore, the Ultimate Trail Configuration or Optional Interim Trail would not result in a cumulatively considerable contribution to cumulative impacts to cultural resources.

c. Supportive Evidence – Please refer to pages 4-14 through 4-15 of the Final EIR (Volume 2).

C. GEOLOGY AND SOILS

1. Impact GEO-5. 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.

GEO-5 Implement Paleontological Resources Protection Measures during Construction in High Sensitivity Areas. The following measures shall be implemented by the County of Santa Cruz during Project excavation activities exceeding 1 foot in depth in Segments 10 and 11 in areas mapped as geologic units with high paleontological sensitivity (i.e., Quaternary marine terrace deposits, Quaternary alluvial fan deposits, and Purisima Formation). Areas along Segments 10 and 11 that do not have high sensitivity for paleontological resources, including the areas mapped as geologic units with low paleontological sensitivity, do not require the following measures.

1. **Retain a Qualified Professional Paleontologist.** Prior to excavation, the County shall retain a qualified professional paleontologist who is defined by the Society of Vertebrate Paleontology (2010) as an individual, preferably with an MS or PhD in paleontology or geology, who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for at least 2 years. The qualified professional paleontologist shall direct all mitigation measures related to paleontological resources.

2. **Prepare a Paleontological Worker Environmental Awareness Program.** Prior to the start of construction, the qualified professional paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.

3. **Monitor for Paleontological Resources during Construction.** As determined appropriate by the qualified professional paleontologist, paleontological monitoring shall be conducted during initial excavations within sediments assigned high paleontological sensitivity (i.e., Quaternary marine terrace deposits, Quaternary alluvial fan deposits, and Purisima Formation). Paleontological monitoring shall be

conducted by a paleontological monitor with experience with collection and salvage of paleontological resources and who meets the minimum standards of the Society of Vertebrate Paleontology (2010) for a paleontological resources monitor. The duration and timing of the monitoring shall be determined by the qualified professional paleontologist based on the observation of the geologic setting from initial ground disturbance and subject to the review and approval by the County. The qualified professional paleontologist may determine that full-time monitoring is not warranted based on the specific geologic conditions once the full depth of excavations has been reached and may recommend that monitoring be reduced to periodic spot-checking or ceased entirely. The qualified professional paleontologist may determine that monitoring shall be reinstated if any new ground disturbances are required, and reduction or suspension shall be reconsidered by the qualified professional paleontologist at that time.

In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease, and a qualified professional paleontologist shall evaluate the find before construction activity in the area resumes. If it is determined that the fossil is scientifically significant, the qualified professional paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:

A. **Fossil Salvage.** If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the paleontological monitor and/or qualified professional paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontological monitor and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically sensitive deposits.

B. **Fossil Preparation and Curation**. 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 along with all pertinent field notes, photographs, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified professional paleontologist.

4. **Prepare a Final Paleontological Mitigation Report.** Upon completion of ground-disturbing activity (and curation of fossils if necessary), the qualified professional paleontologist shall prepare a final report describing the results of the paleontological 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 report shall be submitted to the County. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

b. Findings and Rationale – Implementation of Mitigation Measure GEO-5 would reduce the potential impact to paleontological resources or sites or unique geologic features by establishing training, monitoring, and salvaging protocols for resources that may be encountered during project work. This measure would reduce potential impacts to paleontological resources or sites or unique geologic features to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.5-25 through 3.5-29 of the Final EIR (Volume 2).

2. Impact GEO-C - Cumulative development would not result in significant cumulative geology and soils impacts. The Project's contribution would not be cumulatively considerable.

a. Mitigation – The following mitigation is required.

GEO-5 Implement Paleontological Resources Protection Measures during Construction in High Sensitivity Areas. Please refer to Impact GEO-5 in Section IV.C, *Geology and Soils,* above.

b. Findings and Rationale: With implementation of Mitigation Measure GEO-5 to protect paleontological resources, the Project's contribution to any cumulative geology and soils impacts would not be cumulatively considerable.

d. Suppportive Evidence – Please refer to page 4-16 through 4-17 of the Final EIR (Volume 2).

D. HAZARDS AND HAZARDOUS MATERIALS

1. HAZ-1. Demolition activities, ground disturbance, or accidental spills during construction could release contaminants, including within a 0.25 mile of schools.

a. Mitigation – The following mitigation is required. Mitigation Measures HAZ-1a and HAZ-1b are required for the Ultimate Trail Configuration, including Design Option A, and the Optional Interim Trail. Additionally, Mitigation Measure HAZ-1c is also required for the Optional Interim Trail and Design Option B of the Ultimate Trail Configuration.

HAZ-1a Conduct Soil Sampling and Implement Necessary Remediations[7]*.* Prior to Project construction, the County of Santa Cruz, in coordination with the RTC, shall prepare and submit Work Plans for a Supplemental Soils Investigation to Santa Cruz County Environmental Health. The Supplemental Soils Investigation shall include an evaluation of near-surface materials (soil and ballast) within the Project area. Following notification that Santa Cruz County Environmental Health has received, reviewed, and accepted these Work Plan(s), the County shall conduct a Supplemental Soils Investigation, which shall include near-surface materials 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 arsenic, pesticides, herbicides, heavy metals,

[7] This is Mitigation Measure HAZ-1a (Soil Sampling and Remediation) from the Master Plan Environmental Impact Report (RTC 2013), refined to account for project-specific conditions. The Phase I ISA prepared for the Project corridor recommended conducting a limited shallow soil screening across the length of the Segments 10 and 11 to identify the naturally occurring background concentration for arsenic and potentially other contaminants and to assist with special handling required during construction activities (WHA 2023).

creosote, PAHs, and other reasonably anticipated contaminants of concern associated with prior rail use.

The County shall coordinate with Santa Cruz County Environmental Health to develop and implement a program to remediate or manage known contaminated materials during construction. If necessary, any additional information gathered from a Supplemental Soil Investigation shall be used to identify locations along the Project corridor that may require remedial action in order to prevent exposure of construction workers, school attendees, and the public to these contaminants. The environmental data collected shall also be used to identify the appropriate disposal options for those 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 activities. The remediation/disposal program shall be approved by Santa Cruz County Environmental Health. The County shall submit any required correspondence to Santa Cruz County Environmental Health 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 be submitted to Santa Cruz County Environmental Health and include figures depicting the boring locations, summary tables of analytical data, conclusions, and recommendations.

HAZ-1b **Prepare and Implement Soils Management Plan**[8]. The County of Santa Cruz shall ensure a Soils Management Plan is developed by a qualified engineer. The plan shall be implemented to protect workers and persons at nearby schools during ground-disturbing activities and to remove and/or mitigate exposure to hazardous materials (soil and/or ballast), where present in the Project corridor. Laboratory data for the Supplemental Soils Investigation conducted under Mitigation Measure HAZ-1a shall be used to profile excavated materials prior to transport, treatment, recycling, capping, or disposal at a licensed treatment facility. Additional profiling of the export materials shall be performed as needed to satisfy requirements of the receiving facility. Removal, transportation, and disposal of contaminated materials shall be performed in accordance with applicable DTSC and CalOSHA laws, regulations, and ordinances. The Soils Management Plan 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 contaminated shallow materials 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 (hotspots) until the contaminants are removed

[8] This is a modified version of Mitigation Measure HAZ-1b (Arsenic Management Plan) from the Master Plan Environmental Impact Report (RTC 2013) that includes arsenic-containing soils management as well as other potential contaminants. The Phase I ISA prepared for the Project corridor further recommended completing a soil management plan to identify soil excavation, stockpiling, and disposal procedures, and construction monitoring guidelines.

2. Providing all personnel entering a hotspot with site-specific awareness training

3. Requiring that all personnel whose work will involve the excavation or disturbance of soils in and around the hotspot must have successfully completed 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training

4. Requiring a HAZWOPER supervisor to be on-site at all times during the excavation or disturbance of soils in a hotspot

5. Prohibiting personnel who cannot prove that they are authorized to enter a hotspot or do not have the appropriate personal protective equipment from entering a hotspot

6. Prohibiting eating, drinking, smoking, chewing gum or tobacco in hotspots, and requiring consumable items and activities be confined to designated worker break areas

In the event that contaminated materials and/or groundwater is identified where not previously anticipated during construction, the Soils Management Plan shall also require that construction cease and that appropriate handling and disposal procedures be implemented. Contaminated materials 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 near-surface materials. Procedures for properly handling, storing, and disposing of contaminated soils may include but are not limited to the following:

1. Placing contaminated materials 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 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 of the equipment at an appropriate disposal site

HAZ-1c. Evaluate and Cap Contaminated Subgrade Soil and Ballast (Only Required for Optional Interim Trail Part 1 and Design Option A). In locations where the trail pavement would be placed on the existing rail ballast during construction of the Optional Interim Trail (Part 1) and Design Option A for the Ultimate Trail Configuration, the County of Santa Cruz, in coordination with the RTC, shall evaluate and cap the subgrade materials (soil and ballast) as follows. Prior to the finalization of pavement design for the Optional Interim Trail and prior to removal of the rail and construction of the Optional Interim Trail (Part 1), as well as Design Option A, the structural quality of the subgrade materials shall be evaluated to ensure that it has adequate strength to carry the predicted loads during the design life of the pavement and to avoid exposure of trail users to hazardous materials. The Optional Interim Trail pavement shall also be engineered to limit the expansion and loss of density of the subgrade soil. The existing ballast material shall serve as the base rock layer to support the base material and asphalt layer of the cover. The ballast material shall be leveled to establish a base rock layer at a depth to be determined following evaluation of hazardous materials.

Residual materials disturbed by construction (on which the trail would be placed) would be capped (e.g., covered with asphalt) to avoid exposure of trail users to hazardous materials. To ensure that the asphalt cap is maintained as designed, a regulatory oversight agreement between the owner or their designee and Santa Cruz County Environmental Health shall be required. This Post-Construction Site Management Plan shall include procedures and requirements for ongoing maintenance of the asphalt cap to ensure the cap is maintained in good condition so that it remains protective of public health and the environment. The Accountable Care Organization Agreement shall include the following elements:

- **Inspections.** The cap shall be regularly inspected to ensure that it is functioning as intended. These inspections shall be conducted on a routine basis as well as after unplanned events (e.g., earthquake, on-site construction activity) that may have affected the integrity of the asphalt cap.

- **Repairs and Maintenance.** The cap shall be maintained in a manner that ensures it is functioning as intended. Examples of cap maintenance include vegetation control and repairs due to cover erosion, asphalt cracking, settlement, and subsidence. For asphalt and concrete caps, periodic sealing of the cap surface will be necessary. Repairs and maintenance of the cap shall be performed according to the procedures and timeframes specified in the Accountable Care Organization Agreement.

- **Reporting, Recordkeeping, and Notification.** The Accountable Care Organization Agreement shall outline the recordkeeping requirements, provide for submittal of periodic inspection summary reports, identify the site activities or conditions that require notification of the regulatory agencies, and identify the time frame and mechanism (e.g., verbal, written) for the required notifications.

b. Findings and Rationale – Implementation of Mitigation Measures HAZ-1a and HAZ-1b would address the potential impacts from elevated levels of hazardous materials through soil and ballast sampling, necessary remediation, management, and proper disposal. The Optional Interim Trail approach, as well as Design Option B of the Ultimate Trail Configuration, also require Mitigation Measure HAZ-1c, which requires evaluating the subgrade soil and capping

contaminated soils and ballast to avoid exposure of trail users. These measures would reduce impacts to a less than significant level.

c. **Supportive Evidence –** Please refer to pages 3.7-18 through 3.7-26 of the Final EIR.

2. **Impact HAZ-C.** Cumulative development would not result in significant cumulative hazards and hazardous materials impacts. The Project's contribution would not be cumulatively considerable.

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

HAZ-1a **Conduct Soil Sampling and Implement Necessary Remediations.** Please refer to Impact HAZ-1 in Section IV.D, *Hazards and Hazardous Materials,* above.

HAZ-1b **Prepare and Implement Soils Management Plan.** Please refer to Impact HAZ-1 in Section IV.D, *Hazards and Hazardous Materials,* above.

HAZ-1c **Evaluate and Cap Contaminated Subgrade Soil and Ballast (Only Required for Optional Interim Trail Part 1 and Design Option A).** Please refer to Impact HAZ-1 in Section IV.D, *Hazards and Hazardous Materials,* above.

b. **Findings and Rationale –** Planned development could result in significant cumulative impacts concerning transport of hazardous materials, release of hazardous materials, and exposure to soil contaminants. The Project would not generate and thus would not contribute to significant cumulative impacts concerning the transport or release of hazardous materials. With implementation of Mitigation Measures HAZ-1a and HAZ-1b to protect construction workers and the public from exposure to soil contaminates through soil sampling and remediation, and also implementation of Mitigation Measure HAZ-1c to evaluate subgrade soils and cap contaminated soils for the Optional Interim Trail and Design Option A (associated with the Ultimate Trail Configuration) approach, the Project's contribution to a cumulative impact from exposure to soil contaminants would not be cumulatively considerable.

c. **Supportive Evidence –** Please refer to pages 4-18 through 4-19 of the Final EIR.

E. NOISE

1. **Impact N-1.** Construction may result in a substantial temporary increase in noise levels.

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

N-1 **Implement Noise-Reducing Measures for Construction Equipment Used within 275 Feet of Residences or Hotels**[9]**.** The County of Santa Cruz shall include the following in the construction specifications. During construction, the construction contractor shall employ the following noise-reducing measures where use of construction equipment occurs within 275 feet of residences or hotels:

- Use acoustical shelters around any air compressors, generators, and any other stationary construction equipment not fitted with baffled enclosures

[9] This is a refinement of Mitigation Measure N-1b (Acoustical Shelters) and Mitigation Measure N-1c (Construction Equipment) from the Monterey Bay Sanctuary Scenic Trail Network Master Plan Environmental Impact Report (RTC 2013). The original measures have been revised to consider Project-specific details, the specific locations of nearby sensitive receptors, and specific local noise concerns and regulation (County Noise Ordinance).

- Use baffling around stationary construction equipment to reduce noise and vibration levels
- Properly muffle and maintain all construction equipment powered by internal combustion engines
- Prohibit unnecessary idling of internal combustion engines
- Whenever feasible, use electrical power to run air compressors and similar power tools

b. Findings and Rationale – Implementation of Mitigation Measure N-1 would reduce impacts related to construction noise by requiring noise-reducing measures for construction equipment (e.g., acoustical shelters, baffled enclosures, proper muffler and maintenance), such that noise levels at nearby sensitive receptors would not exceed applicable thresholds. This mitigation measure would reduce impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.10-7 through 3.10-13 of the Final EIR (Volume 2).

2. Impact N-3. Construction would potentially expose persons to or generate excessive groundborne vibration or groundborne noise levels.

a. Mitigation – The following mitigation is required.

N-3 Provide Notification of Construction Vibration to Residential Units and Manufacturing Operations within 235 Feet. The County of Santa Cruz shall ensure that the construction specifications include the following noticing requirement. The construction contractor shall provide written notification at least 1 week prior to the start of any construction activities involving the use of vibratory equipment to all residential units located within 50 feet or manufacturing uses within 235 feet of the construction area that would produce the vibration. The notice shall inform residents of the estimated start date and duration of daytime vibration-generating construction activities and provide a point of contact for vibration exposure complaints.

c. Findings and Rationale – Implementation of Mitigation Measure N-3 would reduce impacts regarding excessive groundborne vibration and groundborne noise levels by notifying residents at least a week prior to the use of vibratory equipment (thus allowing surrounding uses time to prepare) and providing a point of contact for vibration exposure complaints. This mitigation measure would reduce impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.10-13 through 3.10-16 of the Final EIR (Volume 2).

F. 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-1a Conduct Native American Monitoring during Construction in Previously Undisturbed Native Soils. The County of Santa Cruz and/or their construction contractor shall

retain a Native American monitor to be present during excavation activities within previously undisturbed native soils.

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 County and/or tribal liaison, as appropriate, shall consult with a qualified archaeologist and begin or continue Native American consultation procedures. If the County and/or tribal liaison, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under the California Environmental Quality Act, 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 and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon measure.

TCR-1b **Implement Protocol for Unanticipated Discovery of Tribal Cultural Resources if Native American Monitor is Not Present.** If cultural resources of Native American origin are identified during project construction while the Native American monitor is not present, the County of Santa Cruz and/or their construction contractor shall cease all earth-disturbing work within 50 feet of the find and desist until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. Staking of the area of discovery shall be implemented with stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the County, in consultation with local Native American tribes, determines that the resource is a tribal cultural resource and thus significant under the California Environmental Quality Act, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with local Native American groups. The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for tribal cultural resources include but are not limited to protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, and/or performing heritage recovery.

b. Findings and Rationale – Implementation of Mitigation Measures TCR-1a and TCR-1b would reduce the impact on tribal cultural resources by requiring Native American monitoring of previously undisturbed native soils and implementing protocol for unanticipated discovery of tribal cultural resources if a Native American monitor is not present. Together, these measures would reduce potential impacts to a less than significant level.

c. Supportive Evidence – Please refer to pages 3.13-6 through 3.13-8 of the Final EIR (Volume 2).

2. Impact TCR-C. Cumulative development may result in significant cumulative tribal cultural resource impacts. The Project's contribution would not be cumulatively considerable.

a. Mitigation –The following mitigation is required.

TCR-1a Conduct Native American Monitoring during Construction in Previously Undisturbed Native Soils. Please refer to Impact CR-1 in Section IV.F, *Tribal Cultural Resources,* above.

TCR-1b Implement Protocol for Unanticipated Discovery of Tribal Cultural Resources, if Native American Monitor is Not Present. Please refer to Impact CR-1 in Section IV.F, *Tribal Cultural Resources*, above.

b. Findings and Rationale – No tribal cultural resources have been identified within the Project corridor. Potential impacts to previously unidentified tribal cultural resources would be reduced to a less than significant level with implementation of Mitigation Measures TCR-1a and TCR-1b, which requires Native American construction monitoring, avoidance if feasible, and preservation of any resources discovered during construction. As implementation of this measure would minimize adverse effects on any potential tribal cultural resources, the Project's contribution to this impact would not be cumulatively considerable.

c. Supporting Evidence – Please refer to page 4-24 through 4-25 of the Final EIR (Volume 2).

V. FINDINGS FOR IMPACTS THAT ARE SIGNIFICANT AND UNAVOIDABLE

The County hereby finds that the following mitigation measures, which are identified in the EIR and will lessen the following significant environmental impacts but not 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 may result in the following significant, unavoidable environmental impacts. These findings are based on the discussion of impacts in the detailed impact analyses in Section 3.1 through Section 3.14 and Section 4.1 of the EIR, as well as relevant responses to comments in the Final EIR.***

A. AESTHETICS

1. Impact AES-1. The Project would have an adverse effect on scenic resources and vistas through the removal of mature trees.

a. Mitigation – BIO-7a, BIO-7b, and BIO-7c.

BIO-7a: Minimize Construction in Sensitive Habitats and Install Protective Fencing. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

BIO-7b: 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-2 in Section IV.A, Biological Resources, above.

BIO-7c: Implement Best Management Practices during Construction. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

b. Findings and Rationale – Although the project would provide a trail that facilitates public access to viewing points of scenic vistas in both segments of the project corridor, the removal of approximately 803-957 trees (as listed below) would degrade localized scenic resources and disrupt scenic vistas experienced from local roadways and pedestrian facilities.

803 – Ultimate Trail Configuration (without Design Options A or B)

803 – Ultimate Trail Configuration with Design Option A

807 – Ultimate Trail Configuration with Design Option B

957 – Optional Interim Trail

Mitigation Measures BIO-7a through BIO-7c would reduce the impact by retaining mature trees where feasible (BIO-7a), replacing trees at a minimum 1:1 ratio (BIO-7b), and minimizing vegetation disturbance and revegetating (BIO-7c). Although Mitigation Measures BIO-7a through BIO-7c would reduce impacts to trees, impacts would be significant and unavoidable because the number of trees is substantial, trees of a similar maturity and/or size to the trees requiring removal cannot be planted in the same location, there is uncertainty regarding exactly where the trees would be planted, and there is uncertainty whether the planted trees would reach maturity in a way that contributes to localized scenic resources and does not block scenic views.

c. Supportive Evidence – Please refer to pages 3.1-8 through 3.1-17 of the Final EIR (Volume 2) and Master Response A, Tree Removal and Mitigation, of the Final EIR (Volume 1).

The following statutory findings apply 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 level. No feasible mitigation is available to reduce this impact to a less than significant level.

(See Pub. Resources Code § 21081(a)(1), (3); CEQA Guidelines, § 15091(a)(1), (3).)

2. Impact AES-2. The Project would be inconsistent with policies that pertain to tree and vegetation removal.

a. Mitigation – BIO-7a, BIO-7b, and BIO-7c.

BIO-7a: Minimize Construction in Sensitive Habitats and Install Protective Fencing. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

BIO-7b: 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-2 in Section IV.A, Biological Resources, above.

BIO-7c: Implement Best Management Practices during Construction. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

b. Findings and Rationale – While the Project would be consistent with most applicable regulations governing scenic quality, the Project would be inconsistent with County General Plan Policies 5.10.3 and 5.18.8 and Capitola General Plan Policy OSC-6.9, which pertain to removal of trees and vegetation. Even after implementation of Mitigation Measures BIO-7a through BIO-7c (as explained for Impact AES-1 above), the project would result in substantial tree removal that conflicts with applicable regulations that govern scenic quality, specifically scenic views, resulting in a significant and unavoidable impact.

b. Supportive Evidence – Please refer to page 3.1-17 through 3.1-22 of the Final EIR (Volume 2).

The following statutory findings apply 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 level. No feasible mitigation is available to reduce this impact to a less than significant level.

(See Pub. Resources Code § 21081(a)(1), (3); CEQA Guidelines, § 15091(a)(1), (3).)

3. **Impact AES-C.** Cumulative development may result in significant cumulative aesthetic impacts. The Project's contribution would not be cumulatively considerable except for cumulative impacts to scenic quality due to the removal of mature trees.

   a. **Mitigation** – BIO-7a, BIO-7b, and BIO-7c

      BIO-7a: Minimize Construction in Sensitive Habitats and Install Protective Fencing. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

      BIO-7b: 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-2 in Section IV.A, Biological Resources, above.

      BIO-7c: Implement Best Management Practices during Construction. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

   b. **Findings and Rationale** – The Project would remove approximately 803-957 trees that add to the scenic quality of enjoyed vistas near the Project corridor, as described above for Impact AES-1. Consequently, the increased development in vacant areas disrupting scenic vistas could result in a significant cumulative impact to scenic vistas. Although the trail would improve access to scenic resources and vistas and removed trees would be replaced at ratios determined in coordination with the regulatory permitting agencies and jurisdictional authorities, the exact location of replacement trees is uncertain at this time, and timing of growth to maturity equivalent to the trees that would be removed cannot be predicted with certainty. Therefore, the Project would result in a cumulatively considerable contribution to the identified significant cumulative impact to scenic quality.

   c. **Supportive Evidence** – Please refer to page 4-10 of the Final EIR (Volume 2).

The following statutory findings apply 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), (3); CEQA Guidelines, § 15091(a)(1), (3).)

B. BIOLOGICAL RESOURCES

1. **Impact BIO-1.** The Project could adversely affect monarch butterfly and autumnal and/or wintering roost sites.

   a. **Mitigation** – BIO-1a, BIO-1b, BIO-7a, BIO-7b, and BIO-7c.

BIO-1a: Conduct Biological Monitoring for Sensitive Wildlife Species. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

BIO-7a: Minimize Construction in Sensitive Habitats and Install Protective Fencing. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

BIO-7b: 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-2 in Section IV.A, Biological Resources, above.

BIO-7c: Implement Best Management Practices during Construction. Please refer to Impact BIO-12in Section IV.A, Biological Resources, above.

BIO-1b: Enhance Monarch Roost Habitat along the Rail Corridor (Escalona Gulch, New Brighton State Beach, and Borregas Creek). As a discreet component of Mitigation Measure BIO-7b [described under Impact BIO-7 (Sensitive Habitats)], the County of Santa Cruz shall work with property owners, including CDFW (Escalona Gulch) and State Parks (New Brighton State Beach and Borregas Creek) to develop a Monarch Roost Site Enhancement Plan for monarch roost sites near the rail corridor. Enhancement may include but is not limited to:

- Protecting and maintaining the eucalyptus grove to support monarch roosting through maintenance of roost trees and wind buffer trees;
- Topping, thinning, and/or limbing of the grove, removal of downed wood, and/or management of understory vegetation, as needed, to allow sun penetration while preserving wind buffers and variable roost site conditions within the grove (i.e., sun, shade, and insulation from heat and cold), reduce fuel loads (to prevent catastrophic wildfire) and manage hazard trees;
- Planting of saplings [to develop wind buffers (which may include locally native trees18) and promote growth of future roost trees (avoid senescence19)]; and
- Cultivating fall- and winter-blooming nectar plants, including native or non-invasive forbs and shrubs.;
- Grove monitoring (in partnership with Western Monarch Count, as applicable) during fall (end of November) and winter (beginning of January) monitoring periods and to record and report monarch arrival and departure dates;. and
- Continued coordination with CDFW and other resource agencies and organizations, as applicable for site specific mitigation measures and adaptive management, as needed.
- Implementation of this compensatory mitigation would be arranged through payment of in-lieu fees to the implementing body (i.e., CDFW or State Parks or mitigation contractor) or similar fiscal arrangement to be developed for the purposes of the Project.

b. Findings and Rationale – The project would result in the removal of approximately 803-957 trees (as listed below).

803 - Ultimate Trail Configuration (without Design Options A or B)

803 - Ultimate Trail Configuration with Design Option A

807 – Ultimate Trail Configuration with Design Option B

957 – Optional Interim Trail

Tree removal would occur in known and potential monarch roost sites along the project corridor. In addition to tree removal, construction activities may result in disturbance, injury, or mortality to autumnal or winter roosting monarchs. Mitigation measures will protect monarch butterflies to the extent possible by requiring preconstruction surveys and monitoring (BIO-1a), minimiizing construction activities in and adjacent to monarch habitat (BIO-7a), minimizing vegetation disturbance and revegetating (BIO-7c), enhancing monarch habitat along the corridor (BIO-1b), and replacing trees and enhancing monarch habitat (BIO-7b). However, the permanent loss of mature monarch roost trees, including buffer trees, cannot be adequately mitigated. Therefore, this construction-related impact is significant and unavoidable.

c. Supportive Evidence – Please refer to pages 3.3-43 through 3.3-51 of the Final EIR (Volume 2) and Master Response A, Tree Removal and Mitigation,in the Final EIR (Volume 1).

The following statutory findings apply 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 level. No feasible mitigation is available to reduce this impact to a less than significant level.

(See Pub. Resources Code § 21081(a)(1), (3); CEQA Guidelines, § 15091(a)(1), (3).)

2. Impact BIO-9. The Project would interfere with wildlife movement.

a. Mitigation – BIO-1a, BIO-7a, BIO-7b, BIO-7c, BIO-8a, and BIO-8b.

BIO-1a: Conduct Biological Monitoring for Sensitive Wildlife Species. Please refer to Impact BIO-2 in Section IV.A, Biological Resources, above.

BIO-7a Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-7b 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-2 in Section IV.A, *Biological Resources,* above.

BIO-7c Implement Best Management Practices to Protect Biological Resources during Construction. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-8a Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-8b Develop and Implement Aquatic Resources Mitigation and Monitoring Plan. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

Findings and Rationale –The rail corridor provides an east–west route for wildlife movement, and the Project would interfere with wildlife movement through constructio activities and tree and vegetation removal. Mitigation Measures would minimize construction-related impacts to sensitive habitats and aquatic features which provide habitat for wildlife movement (BIO-7a and BIO-8a); protect wildlife moving through the Project area during construction (BIO-1a, BIO-7a, BIO-7c); identify measures to retain connectivity between drainages and open spaces and incorporate wildlife movement into management goals (BIO-7b); and compensate for losses to aquatic features including shrub scrub wetlands that provide dense cover for wildlife (BIO-8b). However, these mitigation measures would not reduce this impact to a less than significant level, and the impact would be significant and unavoidable.

b. Supportive Evidence – Please refer to pages 3.3-97 through 3.3-107 of the Final EIR (Volume 2).

The following statutory findings apply 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 level. No feasible mitigation is available to reduce this impact to a less than significant level.

(See Pub. Resources Code § 21081(a)(1), (3); CEQA Guidelines, § 15091(a)(1), (3).)

2. Impact BIO-10. The Project would conflict with policies and ordinances protecting trees, including the County of Santa Cruz Significant Tree Ordinance and City of Capitola Community Tree Protection and Management Ordinance.

a. Mitigation – BIO-7a, BIO-7b, BIO-7c.

BIO-7a Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-7b 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-2 in Section IV.A, *Biological Resources,* above.

BIO-7c Implement Best Management Practices to Protect Biological Resources during Construction. Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

b. Findings and Rationale – The Project would result in the removal of 803-957 trees, as described under Impact BIO-1 above, which conflicts with City and County plans, policies and ordinances, which call for tree protection and replacement, including but not limited to: including but not limited to: County General Plan and LCP, Section 5.10.8 Significant Tree Removal Ordinance (LCP); Santa Cruz Urban Forest Master Plan; County of Santa Cruz Significant Tree Ordinance; Capitola General Plan and LCP, and City of Capitola Community Tree Protection and Management Ordinance. Implementation of Mitigation Measures BIO-7a, BIO-7b, and BIO-7c will reduce construction-related impacts and develop a Project-specific biological resources mitigation and management plan that includes tree replacement. However, due to the substantial number of trees planned for removal, including a large percentage of trees regulated by City and County ordinances, the inability to mitigate the majority of tree removal on-site, and the number of years required for trees to mature, this construction impact would conflict with City and County policies and ordinances that regulate tree removal and thus would be significant and unavoidable.

c. Supportive Evidence – Please refer to pages 3.3-107 through 3.3-114 of the Final EIR (Volume 2) and Master Response B,Tree Removal and Mitigation, in the Final EIR (Volume 1).

The following statutory findings apply 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 level. No feasible mitigation is available to reduce this impact to a less than significant level.

(See Pub. Resources Code § 21081(a)(1), (3); CEQA Guidelines, § 15091(a)(1), (3).)

3. Impact BIO-C. Cumulative development would result in significant cumulative biological resources impacts. The Project's contribution would be cumulatively considerable.

a. Mitigation – The following mitigation is required.

BIO-C Include Cumulative Conservation Goals and Objectives in the Project-Specific Biological Resources Mitigation and Management Plan (Mitigation Measure BIO-7b). When developing the Project-specific Biological Resources Mitigation and Management Plan (MMP) required for Mitigation Measure BIO-7(b), the County and/or City of Capitola 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 composed of non-native forest, sensitive habitats, and aquatic features, for movement, dispersal,

migration, and genetic exchange of native plants and animals through conservation of the following:

- Sensitive habitats and edge habitats
- Ecosystems services and water quality associated with wetlands, creeks, drainages, and riparian habitat
- Wildlife movement habitat, including resources for foraging; hydration; cover, shelter, and aestivation/hibernacula; nesting and breeding; and movement, dispersal, migration
- The MMP shall include adaptive management strategies and 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.

b. Findings and Rationale – The Project would contribute to cumulative impacts by removing approximately 803-957 trees, as described under Impact BIO-1, and disrupting/displacing sensitive habitats and wildlife movement corridors. Mitigation for biological impacts identified in this EIR include the preparation of a Project-specific Biological Resources Mitigation and Management Plan (MMP) that includes tree replacement and the development of alternate corridors for wildlife movement. However, there is a lack of available undeveloped land in locations that would allow for a reduction in habitat fragmentation or replacement of wildlife movement corridors. Additionally, it would take several decades for replacement trees to establish, mature, and create habitat with multi-tiered canopy, understory vegetation, established duff/soil/micro-organism environment and nutrient cycling, and the associated ecological attributes. To help mitigate for the Project's contribution to significant cumulative impacts, Mitigation Measure BIO-C has been identified to require the Project-specific MMP (Mitigation Measure BIO-7b) to also include cumulative conservation goals. However, even with mitigation incorporated, the Project's contribution to the loss of trees and fragmentation of habitat and wildlife corridors would be cumulatively considerable.

c. Supportive Evidence – Please refer to pages 4-11 through 4-14 of the Final EIR (Volume 2) and Master Response B, Tree Removal and Mitigation, in the Final EIR (Volume 1).

The following statutory findings apply 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), (3); CEQA Guidelines, § 15091(a)(1), (3).)

GREENHOUSE GAS EMISSIONS

1. **Impact GHG-2.** The Project would not be consistent with applicable GHG reduction plans related to tree removal.

    a. Mitigation – BIO-7a, BIO-7b, and BIO-7c.

BIO-7a **Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

BIO-7b **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-2 in Section IV.A, *Biological Resources,* above.

BIO-7c **Implement Best Management Practices to Protect Biological Resources during Construction.** Please refer to Impact BIO-2 in Section IV.A, *Biological Resources,* above.

b. Findings and Rationale – The Project would result in the removal of 803 -957 trees (as listed below).

803 - Ultimate Trail Configuration (without Design Options A or B)

803 - Ultimate Trail Configuration with Design Option A

807 – Ultimate Trail Configuration with Design Option B

957 – Optional Interim Trail

Although the Project would support implementation of the VMT Reduction goals of the State 2022 Scoping Plan (which outlines a statewide path to achieve carbon neutrality), County Climate Action and Adaptation Plan (CAAP) approved in 2022, and City of Capitola Climate Action Plan (CAP) adopated in 2015, the Project also includes tree removal that would potentially interfere with implementation of the County CAAP Natural/Working Lands strategies. Therefore, although the project would be consistent with applicable GHG reduction plans by decreasing GHG emissions through investment in bicycle and pedestrian infrastructure, it would be inconsistent with applicable GHG reduction plans by resulting in tree removal. Due to the substantial number of trees planned for removal, including a large percentage of trees regulated by City and County ordinances, the inability to mitigate the majority of tree removal on site, and the number of years required for trees to mature, this tree loss would be a significant and unavoidable impact, even with the implementation of Mitigation Measures BIO-7a, BIO-7b, and BIO-7c.

d. Supportive Evidence – Please refer to page 3.6-18 through 3.6-21 of the Final EIR (Volume 2) .

The following statutory findings apply 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 level. No feasible mitigation is available to reduce this impact to a less than significant level.

(See Pub. Resources Code § 21081(a)(1), (3); CEQA Guidelines, § 15091(a)(1), (3).)

2. Impact GHG-C. Cumulative statewide development would result in a significant cumulative GHG impact. The Project's contriution of GHG emissions would not be cumulatively considerable. The Project's contribution to tree removal would be cumulatively considerable and unavoidable.

a. Mitigation – No mitigation proposed.

b. Findings and Rationale – The Project would implement a segment of the MBSST Network, which is consistent with the goals of the City of Capitola and County Climate Action Plans and the California

Air Resources Board Scoping Plan to increase pedestrian and bicycle facilities and reduce VMT. Howeer, the Project would result in the removal of 803 trees that would be inconsistent with County Climate Action and Adaptation Plan (2022 CAAP) including the Natural/Working Lands Strategies 17 and 18, whereby carbon sequestration is enhanced through conservation of natural habitats and increase of the urban tree canopy. The Project would not be consistent with this strategy identified in an applicable GHG Reduction Plan; thus, the contribution would be cumulatively considerable and unavoidable.

c. Supportative Evidence - Please refer to page 4-17 through 4-18 of the Final EIR (Volume 2).

The following statutory findings apply 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), (3); CEQA Guidelines, § 15091(a)(1), (3).)

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 consideration of alternatives feasibility arises twice in the CEQA process, once when the EIR is prepared and again when CEQA findings are adopted. When initially assessing feasibility in an EIR, the EIR preparer evaluates whether an alternative is "potentially" feasible. Potentially feasible alternatives are suggestions by the EIR preparers aimed at avoiding one or more significant environmental impacts that may or may not be adopted by lead agency decision makers. At the findings step, the lead agency's decision making body independently evaluates whether the analyzed 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 further 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, because they were required under CEQA Guidelines (e.g., the No

Project alternative), or because they were suggested during scoping. The Project and alternatives are described in more detail in the Coastal Rail Trail Segments 10 and 11 Final EIR (Volume 1, Master Response H: Width of Alternative 1 [Trail Only] and Alternatives Analysis, and Volume 2, Chapter 5.0, *Project Alternatives*).

The three alternatives considered for the proposed Coastal Rail Trail Segments 10 and 11 Project are:

- Alternative 1: Trail Only. The existing railroad tracks and ties would be removed, and the trail would be constructed generally on the rail bed, including across the Capitola Trestle Bridge. Thus, trail users would not be directed to sidewalks and bicycle lanes along surface streets through Capitola Village. The paved trail would have a typical width of 16 feet.

- Alternative 2: Rail with Trail on Opposite Side of Tracks. The trail would be located on the opposite side of the tracks than the Ultimate Trail Configuration in most sections. Like the Ultimate Trail Configuration, trail users would be directed to sidewalks and bicycle lanes along surface streets through Capitola Village. The paved trail would have a typical width of 12 feet.

- Alternative 3: No Project Alternative. The Coastal Rail Trail Segments 10 and 11 would not be constructed, and the rail corridor would remain "as is" with no planned development of a trail for alternative transportation, recreation, or other uses.

Alternative 3 was determined to be environmentally superior to the Proposed Project (Ultimate Trail Configuration and Optional Interim Trail) and Alternatives 1 and 2. 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 *CEQA Guidelines* (Section 15126.6) does not stipulate how or provide guidance on how to identify an environmentally superior alternative, leaving this to the lead agency's discretion. For the purposes of this analysis, the County considered two approaches for identifying an environmentally superior alternative: (1) minimizing significant and unavoidable impacts and (2) environmentally superior for most resource topics.

Using the measure of Minimizing Significant and Unavoidable Impacts, Alternative 1 (Trail Only) was determined environmentally superior because it results in substantially less tree removal. However, it should be noted that it results in increased impacts to monarch habitat at Escalona Gulch because it requires the removal of large wind buffer and autumnal roost trees on the north (inland) side of the tracks that would not be affected by Ultimate Trail Configuration.

Using the measure of Environmentally Superior for Most Resource Topics, the Ultimate Trail Configuration is considered environmentally superior because it requires less ground disturbance overall.

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 Coastal Rail Trail Segments 10 and 11 Project is to provide an accessible bicycle/pedestrian path for active transportation, recreation, and environmental and cultural education alongside the existing rail corridor, consistent with the MBSST Network Master Plan. Additional project objectives include:

1. Provide a continuous public trail with continuity in design along the Santa Cruz Branch Line railroad corridor and connecting spur trails in Santa Cruz County (Master Plan Objective 1.1)

2. Develop the trail so future rail transportation service along the corridor is not precluded (Master Plan Policy 1.2.4)

3. Maximize ocean views and scenic coastal vistas along a coastal alignment for experiencing and interpreting the Monterey Bay National Marine Sanctuary (sanctuary), coastal environment, local history, and affected communities (Master Plan Policies 1.1.2 and 1.1.4, Objective 2.1)

4. 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)

5. Minimize trail impacts to private lands, including agricultural, residential, and other land uses (Master Plan Objective 1.5)

6. Minimize trail impacts to sensitive habitat areas and special-status plant and animal species (Master Plan Objective 1.4, Policy 1.4.1)

7. Comply with requirements of local, state, and federal agencies with jurisdiction

C. FINDINGS ON ALTERNATIVES

1. Alternative 1: Trail Only

a. Description – Under Alternative 1, the railroad tracks and ties would be removed, and a paved multi-use trail with a typical width of 16 feet would be constructed in generally the same location throughout Segments 10 and 11.

Like the Ultimate Trail Configuration, the Alternative 1 trail alignment extends from 17th Avenue on the west to State Park Drive on the east. However, rather than directing trail users to sidewalks and bicycle lanes along surface streets through Capitola Village, the trail would continue along the rail centerline (tracks and ties removed) and across the Capitola Trestle Bridge. The conversion of the existing Capitola Trestle Bridge from railroad use to trail use requires structural repairs to various parts of the bridge and installing FRP deck for the trail. For purposes of analysis, it is assumed the rail removal is permanent to provide a meaningful distinction between the Optional Interim Trail, whereby rail removal is temporary, and to reduce potential impacts.

b. Findings and Determination of Infeasibility – As noted in Section V above, significant and unavoidable effects of the Proposed Project (Ultimate Trail Configuration and Optional Interim Trail) are adverse effects to aesthetics, biological resources, and greenhouse gas/climate change due to tree removal.

Alternative 1 (Trail Only) would reduce the amount of tree removal and associated impacts to aesthetics (scenic quality), GHG emissions (policy consistency), and some biological resources compared to both the Ultimate Trail Configuration and the Optional Interim Trail. As shown in the table below, Alternative 1 would remove 515 fewer trees than the Ultimate Trail Configuration and 669 fewer trees than the Optional Interim Trail.

	Alternative 1 (Trail Only)	Proposed Project	
		Ultimate Trail Configuration	Optional Interim Trail
Tree removal	288 trees [a]	803 trees [b]	957 trees [c]

[a] Refer to **Table 2-3** in Section 2.6.2. Alternative 1 would remove the same number of trees as Part 1 of the Optional Interim Trail.

[b] Refer to **Table 2-2** in Section 2.6.1. Design Option A (Interim Trail on Capitola Trestle over Soquel Creek) would not remove any additional trees, and Design Option B (Inland Side of Track between Grove Lane and Coronado Street in Capitola) would remove 4 additional trees.

[c] Refer to **Table 2-3** in Section 2.6.2. Total tree removal includes trees removed during Part 1 (288 trees) and Part 3 (669 trees).

With respect to biological resources overall, the impact of Alternative 1 would be less than the Proposed Project because there would be less tree removal, and because the footprint would be centered on the developed tracks and ballast, which do not support sensitive biological resources.

However, with respect to sensitive monarch butterfly roost habitat, the impact of Alternative 1 would be greater than the Ultimate Trail Configuration and substantially less than the Optional Interim Trail Parts 1-3, as described in Section 5.2.1 under Biological Resources in the Final EIR (Volume 2). This is because the Alternative 1 alignment (as well as the Optional Interim Trail Part 1 alignment) would have a greater impact on the known monarch roost site at Escalona Gulch than the Ultimate Trail Configuration. Although the quantity of tree removal near Escalona Gulch for Alternative 1 (as well as Optional Interim Trail Part 1) would be less than the Ultimate Trail Configuration, the tree removal includes large eucalyptus trees north of the rail line that are autumnal roost sites for monarchs and serve as wind buffers for the overwintering roost trees south of the tracks. For this reason, Alternative 1 would not meet the objective of "[m]inimiz[ing] trail impacts to sensitive habitat areas and special-status plant and animals species" (objective 6) with respect to monarch habitat at Escalona Gulch as well as the Ultimate Trail Configuration project would.

With respect to impacts related to ground disturbance[10], Alternative 1 requires more earth movement than the Ultimate Trail Configuration because the tracks and ties would be removed, the trail is 4 feet wider, and there would be an additional 0.5 mile of trail constructed between Opal Street and Monterey Avenue. Alternative 1 requires less earth movement than the Optional Interim Trail because it has one construction period, whereas the Optional Interim Trail has three construction periods and more demolition (rail demolition in Part 1 and interim trail demolition in Part 2).

Alternative 1 (Trail Only) would result in removal of the Santa Cruz Branch Rail Line. For this reason, Alternative 1 would not meet the objectives of "[d]evelop[ing] the trail so future rail transportation service along the corridor is not precluded" and "comply[ing] with requirements of local, state, and federal agencies with jurisdiction" (objective 7), as well as the Ultimate Trail Configuration or the Optional Interim Trail. Alternative 1 would conflict with the current RTC Master Plan Policy 1.1 to construct a trail to not preclude future rail service because there would

[10] Construction-related impacts from ground disturbance and construction equipment are generally associated with the following environmental topics: air quality, cultural resources, geology/soils, hazardous materials, hydrology/water quality, and noise. Examples include dust and air emissions, inadvertent discovery of archaeological resources, loss of topsoil and erosion into waterways, and release of hazardous materials in the soil.

be no reconstruction of the rail, whereas the Optional Interim Trail Part 2 includes reconstruction of the rail.

Additionally, Alternative 1 (Trail Only), as well as the Optional Interim Trail, requires contractual and regulatory approvals. Although the RTC owns the Santa Cruz Branch Rail Line right-of-way (ROW), the RTC does not own the freight rail operation rights. The RTC has an Administration, Coordination, and License Agreement with a rail operator that owns a freight easement over all the tracks and is designated as the common carrier by the federal Surface Transportation Board (STB), which is the federal agency with regulatory jurisdiction over the interstate freight railroad network. The freight easement extends 10 feet on either side of the centerline of the tracks and includes rights of access along the length of the easement. As stated in the Administrative Coordination and Licensing Agreement 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. 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, which could cause delays to project implementation.

Therefore, although Alternative 1 (Trail Only) would result in substantially less tree removal and reduce some of the significant and unavoidable impacts associated with tree removal, it would not reduce the impacts to a less than significant level, and it would have greater impacts to sensitive monarch habitats. After balancing competing policy considerations, the RTC also finds that implementation of Alternative 1 would represent an undesirable policy outcome of removing options for future rail service. 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" and "[m]inimiz[ing] trail impacts to sensitive habitat areas and special-status plant and animals species" with respect to monarch habitat, as well as the Ultimate Trail Configuration would. For all the reasons set forth above, the RTC rejects Alternative 1 as infeasible.

2. Alternative 2: Rail with Trail on Opposite Side of Tracks

a. Description – Under Alternative 2, a paved multi-use trail with a typical width of 12 feet would be located on the opposite side of the tracks than the Ultimate Trail Configuration in most sections.

Like the Ultimate Trail Configuration, the Alternative 2 trail alignment extends from 17th Avenue on the west to State Park Drive on the east, and trail users would be directed to sidewalks and bicycle lanes along surface streets through Capitola Village. The following describes where the Alternative 2 trail alignment would be on the opposite side of the tracks than the Ultimate Trail Configuration, and where it would be on the same side due to engineering, access and continuity considerations, as described in Section 5.2.2 of the Final EIR (Volume 2):

- 47^{th} to Opal Street (same side of tracks)
- Opal Street to Monterey Avenue (surface streets through Capitola Village)
- Monterey Avenue to Grove Lane (opposite side of tracks)
- Grove Lane to Coronado Street (opposite side of tracks)
- Coronado Street to Estates Drive (opposite side of tracks)
- Estates Drive to Mar Vista (opposite)

- Mar Vista Drive to State Park Drive (same)

b. Findings and Determination of Infeasibility – As noted in Section V above, significant and unavoidable effects of the Proposed Project (Ultimate Trail Configuration and Optional Interim Trail) are adverse effects to aesthetics, biological resources, and greenhouse gas emissions due to tree removal.

Alternative 2 (Rail with Trail on Opposite Side of Tracks) would increase tree removal and associated impacts to aesthetics (scenic quality), GHG emissions (policy consistency), and biological resources compared to both the Ultimate Trail Configuration and the Optional Interim Trail. As shown in the table below, Alternative 2 would remove 197 more trees than the Ultimate Trail Configuration and 43 more trees than the Optional Interim Trail.

	Alternative 2 (Rail with Trail on Opposite Side of Tracks)	Proposed Project	
		Ultimate Trail Configuration	Optional Interim Trail
Tree removal	1,000 trees [a]	803 trees [b]	957 trees [c]

[a] 189 trees (Segment 10) + 811 trees (Segment 11) = 1,000 trees.

[b] Refer to DEIR **Table 2-2** in Section 2.6.1. Design Option A (Interim Trail on Capitola Trestle over Soquel Creek) would not remove any additional trees, and Design Option B (Inland Side of Track between Grove Lane and Coronado Street in Capitola) would remove 4 additional trees.

[c] Refer to DEIR **Table 2-3** in Section 2.6.2. Tree removal includes trees removed during Part 1 (288 trees) and Part 3 (669 trees), for a total of 957 trees.

Alternative 2 would require greater tree removal, more retaining walls, and fewer viaducts. This would result in similar but greater impacts to biological resources, including tree removal, monarch butterfly roost sites, and wildlife movement. In the section between Monterey Avenue and Grove Lane, there would be more removal of larger trees that provide better windbreak for the known monarch grove at Escalona Gulch. For this reason, Alternative 2 would not meet the objective of "[m]inimiz[ing] trail impacts to sensitive habitat areas and special-status plant and animals species" (objective 6) with respect to monarch habitat at Escalona Gulch as well as the Ultimate Trail Configuration project would.

With respect to impacts related to ground disturbance[11], Alternative 2 would increase impacts associated with earth movement compared to Ultimate Trail Configuration, because Alternative 2 requires more retaining walls and would have fewer viaducts. Alternative 2 requires less earth movement than the Optional Interim Trail because it has one construction period, whereas the Optional Interim Trail has three construction periods and more demolition (rail demolition in Part 1 and interim trail demolition in Part 2).

Alternative 2 would reduce impacts to historical resources, compared to the Optional Interim Trail, because Alternative 2 would not remove the rail line. Although the Optional Interim Trail would ultimately rebuild the rail line, it would be removed from the rail corridor for several years (possibly decades), which would increase the impact to historical resources compared to retaining the rail line in the rail corridor.

[11] Construction-related impacts from ground disturbance and construction equipment are generally associated with the following environmental topics: air quality, cultural resources, geology/soils, hazardous materials, hydrology/water quality, and noise. Examples include dust and air emissions, inadvertent discovery of archaeological resources, loss of topsoil and erosion into waterways, and release of hazardous materials in the soil.

In summary, Alternative 2 (Rail with Trail on Opposite Side of Tracks) would not reduce any of the significance determinations for the Ultimate Trail Configuration or the Optional Interim Trail, including any potentially significant impacts to a less than significant level (i.e., from Significant and Unavoidable to Less than Significant with Mitigation). There would still be significant and unavoidable impacts to aesthetics, biological resources, and GHG emissions/climate change from tree removal, which is the same as the Proposed Project with or without the Optional Interim Trail. Further, Alternative 2 would result in substantially more tree removal and have a greater impact on the known monarch roost site at Escalona Gulch. For these reasons, the RTC rejects Alternative 2 as infeasible.

3. Alternative 3: No Project

a. Description – under the No Project alternative, the Coastal Rail Trail Segments 10 and 11 Project would not be constructed, and there would be no new multi-use trail in the Project corridor, which is the portion of the rail corridor between 17th Avenue and State Park Drive.

b. Findings and Determination of Infeasibility – The No Project alternative would result in the rail corridor remaining "as is" with no planned development of a trail for alternative transportation, recreation, or other uses. Because of the reduced development, there would generally be less than significant or no environmental impacts under Alternative 3. In particular, construction-related impacts associated with earth movement and tree removal would not occur. However, air quality (criteria pollutant) and GHG emissions associated with vehicular traffic would increase, because the trail as an alternative transportation project is expected to result in less vehicular transportation and thus reduced emissions. Additionally, there would be no striping modifications to the bicycle lanes and pedestrian paths to improve safety through Capitola Village.

Further, this alternative would not meet the project objectives to provide a continuous public trail with continuity in design along the Santa Cruz Branch Line railroad corridor and connecting spur trails in Santa Cruz County (Objective 1); maximize ocean views and scenic coastal vistas along a coastal alignment for experiencing and interpreting the Monterey Bay National Marine Sanctuary, coastal environment, local history, and affected communities (Objective 3); or maximize safety and serenity for experiencing and interpreting the sanctuary and landscapes by providing a trail separate from roadway vehicle traffic (Objective 4), to the same extent as the Project. Further, this alternative would not fulfill County's commitment to implement the approved Monterey Bay Scenic Sanctuary Trail Master Plan, nor the County's goals and policies supporting the Project. The Sustainability Update revised Policy PPF-2.7.1, Trails Master Plan, which encourages implementation of the MBSST, and Implementation Policy PPF-2.7f, which encourages incorporation of the MBSST into a trails system and future County Trails Master Plan.

After balancing competing policy considerations, the Board finds that implementation of Alternative 3 would represent an undesirable policy outcome. For all of these reasons and any of them individually, the Board 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. The findings regarding the suggested alternatives are provided under "A. Suggested Project Alternatives" below.

A. SUGGESTED PROJECT ALTERNATIVES

The following discussion includes references to chapters and sections in the Draft EIR, which is included in the Final EIR, Volume 2.

1. Interim Trail (16 Feet)

Comments on the NOP suggested a full analysis of a 16-foot-wide Interim Trail.

Findings and Rationale – This alternative was carried forward for evaluation in Chapter 3. The County, in coordination with the RTC, included an interim trail as an optional first phase of the Proposed Project (as opposed to a separate stand-alone alternative) and called it *Optional Interim Trail (Trail on the Rail Line)*. The Optional Interim Trail includes three parts: (1) implementation of the Interim Trail, which includes removal of the rail and construction of the trail on the rail line; (2) demolition of the Interim Trail and rebuilding the rail line; and (3) construction of the Ultimate Trail Configuration alongside the rail. Refer to Chapter 2, Project Description, for additional detail. Accordingly, it is evaluated as part of the Proposed Project analysis in Chapter 3.

As described in Section 2.4.2, Optional Interim Trail (Trail on the Rail Line), this option could occur if the common carrier files for abandonment of freight operations along the Santa Cruz Branch Rail Line with the Surface Transportation Board, or if the RTC files for adverse abandonment. If this occurs, all or a portion of the Santa Cruz Branch Rail Line would likely be railbanked to preserve the corridor for future freight re-activation, and then could be used for a multi-use trail as an interim condition. Refer to Chapter 1, Introduction, Section 1.2.4, Subsequent Actions and Considerations, under Railbanking for additional information regarding railbanking.

2. Interim Trail (26 Feet)

Comments on the NOP included a request to analyze an interim trail that conforms with the 26-foot-wide Trail Only described in RTC's Unified Corridor Investment Study, Appendix B, Table B-13 (RTC 2019), in terms of width, length, and other characteristics (separating pedestrians and bicyclists).

Findings and Rationale – The 26-foot-wide Interim Trail differs from the 16-foot-wide Interim Trail in width and by separating bicyclists from pedestrians with striping, rather than bicyclists and pedestrians sharing the eastbound/westbound travel lanes. As an interim trail, this alternative is composed of three parts: (1) remove the rail and construct the 26-foot-wide Interim Trail, (2) remove the Optional Interim Trail and reinstate the rail, and (3) construct the Ultimate Trail Configuration with the 12-foot trail next to the rail.

This alternative was dismissed from further consideration and evaluation in the EIR because a substantially wider trail would result in substantially greater tree removal and associated impacts to aesthetics, biological resources, and GHG emissions. A wider trail would also result in additional construction-related impacts to air quality, geology and soils, and hydrology and water quality due to additional earth movement, emissions, and new impervious surface. Further, there are existing bridges and steep slopes which occur on one or both sides of the track, requiring retaining walls or narrowing of the trail at steep slopes and bridges or complete replacement of bridge structures at Rodeo Gulch and New Brighton Beach. Likely, the Interim Trail would narrow from 26 feet wide to 12 feet wide to use the existing bridge structures, which would result in a lack of trail design continuity.

3. Use of Capitola Trestle Bridge

Comments on the NOP include inquiries about including the Capitola Trestle Bridge in the Ultimate Trail Configuration (Trail next to Rail Line).

Findings and Rationale – This alternative was carried forward for evaluation in Chapter 3. The County, in coordination with the RTC, included an interim use of the Capitola Trestle Bridge as a design option in Segment 11 for the Ultimate Trail Configuration and called it Design Option A: Interim Trail on Capitola Trestle over Soquel Creek.

As described in Section 2.4.1, under this design option, instead of directing users to existing bicycle lanes and sidewalks through Capitola Village, the trail would transition at the Cliff Drive Plaza from Ultimate Trail alongside the rail line to an Optional Interim Trail on the rail line. This 0.5-mile (2,600 linear feet) Optional Interim Trail section would continue along the rail centerline (tracks and ties removed) across the Capitola Trestle Bridge and transition back to the Ultimate Trail on the eastern side of Monterey Avenue. The transition between Ultimate Trail and Optional Interim Trail is shown in Appendix A.3 (sheets OPT A-1.01 through OPT A-1.06), and the 0.5-mile Optional Interim Trail is shown on sheets CP-1.17 to CP-1.21 in Appendix A.2). This design option requires railbanking and would temporarily convert the railroad bridge to trail use by implementing the necessary structural repairs and replacing the ballast, tracks, and ties with FRP deck for the trail. For additional detail, refer to Section 2.6.2 under Bridges/Capitola Trestle. If and when the rail line is later reactivated, the Optional Interim Trail would be removed, the rail would be reinstalled, and trail users would be directed through Capitola Village on bicycle lanes and pedestrian sidewalks per the Ultimate Trail Configuration.

A design option or alternative using a cantilevered path on the side of the Capitola Trestle Bridge (similar to the cantilevered path on the San Lorenzo River Trestle Bridge) was considered but dismissed from evaluation by the County because the wrought iron bridge and timber trestles cannot support a cantilevered bicycle and pedestrian bridge, and it would increase impacts to aesthetics and possibly historic resources.

4. Major Onstreet Improvements in Capitola Village

Comments on the NOP included a request to evaluate alternatives for on-street improvements through Capitola Village and to explain the restrictions of Measure L.

Findings and Rationale - Because the Ultimate Trail Configuration includes minor improvements, this alternative is defined as “major” improvements in Capitola Village. The Ultimate Trail Configuration includes minor on-street striping modifications to improve the visibility of the existing delineated bicycle lanes and safety for both bicyclists and pedestrians. As described in Section 2.4.1 under Cliff Drive Plaza/Capitola Village Connection, these include revising the width of the existing bike and vehicular lanes for a roughly 350’ long portion of Cliff Drive from the end of the Coastal Rail Trail to where the sidewalk begins on the coastal side of Cliff Drive to allow demarcation of a separate 4-foot-wide pedestrian path on the coastal side adjacent to the Class II bicycle lane, repainting the existing white striping and adding green pavement painting to the existing Class II bicycle lanes, and installing white sharrow markings with green backgrounds along the Class III bike routes where bicycles and vehicles share the lane. Additionally, signage would be placed on existing sign poles along existing streets to direct users to the Cliff Drive and Monterey Avenue trail connections with no new sign poles or other improvements to streets and sidewalks. Both signage and striping would be installed with Project funds and would not require the expenditure of City funds. There would be no other major improvements through Capitola Village implemented as part of the Ultimate Trail Configuration.

An alternative with major improvements (i.e., beyond what is described above) has been dismissed from further consideration and evaluation in the EIR because this alternative would not reduce the severity of any of the significant effects of the Proposed Project (Aesthetics, Biological Resources, and Greenhouse Gas Emissions/Climate Change) and because of the restrictions in place as a result of Measure L.

Additionally, as a separate effort, the City of Capitola and RTC are evaluating improvements to bicycle and pedestrian circulation in the Capitola Village area.

5. Measure L has been codified in Chapter 8.72 of Capitola's Municipal Code. Section 8.72.040 provides: (a) "The city of Capitola, through its constituent departments, shall take all steps necessary to preserve and utilize the Corridor and Trestle for active transportation and recreation"; and (b) "No city of Capitola department, agency or employee shall expend any funds or resources related to the construction, reconstruction, operation, maintenance, financing, marketing, or signage for a detour of the Trail onto Capitola streets or sidewalks."**Maximize Connectivity to Coast (Coastal Side of Tracks)**

Comments on the NOP included a suggestion include a request to maximize pedestrian and bicycle connectivity to the coast, including the beaches.

Findings and Rationale – Locating substantial portions of the trail on the coastal side of the tracks is evaluated in this EIR as part of the Ultimate Trail Configuration in Chapter 3 and Alternative 2 (Rail with Trail on Opposite Side of the Tracks) in Chapter 5.

As described in Section 2.4.1 for the Ultimate Trail Configuration, more than half of the trail would be constructed on the coastal side, including most of Segment 11 (i.e., 2.4 miles of the 4.2-mile alignment), and there are several trail connections to adjacent roadways that extend to the coast (refer to Trail Connections for both Segments 10 and 11). The analysis is included in Chapter 3 of the EIR.

The Ultimate Trail Configuration locates Segment 10 on the inland side of the tracks to reduce tree removal and impacts to biological resources. However, in response to comments received on the NOP and to provide a broader range of reasonable alternatives to consider, the County decided to evaluate the coastal side of the tracks for Segment 10, as described below for Rail with Trail on Opposite Side of the Tracks. This analysis was included in Chapter 5, Section 5.2, of the EIR.

Thus, through analysis of the Ultimate Trail Configuration in Chapter 3 and Alternative 2 (Rail with Trail on Opposite Side of Tracks) in Chapter 5, the trail on the coastal side of the tracks is evaluated in the EIR.

6. Rail with Trail on Opposite Side of Tracks

Comments on the NOP included a request to analyze the trail on the opposite side of the tracks than the Ultimate Trail Configuration.

Findings and Rationale - This alternative was carried forward for evaluation in Chapter 5. The County, in coordination with the RTC, decided to evaluate this alternative because it provides a broader range of reasonable alternatives to consider, and it addresses the aforementioned request to maximize connectivity to the coast/beaches by locating all of Segment 10 (17th Avenue to 47th Avenue) on the coastal side of the tracks, instead of the inland side. Note that the opposite side of

the tracks along most of Segment 11 would be the inland side. Refer to the description and evaluation of Alternative 2 (Rail with Trail on Opposite Side of Tracks) in Section 5.2 for additional information.

7. Narrower Trail along All or Part of Route

Comments on the NOP included a request to analyze a wider or narrower trail along all or part of the route. The DEIR included an alternative with a narrower trail.

Findings and Rationale - As stated in Section 2.4.1, the typical width of the Ultimate Trail Configuration is 12 feet. The trail narrows to between 10 and 12 feet at roadway crossings to slow trail users and improve safety at intersections.

An alternative for a narrower trail was dismissed from further consideration and evaluation in the EIR for the following reasons. A narrower trail would be inconsistent with the purpose of this Project, as well as the adopted MBSST Network Master Plan, to provide an ADA-accessible bicycle/pedestrian path for active transportation, recreation, and environmental and cultural education along the existing rail corridor. A narrower trail would not meet California Department of Transportation (Caltrans) requirements for a Class I bikeway, which is defined as a multi-use paved path that is separated from any street or highway and permits a variety of users (including bicyclists, walkers, joggers, wheelchair users, and scooter users), per the Caltrans Highway Design Manual, Chapter 1000, Bicycle Transportation Design (Caltrans 2020: 1000-1-15), and therefore would not effectively accommodate both bicyclists and pedestrians.

8. Wider Trail along All or Part of Route

Comments on the NOP included a request to analyze a wider or narrower trail along all or part of the route. The DEIR included an alternative with a wider trail.

Findings and Rationale - As stated in Section 2.4.1, the width of the Ultimate Trail Configuration is primarily 12 feet, but it widens to 14 feet between 17th Avenue and Rodeo Gulch and could widen to 14 feet between 30th Avenue and 38th Avenue where there is additional space.

An alternative for a wider trail (16 feet wide) was carried forward for evaluation in Chapter 3 and in Chapter 5 of this EIR. Refer to Interim Trail (16 Feet) above, which is evaluated in Chapter 3 as Optional Interim Trail Part 1, and Trail Only, which is evaluated in Section 5.2 as Alternative 1 (Trail Only).

An alternative for a substantially wider trail (over 16 feet wide) was dismissed from further consideration and evaluation in the EIR because it would not fit within the rail corridor next to the existing rail line; and as described for Interim Trail (26 Feet) above, a substantially wider trail (over 16 feet wide) would result in substantially greater environmental impacts.

9. Detour around Trade Winds Mobile Home Park

Comments on the NOP included a proposed detour around the stretch of rail corridor that is along the Trade Winds Mobile Home Park, so the trail is not so close to those homes.

Findings and Rationale - This alternative was dismissed from further consideration and evaluation in this EIR because the County, in coordination with the RTC and City of Capitola, determined a detour would not be consistent with the MBSST Network Master Plan Objective 1.1 to provide a continuous public trail with continuity in design along the Santa Cruz Branch Line railroad corridor, and would disrupt connectivity to Jade Street Park which is considered a key recreation feature and destination within the City. Trade Winds Mobile Home Park is located between 41st Avenue and Jade Street Park in Capitola, and a detour around it would require directing trail users onto the 41st Avenue bicycle lanes and sidewalks. 41st Avenue is a high volume, six- and four-lane arterial roadway that narrows to two lanes at the rail crossing. Detouring trail users onto a busy roadway would not maximize to the extent feasible project objectives to maximize safety and provide a continuous trail with continuity in design. Further, detouring trail users would reduce direct trail access to Jade Street Park.

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 incorporate information obtained after publication of the Draft EIR with revisions made for clarification and to provide additional detail. No substantial revisions were made.

The RTC has reviewed and considered the Final EIR and all of the information contained therein. The Board 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 <u>underline</u> for additions and ~~strikeout~~ for deletions (Final EIR Volume 2).

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 significant environmental impacts. In the RTC's judgment, the Project and its benefits discussed below outweigh its unavoidable significant effecst to aesthetics (scenic quality), greenhouse gas/climate change (policy inconsistency) and biological resources from tree removal. 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, the County and RTC has made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the Project that impact Santa Cruz Branch Line property within the control of the County and RTC 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, most of the Project-level effects can be mitigated to a less than significant level. However, the Project will result in significant and unavoidable Project-level and cumulative impacts as follows:

1. **Impact to Scenic Resources and Vistas (Impact AES-1).** The Project would have an adverse effect on scenic resources and vistas through the removal of mature trees.

2. **Impact to Policies Pertaining to Tree and Vegetation Removal (Impact AES-2).** The Project would be inconsistent with policies that pertain to tree and vegetation removal.

3. **Cumulative Aesthetics Impact (Impact AES-C)**. Cumulative development may result in significant cumulative aesthetic impacts. The Project's contribution would not be cumulatively considerable except for cumulative impacts to scenic quality due to the removal of mature trees.

4. **Impact to Monarch Butterflies (Impact BIO-2).** The Project could adversely affect monarch butterfly and autumnal and/or wintering roost sites.

5. **Impact to Wildlife Movement (Impact BIO-9).** The Project would interfere with wildlife movement.

6. **Impact to Policies and Ordinances Protecting Trees (Impact BIO-10).** The Project would be inconsistent with policies and ordinances protecting trees.

7. **Cumulative Biological Resources Impact (Impact BIO-C).** Cumulative development would result in significant cumulative biological resources impacts. The Project's contribution would be cumulatively considerable.

8. **Impacts to applicable GHG reduction plans (Impact GHG-2).** The project would be inconsistent with applicable GHG reduction plans.

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 Board 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 mostly continuous public trail with continuity in design along the Santa Cruz Branch Line railroad corridor and provide a connection to various spur trails in Santa Cruz County, consistent with the approved Monterey Bay Sanctuary Scenic Trail (MBSST) Master Plan to provide additional recreational opportunities including the rail trail.

b. The Proposed Project would increase active transportation facilities and recreation facilities and improve accessibility and connectivity within the greater Santa Cruz region. In addition, the project would be consistent with and would help to fulfill several County and City goals and policies. This includes, but is not limited to: County General Plan (AM-1.2.1, AM-1.2b, AM-3.2.1, AM-3.2.3, AM-3.2.5, AM-4.1, AM-4.1.1, AM-4.1.2), City of Capitola General Plan (LU-3.2, LU-6.4, LU-14.2, MO-6.5, MO-6.6, M)-8.2, MO-8.3, MO-8.4, MO-9.1, MO-9.2, and MO-9.3). By providing an alternative transportation facility, the Project would also be consistent with goals and policies to reduce vehicle miles traveled and associated emissions, consistent with the County Active Transportation Plan, Capitola Bicycle Transportation Plan; County 2022 Climate Action and Adaptation Plan (Transportation goal 7); City of Capitola Climate Action Plan; and County General Plan (AM-1.1, AM-1.1.4, AM-1.1.5).

c. The Proposed Project would develop the trail so future rail transportation along the corridor is not precluded, consistent with the RTC MBSST Master Plan; County General Plan (AM-1.1.6, AM-7.1.2).

d. 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, consistent with goals and policies of the California Coastal Commission and State Parks and Recreation Department. The Project would follow the coastal alignment of the rail corridor and provide educational and interpretive signage about the marine sanctuary and natural resources, including special-status plant and wildlife species such as the Santa Cruz tarplant, monarch butterfly, and San Francisco dusky footed woodrat.

e. 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. The Proposed Project would be entirely separated from the roadway with only nine roadway crossings (30th Avenue, 38th Avenue, 41st Avenue, 47th Avenue, Grove Lane, New Brighton State Beach roadway, New Brighton Road, Estates Drive, and Mar Vista Drive) and supports relevant City and County goals and policies, including County General Plan (AM-2.2.1, AM-2.2.2, AM-2.2.3).

f. The Proposed Project would minimize trail impacts to private lands, including agricultural, residential, and other land uses.

X. MITIGATION MONITORING AND REPORTING PROGRAM

The RTC finds that a Mitigation Monitoring and Reporting Program (MMRP) for the Coastal Rail Trail Segments 10 and 11 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 County and under its control. The mitigation measures adopted in the Coastal Rail Trail Segments 10 and 11 and Project EIR findings are listed in Sections IV and V of this document. The MMRP is provided in Appendix D of the Final EIR (Volume 3).

Summary of Mitigation Measures Identified for Proposed Project and Project Alternatives in the Draft Environmental Impact Report

Mitigation Measure	Proposed Project		Project Alternatives		
	Ultimate Trail Configuration (Trail Next to Rail Line) [1]	Optional Interim Trail (Trail on the Rail Line)	Alternative 1 (Trail Only)	Alternative 2 (Rail with Trail on Opposite Side of Tracks)	Alternative 3 (No Project)
Note: Most of the mitigation measures are required for the Ultimate Trail Configuration, Optional Interim Trail, and Alternatives 1 and 2. The shaded rows indicate for which impacts the mitigation requirements are different.					
BIO-1a. Conduct Biological Monitoring for Sensitive Wildlife Species	Yes	Yes	Yes	Yes	No
BIO-1b. Enhance Monarch Roost Habitat along Rail Corridor (Escalona Gulch, New Brighton State Beach, Borregas Creek)	Yes	Yes	Yes	Yes	No
BIO-4. Conduct Breeding Bird Surveys and Identify Protective Buffers prior to Construction, if Construction occurs between February 1 and August 31	Yes	Yes	Yes	Yes	No
BIO-5. Conduct Bat Surveys and Implement Measures to Protect Roosting Bats during Construction	Yes	Yes	Yes	Yes	No
BIO-6. Implement San Francisco Dusky-Footed Woodrat Protection Measures during Construction	Yes	Yes	Yes	Yes	No
BIO-7a. Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing	Yes	Yes	Yes	Yes	No
BIO-7b. Develop Project-specific Biological Resources Mitigation and Management Plan for Impacts to Biological Resources Resulting from Trail Construction and Operation	Yes	Yes	Yes	Yes	No
BIO-7c. Implement Best Management Practices to Protect Biological Resources during Construction	Yes	Yes	Yes	Yes	No
BIO-8a. Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats	Yes	Yes	Yes	Yes	No
BIO-8b. Develop and Implement Aquatic Resources Mitigation and Monitoring Plan	Yes	Yes	Yes	Yes	No
CR-1. Standards Rehabilitation Review	No[2]	Yes	Yes	No	No
CR-2a. Worker's Environmental Awareness Program	Yes	Yes	Yes	Yes	No
CR-2b. Archaeological Monitoring	Yes	Yes	Yes	Yes	No
CR-2c. Native American Monitoring	Yes	Yes	Yes	Yes	No
CR-2d. Implementation of Protocol for Unanticipated Discovery of Cultural Resources	Yes	Yes	Yes	Yes	No
GEO-5. Implement Paleontological Resources Protection	Yes	Yes	Yes	Yes	No
HAZ-1a. Conduct Soil Sampling and Implement Necessary Remediations	Yes	Yes	Yes	Yes	No
HAZ-1b. Prepare and Implement Soils Management Plan	Yes	Yes	Yes	Yes	No
HAZ-1c. Evaluate and Cap Contaminated Subgrade Soil and Ballast	No[2]	Yes[3]	Yes	No	No
N-1. Implement Noise-Reducing Measures for Construction Equipment Used within 275 Feet of Residences/Hotels	Yes	Yes	Yes	Yes	No
N-3. Provide Notification of Construction Vibration to Residential Units and Manufacturing Operations within 235 Feet	Yes	Yes	Yes	Yes	No
TCR-1a. Conduct Native American Monitoring During Construction in Previously Undisturbed Native Soils	Yes	Yes	Yes	Yes	No
TCR-1b. Implement Protocol for Unanticipated Discovery of Tribal Cultural Resources if Monitor Not Present	Yes	Yes	Yes	Yes	No

[1] The Ultimate Trail Configuration includes the following design options. The mitigation measures would apply to both design options, unless otherwise indicated.

Ultimate Trail Configuration Design Option A: Interim Trail on Capitola Trestle over Soquel Creek

Ultimate Trail Configuration Design Option B: Inland Side of Track between Grove Lane and Coronado Street in Capitola

[2] This mitigation measure would be required for Design Option A, but not for Design Option B.

[3] This mitigation measure is required for Optional Interim Trail Part 1 only, not Part 2 (interim trail removal and rail reconstruction) or Part 3 (Ultimate Trail Configuration construction).

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Biological Resources					
	BIO-1. The Project would adversely affect monarch butterfly and autumnal and/or wintering roost sites. *BIO-2. The Project could adversely affect sensitive fish species.*[1] *BIO-3. The Project could adversely affect Santa Cruz black salamander, if present.* *BIO-4. The Project would adversely affect sensitive and native nesting avian species during construction and operation.* *BIO-5. Project construction could adversely affect sensitive and common roosting bat species that use coast live oak, riparian, and other trees along the alignment.* *BIO-6. The Project would adversely affect San Francisco Dusky-footed woodrat .*	**BIO-1a: Conduct Biological Monitoring for Sensitive Wildlife Species** During construction of the Ultimate Trail, the County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement biological monitoring measures for sensitive wildlife species, as specified below: ▪ Prior to initiation of construction activities, a USFWS- and/or CDFW-approved biologist shall prepare a construction monitoring plan that identifies all areas to be protected with exclusion fencing, and all areas requiring monitoring by an agency - approved biologist or trained construction monitor. ▪ Prior to initiation of construction activities, an agency-approved biologist shall conduct an environmental training for all construction personnel. The training shall include a description of the sensitive wildlife species known or with potential to occur in the Project alignment and surroundings (monarch butterfly, sensitive fish species, potential Santa Cruz black salamander, sensitive and common native nesting avian species, sensitive and common roosting bats species, and San Francisco dusky-footed woodrat). ▪ Prior to initiation of construction activities, the construction contractor shall install temporary exclusion fencing (solid silt fencing) in specified areas along the Project boundaries, approximately 6 inches below grade and 3.0 feet above grade, with wooden stakes at intervals of not more than 8.0 feet. Breaks in the exclusion fencing at minimum intervals of 0.25 miles shall allow for wildlife passage across the alignment. The fence shall be maintained in working order for the duration of construction activities. The agency-approved biologist or trained construction monitor shall inspect the fence daily and notify the construction foreman when fence maintenance is required. ▪ Construction activities shall be timed to minimize impacts to sensitive biological resources, as shown in **Table 3.3-9 [**included at the end of this MMRP]. ▪ The agency-approved biologist shall be present on site, to direct and inspect all ground disturbing activities (including but not limited to tree removal, vegetation removal, grading, grubbing, exclusion fence installation and removal, and for construction activities located in or near sensitive wildlife resources). 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 an approved biologist.	County Construction Contractor	Compliance monitored by USFWS-, NOAA Fisheries-, and CDFW-approved biologist	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		▪ The approved biologist shall train a designated construction monitor who shall oversee implementation of all protective mitigation measures when the biologist is not present. This representative shall be trained in the identification of special-status wildlife. This representative shall not have the authority to handle special-status species. ▪ Once ground disturbance activities have been completed, the approved biologist or trained construction monitor shall conduct regular inspections of the work area. Prior to the start of work each day, the biologist or monitor shall check for wildlife underneath any vehicle or heavy equipment within the construction site. ▪ The biologist will remain on call. In the event that the construction monitor identifies a sensitive wildlife species in or near the Project area, the approved biologist will be available to confirm the identification and, depending on the species and with agency authorization, relocate the animal out of harm's way. Suitable relocation sites shall be identified in advance with the approval of the relevant agencies. ▪ The 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 workday, excavations (i.e., trenches, holes) 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. ▪ With agency approval, the approved biologist shall remove invasive aquatic species such as bullfrogs and crayfish from suitable aquatic habitat in and near the construction impact area, if present.			
	BIO-1. The Project would adversely affect monarch butterfly and autumnal and/or wintering roost sites.	**BIO-1b: Enhance Monarch Roost Habitat along the Rail Corridor (Escalona Gulch, New Brighton State Beach, and Borregas Creek)** As a discreet component of Mitigation Measure BIO-7b [described under Impact BIO-7 (Sensitive Habitats)], the County of Santa Cruz shall work with property owners, including CDFW (Escalona Gulch) and State Parks (New Brighton State Beach and Borregas Creek) to develop a Monarch Roost Site Enhancement Plan for monarch roost sites near the rail corridor. Enhancement may include but is not limited to: ▪ Protecting and maintaining the eucalyptus grove to support monarch roosting through maintenance of roost trees and wind buffer trees; ▪ Topping, thinning, and/or limbing of the grove, as needed, to allow sun penetration while preserving wind buffers and variable	County Construction Contractor	Payment of in-lieu fees to CDFW, State Parks, and/or mitigation contractor	To be implemented to prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		roost site conditions within the grove (i.e., sun, shade, and insulation from heat and cold); ▪ Planting of saplings [to develop wind buffers and promote growth of future roost trees (avoid senescence[1])]; and ▪ Cultivating fall- and winter-blooming nectar plants.			
	BIO-4. The Project would adversely affect sensitive and native nesting avian species during construction and operation.	**BIO-4: Conduct Breeding Bird Surveys and Identify Protective Buffers prior to Construction, if Construction occurs between February 1 and August 31** During construction, the County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures: ▪ The avian breeding season occurs from February 1 through August 31 with a peak in breeding/nesting activity between April and June for most birds. ▪ If feasible, Project activities will be initiated outside the breeding season in order to avoid impacts to breeding birds. Should Project activities be initiated between September and February, no avian breeding surveys would be required. ▪ If Project activities are to be initiated during breeding season, or if Project activities lapse for 1 week or more during breeding bird season, prior to construction/resumption of construction activities, an agency-approved biologist will conduct avian breeding surveys for all birds (and their nests) protected under the MBTA. According to current CDFW permit conditions, the survey area will encompass tree stands and structures within the Project corridor and the following buffers (where accessible): □ 250 feet for passerines/non-raptors; □ 500 feet for small raptors such as accipiters; and □ 1,000 feet for larger raptors such as buteos. Per current CDFW permit conditions, surveys will be conducted within 1 week of the initiation or resumption of Project activities including, but not limited to, staging equipment, tree removal, vegetation clearing, and/or ground disturbing activities. ▪ In the event nesting avian species are observed, postpone Project activities until a qualified biologist has determined young birds have fledged or implement buffers appropriate to the construction activity and the species, such as those recommended in PG&E's Nesting Bird Management Plan (PG&E et al. 2015)[2]:	County Construction Contractor	Agency-approved biologist to conduct surveys	To be implemented prior to and during project construction

[1] "Senescence" is the age-related declines in woody plant communities that may be affected by physiological changes (e.g. reduced stem sap flow) in individual trees as well as the growing environment (e.g. drought) and interactions between these factors.

[2] PG&E et al.'s Nesting Bird Management Plan (2015) was based on a review of the effects of nest disturbance on reproductive success and consultation with subject experts and takes into account the nesting habits of the bird and the bird's sensitivity to disturbance, as well as the type of activity, duration, and noise level of disturbance (including direct and indirect effects), to develop disturbance categories (low, medium, or high) and associated buffers.

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		□ Raptors (platform nesting): 300 feet (90 meters) □ Cavity-nesters (depending on species): 50 feet (15 meters) □ Bridge/building, tree, and ground/understory nesters: 75 feet (23 meters) ▪ Sensitive avian species, if nesting in or near the Project corridor, will be given special consideration and may require additional protective measures as determined through consultation with the relevant agency (USFWS or CDFW). The standard protective buffers recommended in PG&E et al. (2015) for sensitive birds that are known to nest or have potential to nest in or near the corridor are as follows: □ Allen's hummingbird – standard buffer: 50 feet (15 meters) □ Wrentit – standard buffer: 75 feet (23 meters) □ Olive-sided flycatcher – standard buffer: 75 feet (23 meters) □ Oak titmouse – standard buffer: 50 feet (15 meters) □ Nuttal's woodpecker – standard buffer: 50 feet (15 meters) □ Yellow warbler – standard buffer: 75 feet (23 meters) □ Peregrine falcon – standard buffer: 500 feet (152 meters) □ White-tailed kite – standard buffer: 300 feet (91 meters) □ Bald eagle – consultation required [standard buffer: 1320 feet (402 meters)]. ▪ Protective buffers will be clearly marked for avoidance by construction activities. ▪ The approved biologist will document pre-construction baseline monitoring of the nest to characterize "normal" behavior. If approved by the agencies, the biologist may have the discretion to reduce the buffer and monitor the nest for disturbance. If the birds show signs of abnormal behaviors (e.g., defensive flights/vocalizations, standing up from brooding, and flying away from the nest) that are associated with construction activity, the biologist will reinstate the larger buffer. Work within the setback will be delayed until after the young have fledged. ▪ The biologist will have the authority to stop work if breeding birds exhibit behaviors that may cause nest abandonment or failure. ▪ If postponing Project activities and/or installing buffers are not feasible, further discussions with the appropriate resource agencies (USFWS and/or CDFW) will be necessary to develop alternative requirements.			
	BIO-5. Project construction could adversely affect sensitive and common roosting bat species that use coast live oak, riparian, and other trees along the alignment.	**BIO-5: Conduct Bat Surveys and Implement Measures to Protect Roosting Bats during Construction** The County of Santa Cruz (with the approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures. To avoid impacts to individual roosts, winter hibernacula, and maternity roosts, during all months, throughout the Project corridor and especially in mature coast live oak woodland and riparian habitats, prior to limbing/tree removal, an agency-approved biologist shall conduct a pre-construction survey for bats to determine if cavity, crevice or foliage-roosting bats are present, as follows:	County Construction Contractor	Qualified biologist to conduct surveys	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		▪ Bat maternity roosting occurs typically between May 1 and August 31, and winter hibernacula (shelter occupied during the winter by a dormant animal) for many bat species are found between November 1 and February 15. ▪ All trees and limbs proposed for removal, topping or pruning should be marked in the field by the Project proponent in advance of the Project start date. ▪ A qualified biologist shall determine if bats are using the Project corridor for roosting. For any trees/snags/structures (bridges) that could provide roosting habitat for cavity, crevice, or foliage-roosting bats, potential bat roost features shall be thoroughly evaluated to determine if bats are present. Visual inspection, emergence, and/or acoustic surveys shall be utilized as initial techniques. □ If established maternity colonies are found, in coordination with CDFW, a buffer shall be established around the colony to protect pre-volant young from construction disturbances until the young can fly; or implement other measures acceptable to CDFW. □ If individual roosting bats or winter hibernacula[3] are found, in consultation with CDFW or based on CDFW recommendations, the qualified biologist shall develop and implement acceptable passive exclusion methods. If feasible, exclusion shall take place during the appropriate windows (between September 1 and November 1) (Authorization from CDFW is required to evict winter hibernacula for bats). ▪ 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: □ If foliage-roosting bats are determined to be present, 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 4 days of the survey, the survey efforts shall be repeated.			

[3] "Hibernacula" are shelters occupied during the winter by a bat or group of bats in torpor (slowed heart rate and slowed breathing). Hibernacula are typically removed from predators and possess the right environmental conditions (temperatures between zero and 15 degrees Celsius and humid). Bats use up energy stores call "brown fat" in winter hibernacula but are vulnerable to disturbance (such as construction) which can cause repeated waking, and in turn, starvation and mortality.

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	BIO-6. The Project would adversely affect San Francisco dusky-footed woodrat.	**BIO-6: Implement San Francisco Dusky-Footed Woodrat Protection Measures During Construction** During construction of the Project, the County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures. Prior to construction, a qualified biologist shall conduct a pre-construction 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, in consultation with CDFW, that allows for the relocation of woodrats and their houses. The plan shall include the following (or similar and CDFW-approved) criteria: ▪ Relocation will occur when vulnerable young are least likely to be present in the woodrat houses (ideally between August 1 and October 30). ▪ During dismantling of woodrat houses, woody debris, food caches, and nesting materials will be retained and relocated to reconstructed or artificial shelters. ▪ Relocation sites will be in the nearest suitable habitat outside the Project footprint. ▪ 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). ▪ Monitoring shall be conducted for 30 days after relocation is completed and include infrared and motion activated cameras and an occupancy assessment. ▪ A report on San Francisco dusky-footed woodrat house monitoring shall be provided to CDFW, within 30 days following the end of the monitoring period, and shall include the methods and results of relocation, occupancy determinations, and discussion of any remedies that may be needed.	County Construction Contractor	CDFW-approved biologist to conduct surveys	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	AES-1. The Project would have an adverse effect on scenic resources and vistas through the removal of mature trees. *AES-2. The Project would be inconsistent with policies that pertain to tree and vegetation removal.* *BIO-1. The Project would adversely affect monarch butterfly and autumnal and/or wintering roost sites.* *BIO-2. The Project could adversely affect sensitive fish species.*[1] *BIO-3. The Project could adversely affect Santa Cruz black salamander, if present.* *BIO-4. The Project would adversely affect sensitive and native nesting avian species during construction and operation.* *BIO-5. Project construction could adversely affect sensitive and common roosting bat species that may use coast live oak, riparian, and other trees along the alignment.* *BIO-6. The Project would adversely affect San Francisco dusky-footed woodrat.* *BIO-7. The Project would result in adverse effects to riparian habitat, other sensitive natural communities, and Coastal Act ESHA.* *BIO-8. The Project would result in adverse effects to palustrine scrub-shrub and forested wetlands and aquatic/riverine habitats.*	**BIO-7a: Minimize Construction in Sensitive Habitats and Install Temporary Protective Fencing** The County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures: ▪ To the extent feasible, all trail construction activities, including access routes, staging areas, stockpile areas, and equipment maintenance are to be located outside the limits of mapped sensitive habitats. Sensitive habitat areas shall be mapped by a qualified biologist and clearly shown on construction plans. Sensitive habitat areas include, but may not be limited to: monarch butterfly roost habitat near Rodeo Gulch, Escalona Gulch, Tannery Gulch, New Brighton State Beach, and Flatiron Creek; coastal scrub adjacent to the Porter-Sesnon open space element of New Brighton State Beach; mixed riparian forest, and coast live oak woodland and forest along the rail corridor. ▪ During construction, temporary fencing (e.g., silt fencing[4]) shall be installed at the outermost edge of 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. ▪ Areas designated as environmentally sensitive (i.e., ESHA, County sensitive habitats, and CDFW sensitive natural communities) will be avoided. No work-related activity including equipment staging, vehicular parking, etc., shall be allowed outside the limits of designated work areas when within or adjacent to sensitive habitats including the dripline of trees to be protected. ▪ Mature trees will be retained wherever feasible and limbing of trees and shrubs in mixed riparian forest, coast live oak woodland and forest, coastal scrub, and potential and/or known monarch roost habitat should be favored in lieu of removal. When possible, in temporary impact areas, stumps and burls of native coast live oaks, coast redwoods, and arroyo willows shall be retained to allow for re-sprouting following Project completion. ▪ Limbing and removal of coast live oak trees located in coast live oak woodland and 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.	County Construction Contractor	Qualified biologist to map sensitive habitats	To be implemented prior to and during project construction

[4] See also Mitigation Measure BIO-1a: Conduct Biological Monitoring for Sensitive Wildlife Species, Bullet 3, regarding exclusion fencing.

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	BIO-9. The Project would interfere with wildlife movement. *BIO-10. The Project would conflict with policies and ordinances protecting trees, including the City of Capitola Community Tree Management Ordinance and County of Santa Cruz Significant Tree Ordinance.* *GHG-2. The Project would not be consistent with applicable GHG reduction plans related to tree removal.*	**BIO-7b: Develop Project-Specific Biological Resources Mitigation and Management Plan for Impacts to Biological Resources Resulting from Trail Construction and Operation** The County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures. 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. Out-of-kind mitigation will be incorporated into the MMP where it contributes to the overall ecological integrity of mitigation habitat. The MMP will be prepared based on EIR-certified Design Plans (typically 60% or higher) during Project permitting. The MMP will be implemented during and after Project construction, typically within one year of Project completion. The Biological Resources MMP shall include the following: ▪ Description of the trail alignment including as-built acreage of temporary and permanent impacts to mixed riparian forest, coast live oak woodland and forest, coastal scrub, and monarch butterfly roost sites, including the number and type of trees slated for removal with City of Capitola and County status as Protected or Significant trees, respectively. ▪ Ecological functions and values assessment of sensitive habitats, including monarch butterfly habitat to determine suitable mitigation ratios (at a minimum, no net loss) in consultation with USFWS, CDFW, California Coastal Commission (CCC), the County, and the City. ▪ Goals of compensatory mitigation, including types and areas of sensitive habitat to be created, restored, enhanced and/or preserved; number and type of trees to be replaced, specific functions and values of mitigation habitat types, mitigation ratios (created/restored/enhanced/preserved: impacted), and performance criteria, including: □ Conservation of functions and values of monarch autumnal and overwintering roost habitat and nectaring sites (including	County (in coordination with the City, CCC, CDFW, RWQCB, USACE and USFWS) Construction Contractor	Agency-approved biologist to prepare Project-specific Biological Resources Mitigation and Management Plan (MMP)	To be implemented prior to and during project construction

		maintaining suitable grove structure, wind protection, and water sources)[5]; □ Conservation of edge habitats; and □ Conservation of functions and values for wildlife movement including habitat mosaics, links between creeks, open spaces 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. In the Coastal Zone, mitigation ratios for ESHA typically start at 3:1 (creation/substantial restoration: impact) for ESHA. This ratio is doubled for enhancement (6:1) and tripled for preservation (9:1); however, a minimum of 1:1 must include creation of in-kind ESHA habitat for any mitigation strategy. ▪ Location and acreage of sensitive habitat, including monarch roost habitat, mitigation areas including ownership status, and existing functions and values of restored and/or enhanced sensitive habitats. ▪ Project stakeholders including the County, City of Capitola, and RTC shall identify undeveloped public and private properties as potential mitigation areas. Acquisition could include direct purchase or placement of conservation easements on portions of parcels that are in close proximity to the impacted areas, that share similar ecological value with the impacted areas, that are otherwise constrained from development due to existing conditions (such as County aquatic and riparian setbacks, ESHA, steep slopes, etc.) and currently do not but could support native sensitive habitats (habitat creation) or would benefit from restoration, enhancement, or preservation, as needed to fulfill mitigation acreage and proximity requirements. ▪ All County Significant trees, Capitola Protected trees, and native trees will be replaced at a minimum 1:1 ratio ("in kind" for native trees) at a location and ratio to be determined by the County Environmental Coordinator, City Community Development Department, and/or other responsible regulatory agencies. Wherever feasible, tree replacement plantings will be situated to promote ecosystems benefits and services by replacing displaced habitat functions and values and/or enhancing remaining habitat. Where tree replacement plantings exceed a minimum 1:1 replacement ratio, tree replacement plantings may be situated to enhance the urban streetscape with the design goals of beautifying neighborhoods (especially those with a disproportionate paucity of trees), reducing the urban heat island, and improving carbon sequestration. Urban streetscape features such as public or private greenbelts, medians, parking strips,			

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		and/or other similar available spaces with sufficient space may be used for replacement tree planting. Urban streetscape species composition may include coast redwood, coast live oak, tanoak, and buckeye in upland areas and white alder, box elder, blue elderberry, big leaf maple, and western sycamore in riparian 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 monarch roost sites, sensitive fish species, potential Santa Cruz black salamander, sensitive and common native nesting avian species, sensitive and common roosting bat species, and/or San Francisco dusky-footed woodrat). ▪ Maintenance activities during operation shall include replanting native vegetation found within similar habitats within the same watershed and weed eradication that avoids take of sensitive wildlife species (e.g., woodrat, breeding birds). 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 woody and plant species that deter human passage such as poison oak, Pacific blackberry, and stinging nettle) ▪ Strategies to protect wildlife movement, both across and along the trail corridor, as well as north and/or south of the corridor to connect open spaces, supported by complex and mature sensitive habitat mosaics, including perennial water sources. ▪ 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;			

[5] See also Mitigation Measure BIO-1b: Enhance Monarch Roost Habitat along the Rail Corridor (Escalona Gulch, New Brighton State Beach, and Borregas Creek).

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		□ Enhance ecological functions and values of sensitive habitat mitigation areas, including monarch butterfly habitat and habitat for wildlife movement; □ Ascertain the sufficiency of trail access, facilities development and management, and interpretive design features associated with the Project to protect biological resources. 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).** Monarch butterfly (presently federal ESA Candidate species, likely Threatened or Endangered by 2024). ▪ **California Department of Fish and Wildlife (CDFW).** Sensitive habitats, work below the break in bank of stream corridors, riparian habitat, CESA Endangered species, Fully Protected species, and Species of Special Concern. ▪ **California Coastal Commission (CCC).** Environmentally sensitive habitat areas (ESHA). ▪ **California State Parks.** Sensitive resources and habitats on New Brighton State Beach property. ▪ **Regional Water Quality Control Board (RWQCB).** Non-wetland riparian habitat. ▪ **County of Santa Cruz (County).** Sensitive habitats, including ESHA, aquatic features and riparian habitat, and Significant trees. ▪ **City of Capitola (City).** Riparian habitat and sensitive habitats, including ESHA, and Protected trees. The Draft MMP shall be submitted to USFWS, CDFW, CCC, California State Parks, County, and City of Capitola for review prior to formal adoption. Monitoring reports will be provided to relevant agencies.			
		BIO-7c: Implement Best Management Practices to Protect Biological Resources during Construction During construction of the Project, the County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall ensure the following best management practices to protect water quality and biological resources during Project construction activities are included in the construction specifications and implemented during Project construction: ▪ Minimize removal or disturbance of existing vegetation outside the footprint of Project construction activities.	County Construction Contractor	Best Management Practices (BMPs) to be implemented for duration of Project construction	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		▪ Limit site access and parking, equipment storage and stationary construction activities to the designated staging areas. ▪ Prior to staging any equipment or vehicles within or adjacent to the rail corridor, 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. Remove invasive exotic plants from the Project area. All equipment used on the site 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 area 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. ▪ During construction activities, 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[6]. 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. ▪ 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			

[6] See also Mitigation Measure BIO-1a: Conduct Biological Monitoring for Sensitive Wildlife Species, Bullet 3, regarding exclusion fencing.

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		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 3.3-9**. Ideally, most if not all vegetation clearing will be done in the fall.			
	BIO-2. The Project could adversely affect sensitive fish species.[1] *BIO-3. The Project could adversely affect Santa Cruz black salamander, if present.* *BIO-8. The Project would result in adverse effects to palustrine scrub-shrub and forested wetlands and aquatic/riverine habitats.* *BIO-9. The Project would interfere with wildlife movement.*	**BIO-8a: Minimize Construction-related Activities in Palustrine Emergent Wetlands and Aquatic/Riverine Habitats** The County of Santa Cruz (with approval from the City of Capitola and RTC) and the construction contractor shall 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 scrub-shrub and forested wetlands and aquatic/riverine habitats, to the extent feasible. Wetlands and aquatic/riverine areas shall be clearly shown on construction plans. In coordination with a qualified biologist, temporary fencing (e.g., silt fencing) shall be installed at the outermost edge of all features not directly affected by trail construction.	County Contractor	Qualified biologist to identify areas require temporary protective fencing	To be implemented prior to and during project construction
		BIO-8b: Develop and Implement Aquatic Resources Mitigation and Monitoring Plan The County of Santa Cruz (with approval from the City of Capitola and the RTC) and the construction contractor shall implement the following measures. A qualified biologist shall be retained to prepare an Aquatic Resources 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, USACE, Central Coast RWQCB, California Coastal Commission, and/or 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, open spaces, scenic viewpoints) along the central 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 wetlands, Coastal Act wetlands, and aquatic/riverine features as identified in a forthcoming formal	County (in coordination with the City, CCC, CDFW, RWQCB, USACE and USFWS)	Qualified biologist to prepare Aquatic Resources Mitigation and Monitoring Plan (MMP)	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		delineation of jurisdictional wetlands and other non-wetland 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/preserved: impacted). Based on a recent memo by the Coastal Commission for a project at Gleason Beach in Sonoma County, mitigation ratios for permanent wetland impacts will likely begin at 4:1 for creation or substantial restoration. For wetland enhancement, this ratio is doubled (8:1) and tripled for habitat preservation (12:1). For all mitigation strategies, at least 1:1 must include creation of new sensitive habitat. ▪ 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 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 aquatic wildlife species. ▪ 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 alignment 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 USACE, USFWS, RWQCB, CDFW, CCC, California State Parks, County, and City of Capitola for review.			

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Cultural Resources					
	CR-1. The Project may adversely affect historical resources, including the SCBRL (Ultimate Trail Configuration and Optional Interim Trail) and the Capitola Trestle Bridge (Optional Interim Trail and Design Option A).	**CR-1: Standards Design Review for Capitola Trestle Bridge Rehabilitation (Only Required for Optional Interim Trail and Design Option A)** During design of the Capitola Trestle Bridge rehabilitation and improvements for the Optional Interim Trail, as well as Design Option A of the Ultimate Trail Configuration, the County of Santa Cruz, City of Capitola, and/or RTC shall retain a qualified historic preservation professional, who meets the Secretary of the Interior's Professional Qualifications Standards in Architecture or Architectural History, to provide input on Project plans specifically relating to the Capitola Trestle Bridge. The input from the qualified historic preservation professional shall take place from conceptual and schematic phases through design development to identify and implement design elements for the Capitola Trestle Bridge that shall facilitate compliance with the Secretary of the Interior's Standards. The qualified historic preservation professional shall consider the character-defining features as outlined in the National Park Service's Preservation Brief 17: Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving their Character and provide treatment recommendations as appropriate. The qualified historic preservation professional shall review the 60% and 90% plans for the Capitola Trestle Bridge and provide recommendations as needed, which shall be incorporated into the final design. Prior to the issuance of construction permits, the qualified historic preservation professional shall prepare a Secretary of the Interior's Standards Project Review Memorandum to document the rehabilitation and Interim Trail improvement's compliance with the standards. This memorandum shall be submitted to the County, City, and/or RTC for review and approval and included in the administrative record upon acceptance.	County, City, and/or RTC	Qualified historic preservation professional to provide input on Project plans specifically relating to Capitola Trestle Bridge	During design phase of Capitola Trestle Bridge rehabilitation and trail improvements
	CR-2. Ground-disturbing activities during project construction may unearth or adversely impact subsurface archaeological resources.	**CR-2a: Worker's Environmental Awareness Program** The County of Santa Cruz shall retain a qualified archaeologist to conduct Worker's Environmental Awareness Program training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. Training shall be provided periodically throughout ground-disturbing activities as new construction personnel are added to the Project. The training shall be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualifications Standards for Archeology. Archaeological sensitivity training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the	County	Qualified archaeologist to conduct Worker's Environmental Awareness Program	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		materials in the event of a find. Training shall be documented on a sign-in sheet to be provided to the County .			
		CR-2b: Archaeological Monitoring For construction activities occurring within the boundaries of previously recorded archaeological resources and a 300-foot buffer around each resource, the County of Santa Cruz shall retain a qualified archaeologist to delineate these locations and to monitor project-related ground-disturbing activities. Archaeological monitoring shall be performed under the direction of an archaeologist meeting or exceeding the Secretary of the Interior's Professional Qualifications Standards for Archeology. Monitors shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt, and Mitigation Measure CR-2d, Implementation of Protocol for Unanticipated Discovery of Cultural Resources, shall be implemented. Archaeological monitoring may be reduced or halted at the discretion of the monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments that are planned to be excavated are comprised of fill, or negative findings during the first 50% of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground disturbance moves to a new location within the Project corridor and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Furthermore, monitoring may be terminated in the event that it is determined that the soils within the Project corridor do not have the potential to contain cultural resources. The monitor shall submit a report within 30 days of completion of all ground-disturbing activities to the County to document compliance.	County	Qualified archaeologist to monitor Project-related ground-disturbing activities	To be implemented prior to and during project construction
		CR-2c: Native American Monitoring For construction activities occurring within the boundaries of previously recorded archaeological resources and a 300-foot buffer around each resource, the County of Santa Cruz shall retain a Native American monitor from a locally affiliated Tribal member(s). Native American monitor(s) shall have the authority to halt and redirect work should any archaeological or Tribal Cultural Resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area shall halt, and Mitigation Measure CR-2d, Implementation of Protocol for Unanticipated Discovery of Cultural Resources, shall be implemented. Native American monitoring may be reduced or halted at the discretion of the monitors, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments	County	Native American monitor from locally affiliated tribe to monitor Project-related ground-disturbing activities	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		that are planned to be excavated are comprised of fill, or negative findings during the first 50% of ground disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground disturbance moves to a new location in the Project corridor and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Furthermore, monitoring may be terminated in the event that it is determined that the soils within the Project corridor do not have the potential to contain cultural resources.			
		CR-2d: Implementation of Protocol for Unanticipated Discovery of Cultural Resources In the event that archaeological resources are unexpectedly encountered during ground-disturbing construction activities, the construction contractor shall halt work within 200 feet of the find, and the County of Santa Cruz shall contact an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology to immediately evaluate the find if an archaeological monitor is not already present. If the find is determined by the qualified archaeologist to be prehistoric and a Native American monitor is not already present, then the County shall contact a Native American representative to participate in the evaluation of the find. If necessary, archaeological testing for California Register of Historical Resources eligibility shall be completed by the qualified archaeologist. If the discovery proves to be eligible for the California Register of Historical Resources and impacts to the resource cannot be avoided via project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the deposit, per the requirements of California Public Resources Code, Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The County, in coordination with the City, shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, per California Public Resources Code, Section 15126.4(b)(3)(C).	County Construction Contractor	Contractor to halt work within 200 feet of any archaeological resources encountered during ground-disturbing activities	To be implemented prior to and during project construction
Geology and Soils					
	GEO-5. Ground-disturbing activities during Project construction may directly or indirectly destroy a unique	**GEO-5: Implement Paleontological Resources Protection Measures during Construction in High Sensitivity Areas**	County	Retain qualified professional	To be implemented prior

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	paleontological resource or site or unique geologic feature.	The following measures shall be implemented by the County of Santa Cruz during Project excavation activities exceeding 1 foot in depth in Segments 10 and 11 in areas mapped as geologic units with high paleontological sensitivity (i.e., Quaternary marine terrace deposits, Quaternary alluvial fan deposits, and Purisima Formation). Areas along Segments 10 and 11 that do not have high sensitivity for paleontological resources, including the areas mapped as geologic units with low paleontological sensitivity, do not require the following measures. 1. **Retain a Qualified Professional Paleontologist.** Prior to excavation, the County shall retain a qualified professional paleontologist who is defined by the Society of Vertebrate Paleontology (2010) as an individual, preferably with an MS or PhD in paleontology or geology, who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for at least 2 years. The qualified professional paleontologist shall direct all mitigation measures related to paleontological resources. 2. **Prepare a Paleontological Worker Environmental Awareness Program.** Prior to the start of construction, the qualified professional paleontologist or their designee shall conduct a paleontological Worker Environmental Awareness Program training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. 3. **Monitor for Paleontological Resources during Construction.** As determined appropriate by the qualified professional paleontologist, paleontological monitoring shall be conducted during initial excavations within sediments assigned high paleontological sensitivity (i.e., Quaternary marine terrace deposits, Quaternary alluvial fan deposits, and Purisima Formation). Paleontological monitoring shall be conducted by a paleontological monitor with experience with collection and salvage of paleontological resources and who meets the minimum standards of the Society of Vertebrate Paleontology (2010) for a paleontological resources monitor. The duration and timing of the monitoring shall be determined by the qualified professional paleontologist based on the observation of the geologic setting from initial ground disturbance and subject to the review and approval by the County. The qualified professional paleontologist may determine that full-time monitoring is not warranted based on the specific geologic conditions once the full depth of excavations has been reached and may recommend that monitoring be reduced to periodic spot-checking or ceased entirely. The qualified professional paleontologist may determine that monitoring shall be reinstated if any new ground disturbances are		paleontologist to implement mitigation	to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		required, and reduction or suspension shall be reconsidered by the qualified professional paleontologist at that time. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease, and a qualified professional paleontologist shall evaluate the find before construction activity in the area resumes. If it is determined that the fossil is scientifically significant, the qualified professional paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources: A. **Fossil Salvage.** If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the paleontological monitor and/or qualified professional paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontological monitor and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically sensitive deposits. B. **Fossil Preparation and Curation**. 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 along with all pertinent field notes, photographs, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified professional paleontologist. 4. **Prepare a Final Paleontological Mitigation Report.** Upon completion of ground-disturbing activity (and curation of fossils if necessary), the qualified professional paleontologist shall prepare a final report describing the results of the paleontological 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 report shall be submitted to the County. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.			

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Hazards and Hazardous Materials					
	HAZ-1. Demolition activities, ground disturbance, or accidental spills during construction could release contaminants, including within a 0.25 mile of schools.	**Mitigation Measure HAZ-1a: Conduct Soil Sampling and Implement Necessary Remediations** Prior to Project construction, the County of Santa Cruz, in coordination with the RTC, shall prepare and submit Work Plans for a Supplemental Soils Investigation to Santa Cruz County Environmental Health. The Supplemental Soils Investigation shall include an evaluation of near-surface materials (soil and ballast) within the Project area. Following notification that Santa Cruz County Environmental Health has received, reviewed, and accepted these Work Plan(s), the County shall conduct a Supplemental Soils Investigation, which shall include near-surface materials 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 arsenic, pesticides, herbicides, heavy metals, creosote, PAHs, and other reasonably anticipated contaminants of concern associated with prior rail use. The County shall coordinate with Santa Cruz County Environmental Health to develop and implement a program to remediate or manage known contaminated materials during construction. If necessary, any additional information gathered from a Supplemental Soil Investigation shall be used to identify locations along the Project corridor that may require remedial action in order to prevent exposure of construction workers, school attendees, and the public to these contaminants. The environmental data collected shall also be used to identify the appropriate disposal options for those 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 activities. The remediation/disposal program shall be approved by Santa Cruz County Environmental Health. The County shall submit any required correspondence to Santa Cruz County Environmental Health 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 be submitted to Santa Cruz County Environmental Health and include figures depicting the boring locations, summary tables of analytical data, conclusions, and recommendations.	County in coordination with RTC and Santa Cruz County Environmental Health	Prepare and submit Work Plans for Supplemental Soils Investigation	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		Mitigation Measure HAZ-1b: Prepare and Implement Soils Management Plan The County of Santa Cruz shall ensure a Soils Management Plan is developed by a qualified engineer. The plan shall be implemented to protect workers and persons at nearby schools during ground-disturbing activities and to remove and/or mitigate exposure to hazardous materials (soil and/or ballast), where present in the Project corridor. Laboratory data for the Supplemental Soils Investigation conducted under Mitigation Measure HAZ-1a shall be used to profile excavated materials prior to transport, treatment, recycling, capping, or disposal at a licensed treatment facility. Additional profiling of the export materials shall be performed as needed to satisfy requirements of the receiving facility. Removal, transportation, and disposal of contaminated materials shall be performed in accordance with applicable DTSC and CalOSHA laws, regulations, and ordinances. The Soils Management Plan 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 contaminated shallow materials 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 (hotspots) until the contaminants are removed 2. Providing all personnel entering a hotspot with site-specific awareness training 3. Requiring that all personnel whose work will involve the excavation or disturbance of soils in and around the hotspot must have successfully completed 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training 4. Requiring a HAZWOPER supervisor to be on-site at all times during the excavation or disturbance of soils in a hotspot 5. Prohibiting personnel who cannot prove that they are authorized to enter a hotspot or do not have the appropriate personal protective equipment from entering a hotspot 6. Prohibiting eating, drinking, smoking, chewing gum or tobacco in hotspots, and requiring consumable items and activities be confined to designated worker break areas In the event that contaminated materials and/or groundwater is identified where not previously anticipated during construction, the Soils Management Plan shall also require that construction cease and that appropriate handling and disposal procedures be implemented. Contaminated materials and/or groundwater can be identified by	County in coordination with RTC and Santa Cruz County Environmental Health	Retain qualified engineer to develop Soils Management Plan	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		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 near-surface materials. Procedures for properly handling, storing, and disposing of contaminated soils may include but are not limited to the following: 1. Placing contaminated materials 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 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 of the equipment at an appropriate disposal site			
		Mitigation Measure HAZ-1c: Evaluate and Cap Contaminated Subgrade Soil and Ballast (Only Required for Optional Interim Trail Part 1 and Design Option A) In locations where the trail pavement would be placed on the existing rail ballast during construction of the Optional Interim Trail (Part 1) and Design Option A for the Ultimate Trail Configuration, the County of Santa Cruz, in coordination with the RTC, shall evaluate and cap the subgrade materials (soil and ballast) as follows. Prior to the finalization of pavement design for the Optional Interim Trail and prior to removal of the rail and construction of the Optional Interim Trail (Part 1), as well as Design Option A, the structural quality of the subgrade materials shall be evaluated to ensure that it has adequate strength to carry the predicted loads during the design life of the pavement and to avoid exposure of trail users to hazardous materials. The Optional Interim Trail pavement shall also be engineered to limit the expansion and loss of density of the subgrade soil. The existing ballast material shall serve as the base rock layer to support the base material and asphalt layer of the cover. The ballast material shall be leveled to establish a base rock layer at a depth to be determined following evaluation of hazardous materials.	County in coordination with RTC and Santa Cruz County Environmental Health	Develop regulatory oversight agreement to ensure asphalt cap is maintained as designed	To be implemented prior to and during project construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		Residual materials disturbed by construction (on which the trail would be placed) would be capped (e.g., covered with asphalt) to avoid exposure of trail users to hazardous materials. To ensure that the asphalt cap is maintained as designed, a regulatory oversight agreement between the owner or their designee and Santa Cruz County Environmental Health shall be required. This Post-Construction Site Management Plan shall include procedures and requirements for ongoing maintenance of the asphalt cap to ensure the cap is maintained in good condition so that it remains protective of public health and the environment. The Accountable Care Organization Agreement shall include the following elements: ▪ **Inspections.** The cap shall be regularly inspected to ensure that it is functioning as intended. These inspections shall be conducted on a routine basis as well as after unplanned events (e.g., earthquake, on-site construction activity) that may have affected the integrity of the asphalt cap. ▪ **Repairs and Maintenance.** The cap shall be maintained in a manner that ensures it is functioning as intended. Examples of cap maintenance include vegetation control and repairs due to cover erosion, asphalt cracking, settlement, and subsidence. For asphalt and concrete caps, periodic sealing of the cap surface will be necessary. Repairs and maintenance of the cap shall be performed according to the procedures and timeframes specified in the Accountable Care Organization Agreement. ▪ **Reporting, Recordkeeping, and Notification.** The Accountable Care Organization Agreement shall outline the recordkeeping requirements, provide for submittal of periodic inspection summary reports, identify the site activities or conditions that require notification of the regulatory agencies, and identify the time frame and mechanism (e.g., verbal, written) for the required notifications.			
Noise					
	N-1. Construction may result in a substantial temporary increase in noise levels.	**Mitigation Measure N-1: Implement Noise-Reducing Measures for Construction Equipment Used within 275 Feet of Residences or Hotels** The County of Santa Cruz shall include the following in the construction specifications. During construction, the construction contractor shall employ the following noise-reducing measures where use of construction equipment occurs within 275 feet of residences or hotels: ▪ Use acoustical shelters around any air compressors, generators, and any other stationary construction equipment not fitted with baffled enclosures	County Construction Contractor	Employ noise-reducing measures within 275 feet of residences or hotels	During construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		▪ Use baffling around stationary construction equipment to reduce noise and vibration levels ▪ Properly muffle and maintain all construction equipment powered by internal combustion engines ▪ Prohibit unnecessary idling of internal combustion engines ▪ Whenever feasible, use electrical power to run air compressors and similar power tools			
	N-3. Construction would potentially expose persons to or generate excessive groundborne vibration or groundborne noise levels.	**Mitigation Measure N-3: Provide Notification of Construction Vibration to Residential Units and Manufacturing Operations within 235 Feet** The County of Santa Cruz shall ensure that the construction specifications include the following noticing requirement. The construction contractor shall provide written notification at least 1 week prior to the start of any construction activities involving the use of vibratory equipment to all residential units located within 50 feet or manufacturing uses within 235 feet of the construction area that would produce the vibration. The notice shall inform residents of the estimated start date and duration of daytime vibration-generating construction activities and provide a point of contact for vibration exposure complaints.	County Construction Contractor	Notify all residential units within 50 feet and/or manufacturing uses within 235 feet at least 1 week prior to start of construction activities	Prior to and during construction
Tribal Cultural Resources					
	TCR-1. The Project may cause a substantial adverse change in the significance of a tribal cultural resource.	**Mitigation Measure TCR-1a: Conduct Native American Monitoring during Construction in Previously Undisturbed Native Soils** The County of Santa Cruz and/or their construction contractor shall retain a Native American monitor to be present during excavation activities within previously undisturbed native soils. 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 County and/or tribal liaison, as appropriate, shall consult with a qualified archaeologist and begin or continue Native American consultation procedures. If the County and/or tribal liaison, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under the California Environmental Quality Act, 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 and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon measure.	County Construction Contractor	Retain Native American monitor to be present during excavation activities Contractor to halt work within 50 feet of any cultural resources encountered during project construction	During construction

No.	Environmental Impact	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
		Mitigation Measure TCR-1b: Implement Protocol for Unanticipated Discovery of Tribal Cultural Resources if Native American Monitor is Not Present If cultural resources of Native American origin are identified during project construction while the Native American monitor is not present, the County of Santa Cruz and/or their construction contractor shall cease all earth-disturbing work within 50 feet of the find and desist until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. Staking of the area of discovery shall be implemented with stakes no more than 10 feet apart, forming a circle having a radius of no less than 100 feet from the point of discovery. If the County, in consultation with local Native American tribes, determines that the resource is a tribal cultural resource and thus significant under the California Environmental Quality Act, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with local Native American groups. The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified archaeologist. Examples of appropriate mitigation for tribal cultural resources include but are not limited to protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, and/or performing heritage recovery.			

[1] Sensitive fish species include tidewater goby (and its critical habitat), central California coast steelhead (and its critical habitat), and Pacific lamprey.

CalOSHA = California Occupational Safety and Health Administration; CCC = California Coastal Commission; CDFW = California Department of Fish and Wildlife; CESA = California Endangered Species Act; DTSC = California Department of Toxic Substance Control; ESHA = Environmental Sensitive Habitat Area; FESA = federal Endangered Species Act; HAZWOPER = Hazardous Waste Operations and Emergency Response; MBTA = Migratory Bird Treaty Act; MMP = Mitigation and Management Plan; MMRP = Mitigation Monitoring and Reporting Program; NOAA = National Oceanic and Atmospheric Administration; PG&E = Pacific Gas & Electric; RTC = Santa Cruz County Regional Transportation Commission; RWQCB = Regional Water Quality Control Board; SCBRL = Santa Cruz Branch Rail Line; USACE = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife Service

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