



# COUNTY OF SANTA CRUZ

## FISH AND WILDLIFE ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060  
(831) 454-3154 FAX: (831) 454-3128

### AGENDA

October 4, 2018

7:00 PM

**Board of Supervisors Chambers, Fifth Floor, 701 Ocean Street**

PLEASE NOTE: Outside doors will be open 6:45-7:30 and then locked for security.

Please arrive during this time.

Staff can be contacted at 831-277-7404, but may not be available to answer the call during the meeting.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
4. PUBLIC COMMENTS
5. BUSINESS MATTERS
  - A. Discuss commission policy on public comments and written correspondence (5 minutes)
  - B. Discuss idea of commissioners following and reporting on specific topics (10 minutes)
  - C. Discuss Public Grants Program for 2018-19 (30 minutes)
  - D. Discuss purchase of conference room microphones (10 minutes)
  - E. Discuss possible involvement or action about PG & E's new tree clearing policy (15 minutes)
  - F. Update on County's Cannabis Cultivation Office (5 minutes)
  - G. Update on letter to Board in support of Scott Creek Highway 1 Bridge Replacement and Lagoon Restoration (10 minutes)
  - H. Update on Juvenile Salmonid and Stream Habitat Monitoring Program (5 minutes)
  - I. Discuss future meeting topics (10 minutes)
6. PRESENTATIONS AND ANNOUNCEMENTS BY COMMISSIONERS (15 minutes)
7. STAFF REPORTS/ANNOUNCEMENTS (5 minutes)
8. CORRESPONDENCE
  - A. Salmonid Restoration Federation Letter dated August 30, 2018
  - B. Notice of proposed Dungeness crab trap surface gear limiting regulation
  - C. Notice of proposed regulatory action relative to Rockport Rocks Special Closure
  - D. Notice of proposed regulatory action relative to Sage Grouse
  - E. Notice of Receipt of Petition to list Upper-Klamath-Trinity River spring Chinook salmon as endangered
  - F. Notice of proposed regulatory action to amending Section 2670.2, Title 14 California Code of Regulations, regarding Lassics lupine and coast yellow leptosiphon declared endangered plants.
  - G. Notice of proposed regulatory action relative to amending Sections 1.53, 17.4 and 5.00, Title 14, California Code of Regulations, relating to sport fishing annual regulations for 2019.
  - H. Notice of Findings to list coast yellow leptosiphon, Lassics lupine and tricolored blackbird as endangered/threatened under the California Endangered Species Act.
  - I. Notice of proposed regulatory action relative to recreational take of abalone
  - J. Notice of proposed regulatory action relative to commercial broadbill swordfish harpoon, gill and trammel net fisheries, and trawl fisheries
9. ADJOURNMENT

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Planning Department Conference Room is located in an accessible facility. If you are a person with a disability and require special assistance in order to participate in the meeting, please contact Kristen Kittleson at (831)454-3154 or TDD number (454-2123) at least 72 hours in advance of the meeting in order to make arrangements. Persons with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those affected, please attend the meeting smoke and scent free.



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701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060  
(831) 454-3154 FAX: (831) 454-3128 TDD: (831) 454-2123

Fish and Wildlife Advisory Commission

### MINUTES

Santa Cruz County Governmental Center  
Board of Supervisors Chambers, Fifth Floor  
Santa Cruz, California

June 7, 2018

1. CALL TO ORDER. The meeting was called to order at 7:02 PM
2. ROLL CALL.

Present: Commissioners Berry, Robin, Johnson, Baron, Lee, Wise  
Excused: Frediani, Freeman, Cooley, Parmenter  
Absent: none

3. APPROVAL OF MINUTES. Commissioner Baron made a motion to approve the May minutes; Commissioner Lee seconded the motion. All aye, the motion passed.
4. PUBLIC COMMENT. There were no general public comments.
5. BUSINESS MATTERS
  - A. **Discuss and consider sending letter in support of low-flow fishing closures.** Tom Hogy and Bruce Ashly made comments in support of low-flow closures. Tom Hogy also made comments about the use of bait; this will be discussed at another meeting. Commissioner Robin made a motion to send a letter to the Board of Supervisors requesting that they send a letter to the Fish and Game Commission in support of low-flow fishing closures; Commissioner Wise seconded the motion. All aye; the motion passed.
  - B. **Presentation on Riparian Conservation Strategy and Report on Riparian Planting Grant.** Kristen Kittleson gave a presentation explaining how County staff has developed a new approach to riparian conservation based on cooperative stewardship. The Riparian Conservation Program, developed for the San Lorenzo River with the San Lorenzo 2025 partnership (City of Santa Cruz, County, Resource Conservation District, Coastal Watershed Council and San Lorenzo Valley Water District) could be applied county-wide and is based on four key activity areas: (1) existing conditions data and monitoring; (2) riparian protection policy and enforcement; (3) active conservation and (4) outreach and education. Water Resources Program successfully implemented a pilot project at Paradise Park with the Riparian Planting grant from the FWAC.
  - C. **Discuss and consider sending letter to Board in support of Scott Creek Highway 1 Bridge Replacement and Lagoon Restoration.** Kristen gave a short presentation explaining

the history of the Scott Creek bridge and current efforts to replace the bridge in addition to implementing lagoon restoration. The project partners are currently seeking letters of support to Caltrans for the upcoming effort to design the bridge. The Resource Conservation District will be preparing a model letter of support. Commissioner Johnson made a motion to authorize the Chair to sign a letter to the Board of Supervisors in support of the Scott Creek Bridge project and request that they send a letter to Caltrans in support of the project. Dr. Kossack submitted 2 letters as background information on the topic.

- D. Elect officers for 2018-19.** Commissioner Johnson made a motion that Commissioner Berry retain his position as Chair of the FWAC for 2018-19; Commissioner Baron seconded the motion. All aye; the motion passed. Commissioner Wise made a motion that Commissioner Frediani retain her position as Vice Chair of the FWAC; Commissioner Baron seconded the motion. All aye; the motion passed.
- E. Strategic Vision letter.** FWAC sent a letter to the BOS requesting that Water Resources is elevated to one of the 16 key issues to address in the Strategic Vision. Staff reported that Water Resources remains under Natural Resources as one of the 16 key issue areas. The Board of Supervisors should be considering the draft Strategic Vision sometime in June.
- F. Update on Cannabis Cultivation Ordinance.** The County's new ordinance is expected to go into effect in 30 days. The Cannabis Licensing Office is gearing up to process license applications. The County hopes to use a few well-organized cultivation sites as examples for getting through the licensing and permitting process.
- G. Update on Scotts Creek Life Cycle Monitoring Station funding status.** At the May meeting, the FWAC sent a letter to the BOS requesting that they send a letter in support of funding for the Scott Creek Life Cycle Monitoring Station. The letter from the BOS has been sent out; the funding is still not secure.

6. PRESENTATIONS AND ANNOUNCEMENTS BY COMMISSIONERS.

7. STAFF REPORTS/ANNOUNCEMENTS

8. ADJOURNMENT – 8:58 PM.

NOTE: The next meeting is scheduled for September 6, 2018

Submitted by K. Kittleson; Water Resources/Fish and Wildlife/2018 FWAC Meetings



# County of Santa Cruz Fish and Wildlife Advisory Commission

## Public Comment Policy

*September 27, 2018*

This policy statement consists of two parts:

1. Public participation policy included in the bylaws
2. Policy for written correspondence

### **FWAC Commission Bylaws/ Public Participation in Commission meetings shall be allowed as follows:**

1. An opportunity for members of the public to directly address the Commission on any item on the agenda of interest to the public shall be provided before or during the Commission's consideration of the item.
2. In addition, the agenda will provide for community oral communications on items not on the agenda which are within the subject matter jurisdiction of the Commission at the beginning of each regular meeting agenda.
3. The Chairperson of the Commission may establish reasonable limits on the amount of time allotted to each speaker on a particular item allotted for public testimony or the total amount of time allotted for community oral communications. When further discussion is required, the Commission may vote to allot time in the agenda of the following meeting.

**Written Correspondence:** Any member of the public may submit written correspondence to the commission. Written correspondence includes both letters and emails sent to the commission's administrative staff. Written correspondence sent as emails must clearly state that they are intended as written correspondence for the commission. Written correspondence that includes attachments or other materials should note those attachments in the cover letter or email and explain why they are included.

To comply with the Brown Act, the County is required to post and distribute the Commission's agenda 72 hours prior to the meeting. For a regular Thursday 7:00 pm meeting, the meeting agenda must be posted by the Monday before the meeting at 7:00 pm. However, to allow more time for commissioners to review the agenda materials, agendas are typically posted by the Friday before the meeting. Following are the deadlines and guidelines associated with submitting written correspondence:

**To be included with the agenda,** written correspondence must be received by the second Monday before the meeting (10 days before the meeting date).

**To be distributed to the commission prior to the meeting.** Written correspondence received by the day before the meeting at noon (Wednesday at noon) will be distributed to the commission and the distribution email list, and then attached to the agenda for the following meeting. Written correspondence (letters or emails) will be noted, but not attached to, the minutes for that meeting.

**To distribute at the meeting.** If you attend the meeting, you can bring 12 copies of the written correspondence to distribute to the commissioners, staff and the public.

**Fish and Wildlife Advisory Commission**  
**Budget and Public Grants Program Update**

September 26, 2018

The following table shows the most recent (2017-18) and current year (2018-19) budgets:

Fiscal Year	Anticipated Revenue	Actual Revenue	Reserve at Beginning of Fiscal Year	Budgeted for Grant Program	Allocated from Grant Program
2017-18	\$10,100	\$14,065	\$13,329	\$15,000	\$12,445
2018-19	\$7,100	\$1,009	\$15,329	\$15,000	

Definition of terms:

**Fiscal year** runs July 1 to June 30 of the following year

**Anticipated Revenue** is the amount of revenue (fines and judgements) expected

**Actual Revenue** is the actual amount received by the Fish and Game Propagation Fund

**Reserve** is the amount of funding in reserve at the beginning of each fiscal year. Spending in excess of revenue reduces the reserve.

**Budgeted for the Grant Program** – expected spending for the Public Grants Program

**Allocated from the Grant Program** – actual amount allocated

**2018-2019**

Environmental Health is requesting that the Fish and Wildlife Advisory Commission postpone the Public Grants Program for one year until Fall 2019. This one -year break will provide time to:

- Replace the Water Resources staff person that provided additional support for the public grants program
- Allow the Fish and Game Propagation Fund to accumulate funds PRIOR to allocating them to the Public Grants Program for spending
- Eliminate the need to spend reserves in 2018-19
- Evaluate ways to streamline the administration and fiscal process of the Public Grants Program
- Allow FWAC to evaluate the program and make any desired changes

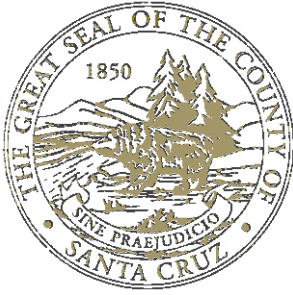
October 4, 2018 - Agenda Item 5G

Update on letter to the Board in support of  
Scotts Creek Highway 1 Bridge Replacement and Lagoon Restoration

- Letter from Chair Friend to Caltrans dated September 26, 2018
- Letter from FWAC to the Board of Supervisors dated August 18, 2018
- Letter from Supervisor Coonerty to Caltrans dated July 23, 2018

Written Correspondence from David Kossack, including

- Email from David Kossack dated September 24, 2018 and Email from Kristen Kittleson to David Kossack Sept. 21, 2018
- Laird Letter of Support dated June 25, 2007
- Collection of letters regarding Scott and Waddell bridges 2005-2007
- Scott Creek Bridge Replacement and Environmental Enhancement
- Project Memorandum of Understanding (MOU) 2013



# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069  
(831) 454-2200 • FAX: (831) 454-3262 TDD/TTY - Call 711

**JOHN LEOPOLD**  
FIRST DISTRICT

**ZACH FRIEND**  
SECOND DISTRICT

**RYAN COONERTY**  
THIRD DISTRICT

**GREG CAPUT**  
FOURTH DISTRICT

**BRUCE MCPHERSON**  
FIFTH DISTRICT

September 25, 2018

Tim Gubbins, District Director  
California Department of Transportation District 5  
50 Higuera Street  
San Luis Obispo, CA 93401

### **RE: Scotts Creek Bridge Replacement and Lagoon Restoration Project**

Dear Mr. Gubbins:

On behalf of the Santa Cruz County Board of Supervisors, I am writing to express my support for the Scotts Creek Bridge Replacement & Lagoon Restoration Project. The Resource Conservation District of Santa Cruz County (RCD), in partnership with Caltrans District 5 and the Santa Cruz County Regional Transportation Commission (RTC), has been facilitating a multi-year, collaborative effort to develop an ecological restoration vision for the exceptional natural resource that is Scotts Creek Lagoon. In addition to restoring the ecological resources and the physical processes that support them, this project also contains fundamental transportation infrastructure upgrades, necessary to protect Highway 1 from existing and future coastal erosion hazards.

While the previous Caltrans-led effort to replace both the Scotts Creek and Waddell Creek bridges was removed from Caltrans' programming budget in 2012, due to a lack of consensus on the appropriate technical approach, this current effort has adopted a radically different project development strategy. This strategy has focused on developing the data and decision support tools necessary to evaluate the ecological needs of the natural resources and then using this information to design an infrastructure project that works in conjunction with these needs. Moreover, the process has been rooted in collaboration and consensus with the Integrated Watershed Restoration Program's Technical Advisory Committee (TAC) playing a critical role in identifying data needs, working through alternative approaches using state of the art decision-support tools, and developing a shared vision for the future of the beach, marsh, lagoon, public access opportunities, and the transportation facilities that bisect these resources.

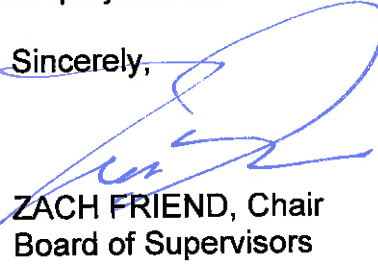
Located in northern Santa Cruz County, the Scotts Creek Watershed has been designated by the National Marine Fisheries Service (NMFS) as critical to the recovery of both coho salmon and steelhead. The watershed contains a rural, relatively

undisturbed landscape and an important conservation hatchery. The beach and dune system historically supported breeding for the federally listed snowy plover, and the site currently supports both the federally listed California red-legged frog and tidewater goby. The construction of the bridge in 1938 resulted in the realignment of the channel into the center of the marsh with levees that reduced the connection between the marsh and the stream. The current configuration reduced the quantity and quality of aquatic habitat and limited refugia for aquatic species during high flows. In summer, there is a lack of deep water refugia in the lagoon, marsh, and lower reaches of Scotts Creek, directly affecting the survivability of aquatic species. The current Highway 1 fill prism, especially the fill to the north of the existing bridge, is considered the largest impediment to ecological restoration of this system.

Updated modeling of coastal hazards suggests that the northern fill prism is the most susceptible component of this stretch of transportation infrastructure to the effects of sea-level rise and coastal erosion. As such, this project represents a considerable win-win for coastal resilience. If implemented, this project will result in (a) implementation of a major recovery action for endangered Coho salmon as well as a suite of other listed species, (b) ecological restoration of a diverse coastal resource, (c) construction of a new bridge span and protection of critical transportation infrastructure along the coast, and (d) success of a new planning paradigm where collaboration between and amongst state, federal and local transportation and natural resource agencies leads to more effective and efficient use of public funds to support public safety, public trust, and ecosystem enhancement.

Santa Cruz County has been represented on the project's TAC since 2010. The County of Santa Cruz owns the land on the beach side of the bridge and the County signed the 2013 Memorandum of Understanding in support of the project. We have made this effort a priority and have expended significant staff resources supporting this effort and providing technical oversight. I am enthusiastic about the current deliverables and fully support implementation of a project that improves coastal resilience with upgraded infrastructure and restored ecosystems while maintaining or improving coastal access. I am committed to continuing to work collaboratively during the permitting process to ensure that both the restoration and transportation projects come to fruition.

Sincerely,



ZACH FRIEND, Chair  
Board of Supervisors

ZF:jfr

CC: Senator Bill Monning  
Assembly Member Mark Stone  
Santa Cruz County Regional Transportation Commission  
Clerk of the Board



# County of Santa Cruz

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## FISH AND WILDLIFE ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060-4073

(831) 454-3154 FAX: (831) 454-3128 TDD/TTY – Call 711

[www.sceeh.com](http://www.sceeh.com)

ENVIRONMENTAL HEALTH

August 28, 2018

Subject: Letter of Support for Scotts Creek Bridge Replacement and Lagoon Restoration Project

Dear Honorable Supervisors:

We are writing to recommend that the Board of Supervisors send a letter to Tim Gubbins, Caltrans, to express the County's support for the Scotts Creek Bridge Replacement & Lagoon Restoration Project. The Resource Conservation District of Santa Cruz County (RCD), in partnership with Caltrans District 5 and the Santa Cruz County Regional Transportation Commission (RTC), has been facilitating a multi-year, collaborative effort to develop an ecological restoration vision for the exceptional natural resource that is Scotts Creek Lagoon. In addition to restoring the ecological resources and the physical processes that support them, this project also contains fundamental transportation infrastructure upgrades, necessary to protect Highway 1 from existing and future coastal erosion hazards. We appreciate that Supervisor Coonerty sent a letter of support in July, when the RCD was planning to meet with Caltrans. Now that the meeting has been rescheduled for this Fall, we recommend that a letter of support be sent from the complete Board of Supervisors.

The current process has been rooted in collaboration and consensus with the Integrated Watershed Restoration Program's Technical Advisory Committee (TAC) playing a critical role, including ongoing participation of the County of Santa Cruz Parks and Environmental Health. The TAC has been involved in identifying data needs, working through alternative approaches using state of the art decision-support tools, and developing a shared vision for the future of the beach, marsh, lagoon, public access opportunities, and the transportation facilities that bisect these resources.

Located in northern Santa Cruz County, the Scotts Creek Watershed has been designated by the National Marine Fisheries Service (NMFS) as critical to the recovery of both coho salmon and steelhead. The watershed contains a rural, relatively undisturbed landscape and an important conservation hatchery. Santa Cruz County's beach and dune system historically supported breeding for the federally listed snowy plover, and the site currently supports both the federally listed California red-legged frog and tidewater goby.

The construction of the bridge in 1938 resulted in the realignment of the channel into the center of the marsh with levees that reduced the connection between the marsh and the stream. The current configuration reduced the quantity and quality of aquatic habitat and limited refugia for aquatic species during high flows. In summer, there is a lack of deep water refugia in the lagoon, marsh, and lower reaches of Scotts Creek, directly affecting the survivability of aquatic species. The current Highway 1 fill prism, especially the fill to the north of the existing bridge, is considered the largest impediment to ecological restoration of this system. Updated modeling of coastal hazards suggests that the northern fill prism is the most susceptible component of this stretch of transportation infrastructure to the effects of sea-level rise and coastal erosion.

This project represents a considerable win-win for coastal resilience from the perspective of meeting the needs of the environment and safe-guarding our future public infrastructure. If implemented, this project will result in (a) implementation of a major recovery action for endangered coho salmon as well as a suite of other listed species, (b) ecological restoration of a diverse coastal resource, (c) construction of a new bridge span and protection of critical transportation infrastructure along the coast, and (d) success of a new planning paradigm where collaboration between and amongst state, federal and local transportation and natural resource agencies leads to more effective and efficient use of public funds to support public safety, public trust, and ecosystem enhancement.

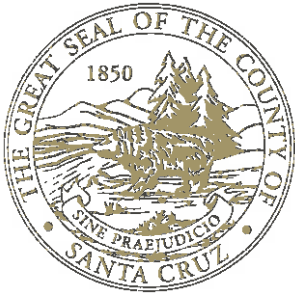
The County has been represented on the project's TAC since 2010. The County of Santa Cruz owns the land on the beach side of the bridge and signed the 2013 Memorandum of Understanding in support of the project. We understand that the County has provided significant staff resources to support this effort. We fully support implementation of a project that improves coastal resilience with upgraded infrastructure and restored ecosystems while maintaining or improving coastal access.

In the letter of support, please mention that County staff have reviewed all of the project's interim deliverables, which range from surface and groundwater data collection and analysis to development of high resolution hydrodynamic models and species response models. The Technical Advisory Committee has been deeply engaged in using these data and tools to refine our shared restoration design and are eager to continue collaboration with Caltrans on developing the proper infrastructure solution to complement the restoration and coastal access design. Most importantly, we want to express that as the County was committed during the environmental assessment and restoration design phases, we are equally committed to continuing working collaboratively during the permitting process to ensure that the restoration, coastal access and transportation projects come to fruition.

Sincerely,



Jodi Frediani, Vice Chair  
County of Santa Cruz Fish and Wildlife Advisory Commission



# County of Santa Cruz

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**ZACH FRIEND**  
SECOND DISTRICT

**RYAN COONERTY**  
THIRD DISTRICT

**GREG CAPUT**  
FOURTH DISTRICT

**BRUCE MCPHERSON**  
FIFTH DISTRICT

July 23, 2018

Tim Gubbins, District Director  
California Department of Transportation District 5  
50 Higuera Street  
San Luis Obispo, CA 93401

**RE: Scotts Creek Bridge Replacement and Lagoon Restoration Project**

Dear Mr. Gubbins:

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While the previous Caltrans-led effort to replace both the Scotts Creek and Waddell Creek bridges was removed from Caltrans' programming budget in 2012, due to a lack of consensus on the appropriate technical approach, this current effort has adopted a radically different project development strategy. This strategy has focused on developing the data and decision support tools necessary to evaluate the ecological needs of the natural resources and then using this information to design an infrastructure project that works in conjunction with these needs. Moreover, the process has been rooted in collaboration and consensus with the Integrated Watershed Restoration Program's Technical Advisory Committee (TAC) playing a critical role in identifying data needs, working through alternative approaches using state of the art decision-support tools, and developing a shared vision for the future of the beach, marsh, lagoon, public access opportunities, and the transportation facilities that bisect these resources.

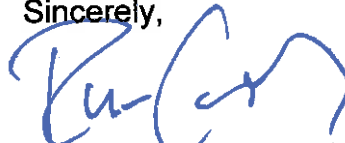


July 23, 2018  
Page 2

Located in northern Santa Cruz County, the Scotts Creek Watershed has been designated by the National Marine Fisheries Service (NMFS) as critical to the recovery of both coho salmon and steelhead. The watershed contains a rural, relatively undisturbed landscape and an important conservation hatchery. The beach and dune system historically supported breeding for the federally listed snowy plover, and the site currently supports both the federally listed California red-legged frog and tidewater goby. The construction of the bridge in 1938 resulted in the realignment of the channel into the center of the marsh with levees that reduced the connection between the marsh and the stream. The current configuration reduced the quantity and quality of aquatic habitat and limited refugia for aquatic species during high flows. In summer, there is a lack of deep water refugia in the lagoon, marsh, and lower reaches of Scotts Creek, directly affecting the survivability of aquatic species. The current Highway 1 fill prism, especially the fill to the north of the existing bridge, is considered the largest impediment to ecological restoration of this system. Updated modeling of coastal hazards suggests that the northern fill prism is the most susceptible component of this stretch of transportation infrastructure to the effects of sea-level rise and coastal erosion. As such, this project represents a considerable win-win for coastal resilience. If implemented, this project will result in (a) implementation of a major recovery action for endangered Coho salmon as well as a suite of other listed species, (b) ecological restoration of a diverse coastal resource, (c) construction of a new bridge span and protection of critical transportation infrastructure along the coast, and (d) success of a new planning paradigm where collaboration between and amongst state, federal and local transportation and natural resource agencies leads to more effective and efficient use of public funds to support public safety, public trust, and ecosystem enhancement.

Santa Cruz County has been represented on the project's TAC since 2010. The County of Santa Cruz owns the land on the beach side of the bridge and the County signed the 2013 Memorandum of Understanding in support of the project. We have made this effort a priority and have expended significant staff resources supporting this effort and providing technical oversight. I am enthusiastic about the current deliverables and fully support implementation of a project that improves coastal resilience with upgraded infrastructure and restored ecosystems while maintaining or improving coastal access. I am committed to continuing to work collaboratively during the permitting process to ensure that both the restoration and transportation projects come to fruition.

Sincerely,



RYAN COONERTY, Supervisor  
Third District

CC: Senator Monning  
Assemblymember Stone  
Santa Cruz County Regional Transportation Commission

## Kristen Kittleson

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**From:** David S. Kossack, Ph. D. <dkossack@san-andreas-land-conservancy.org>  
**Sent:** Monday, September 24, 2018 4:11 PM  
**To:** Kristen Kittleson  
**Cc:** thomashogye@yahoo.com; Jacob Martin; darren.howe@noaa.gov; Jessica Espinoza; David Snyder; Knox, Leila  
**Subject:** Re: Fish and Wildlife Advisory Commission Meeting June 7  
**Attachments:** Laird letter of support.pdf; SCz Co Gov. Letters Supporting Full Span Bridges @ Waddell & Scott Creeks.pdf; Scott&Waddell MOU Final with Signatures 070113.pdf; RE: Fish and Wildlife Advisory Commission.eml

Kristen, Commissioners...

In an email from Sept, 4, you mentioned that the "Scotts Creek Bridge Replacement and Lagoon Enhancement Project" would be an agenda item. Without intending to duplicate I resubmit the letter I sent for the June FWAC meeting. In addition I am including a copy of the Scott (and Waddell) Creek Bridge Replacement MOU from 2013/2014 for context. I also included your email from Sept. 21 as perspective for outsiders.

Some points that we think are significant about the bridge replacements on the north coast:

- From the start CalTran considered the replacement of the bridges at Waddell and Scott Creeks as a single project. The split (CalTrans/CCC, RTC/SCzCo) is more of an artifact than efficiency for their replacement or their ecologies. 'RTC's are intended to address urban service line / CalTrans jurisdiction overlaps, not some sort of manifest destiny moving beyond city limits. We see this split in the project as an effort to add another level of complexity to the project, which it doesn't really need. Anadromous fish have been observed moving between the north coast watersheds since Shapalov and Taft's studies of silver (coho) salmon in the 1930s. These streams are better seen as the 'Big Basin Hydrologic Basin' and treated as a single 'watershed', and Waddell and Scott Creek Bridges as a single project.
- We have always seen the 'inland route' as a "red herring". While in some sense it would follow the route of the original 'Coast Road', which went down what is now Swanton Road, it is not a trivial alignment. In the drawings that CalTrans provided to the "stakeholders" at the time the highway curves were rated at 70 mph. The alignments offered would slice through relatively intact coastal terrestrial habitats for how many miles, will cost unknown \$ millions/mile and will re-position the highway to dump its oil, rubber and what else into the upstream end of the estuaries and lagoons that we say we want to restore. We feel that keeping Highway 1 in its exiting footprint is the only way to prevent addition damage to the environment. We do not support an inland realignment of highway 1.
- Fix the hydrology and geomorphology (i.e., get the bridges and approaches out of the flood plain) and the physical estuary functions (e.g., tidal prism) will follow as will native fish, wildlife and plants communities. Trying to restore these wetlands behind a compromised hydrology and geomorphology will not address fish passage and will just be making "mud pies". It's been demonstrated before...

- The bridges were identified as requiring replacement in the 1990s, CalTrans has had plenty of time to assess alternatives in a "CEQA/NEPA" context. At this point any effort that CalTrans has made to 'patch' the bridges or add "monitoring" devices is suspect. We, and we believe others, can't help but feel that CalTrans is just waiting for the bridges fall into the creek. CalTrans will then replace the bridges under emergency permits: no CEQA, no (CA)ESA as they please. Laird's letter says where we need to be...

Thank you for providing these documents with Octobers agenda.

David Kossack  
On behalf of  
San Andreas Land Conservancy

Kristen -

I noticed that the June agenda item 5. C.: Scott Creek Highway 1 Bridge Replacement and Lagoon Restoration does not include background or supporting documents. We are interested in this topic know that it has been around for a while. I submit the attached PDFs concerning previous SCz County actions on this topic as well as a letter from Assemblymember John Laird as background and public comment.

Please include these documents in the minutes for the June FWAC meeting, please share and distribute.

Thank you  
David Kossack

On Jun 4, 2018, at 1:03 PM, Kristen Kittleson <[Kristen.Kittleson@santacruzcounty.us](mailto:Kristen.Kittleson@santacruzcounty.us)> wrote:

Below is the link to the agenda, minutes, and materials for our meeting this week, Thursday, June 7. Please note that we will be meeting in the Board of Supervisors Chambers on the fifth floor.

[http://sccch.com/Portals/6/Env\\_Health/water\\_resources/FWAC/FWAC\\_Packet20180607.pdf](http://sccch.com/Portals/6/Env_Health/water_resources/FWAC/FWAC_Packet20180607.pdf)

Kristen Kittleson, Resource Planner  
Environmental Health Division, Health Services Agency  
County of Santa Cruz  
701 Ocean Street, Room 312  
Santa Cruz, CA 95060  
(831) 454-3154; FAX (831) 454-3128  
[kristen.kittleson@santacruzcounty.us](mailto:kristen.kittleson@santacruzcounty.us)<<mailto:kristen.kittleson@santacruzcounty.us>>  
<http://www.sccch.com>

## Kristen Kittleson

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**From:** Kristen Kittleson <Kristen.Kittleson@santacruzcounty.us>  
**Sent:** Friday, September 21, 2018 1:18 PM  
**To:** David S. Kossack, Ph. D.  
**Subject:** RE: Fish and Wildlife Advisory Commission

No, the agenda will not be available before the September 24 deadline to submit written correspondence. The commission works differently than the Board of Supervisors and we do not have the capacity to accept written correspondence and comments after the agenda is posted. I am working on writing out FWAC's policies for public comment and written correspondence that we will discuss at the October 4 meeting. We intend that this written policy will help clarify how the public can be involved with fish and wildlife issues and the commission.

County staff does not share commissioner's personal emails with the public. If you would like to communicate with the commission, you can submit written correspondence to the staff person (me) and it will be shared through the agenda.

Thanks.

Kristen Kittleson, Resource Planner  
Environmental Health Division, Health Services Agency  
County of Santa Cruz  
701 Ocean Street, Room 312  
Santa Cruz, CA 95060  
(831) 454-3154; FAX (831) 454-3128  
[kristen.kittleson@santacruzcounty.us](mailto:kristen.kittleson@santacruzcounty.us)  
<http://www.scceh.com>

**From:** David S. Kossack, Ph. D. <dkossack@san-andreas-land-conservancy.org>  
**Sent:** Monday, September 10, 2018 2:16 PM  
**To:** Kristen Kittleson <Kristen.Kittleson@santacruzcounty.us>  
**Cc:** David Snyder <dsnyder@firstamendmentcoalition.org>; Knox, Leila <leila.knox@bclplaw.com>  
**Subject:** Re: Fish and Wildlife Advisory Commission

Kristen -

Thank you for the update.

- Is the agenda for the October 4 meeting going to be posted/emailed before the Sept 24 deadline?
- We would like to request email addresses for the Commissioners currently on the SCz Co. Fish and Wildlife Advisory Commission.

David Kossack  
On behalf of  
San Andreas Land Conservancy

On Sep 4, 2018, at 2:35 PM, Kristen Kittleson <[Kristen.Kittleson@santacruzcounty.us](mailto:Kristen.Kittleson@santacruzcounty.us)> wrote:

Our September 6 meeting has been canceled and our next meeting will be October 4, 2018. There will be an item on the agenda about the Scotts Creek Bridge Replacement and Lagoon Enhancement Project and I will be attaching the letters you sent me over the summer as written correspondence for that item.

At this meeting, we will also clarify our policy about written correspondence and comments, but for the October meeting, I will need to receive any additional written correspondence by Monday, September 24 in order to include it with the agenda.

Let me know if you have any questions. Thanks.

Kristen Kittleson, Resource Planner  
Environmental Health Division, Health Services Agency  
County of Santa Cruz  
701 Ocean Street, Room 312  
Santa Cruz, CA 95060  
(831) 454-3154; FAX (831) 454-3128  
[kristen.kittleson@santacruzcounty.us](mailto:kristen.kittleson@santacruzcounty.us)<<mailto:kristen.kittleson@santacruzcounty.us>>  
<http://www.scceh.com>

<winmail.dat>

COMMITTEES  
CHAIR, BUDGET  
JUDICIARY  
LABOR & EMPLOYMENT  
NATURAL RESOURCES

Assembly  
California Legislature

JOHN LAIRD  
ASSEMBLYMEMBER, TWENTY-SEVENTH DISTRICT

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0027  
(916) 319-2027  
FAX (916) 319-2127

DISTRICT OFFICES  
SANTA CRUZ COUNTY  
701 OCEAN STREET, SUITE 318B  
SANTA CRUZ, CA 95060  
(831) 425-1503  
FAX: (831) 425-2570  
MONTEREY AND SANTA CLARA COUNTIES  
99 PACIFIC STREET, SUITE 555-D  
MONTEREY, CA 93940  
(831) 649-2832  
(408) 782-0647  
FAX: (831) 649-2935

June 25, 2007

Mr. Rich Krumholz  
District Director  
California Department of Transportation, District 5  
50 Higuera Street  
San Luis Obispo, CA 93401-5415

Dear Mr. Krumholz,

I am writing regarding the scoping process that is underway for replacement of the Scott and Waddell Bridges on the North Coast of Santa Cruz County. I understand CalTrans is in the process of determining what options will be included in the CEQA and NEPA studies. I recognize the importance of these studies in defining a decision of this magnitude and I urge you to include a full span bridge among the options to be thoroughly studied and considered.

I am hearing from numerous stakeholders that it is likely that replacing the bridges with like structures will not meet the environmental needs of the estuaries. As you know, this area is home to populations of listed Central California Coast (CCC) Evolutionarily Significant Unit of steelhead and CCC Evolutionarily Significant Unit of coho salmon, as well as tidewater gobies, California red-legged frogs, snowy plovers and San Francisco Garter snakes. There appears to be a general agreement among the stakeholders I have heard from that these populations and the estuaries have been adversely impacted by the existing bridges and their approaches.

The pending bridge replacement projects provide an opportunity to reduce anthropogenic impacts to estuary function and fish passage presently associated with the existing short bridges at these locations. Because of this, it is important to include and truly consider the full range of replacement options in the evaluations. I understand that CalTrans cannot make a determination on a replacement prior to completion of the required environmental studies. However, inclusion of the full span bridge option in these studies will allow assessment of its benefits. Again, I strongly urge that full span bridges be studied and fully considered. Thank you.

Sincerely,



JOHN LAIRD  
Assemblymember, 27<sup>th</sup> District

cc: ✓ David Kossack, San Andreas Land Conservancy  
Supervisor Neal Coonerty

JL:ae



Assembly  
California Legislature  
JOHN LAIRD  
ASSEMBLY MEMBER, TWENTY-SEVENTH DISTRICT  
SANTA CRUZ COUNTY  
DISTRICT OFFICE  
701 OCEAN STREET, #318 B  
SANTA CRUZ, CA 95060

SAN JOSE, CA 95131

27 JUN 2007 PM 1



David Kassack, Ph.D.  
San Andreas Land Conservancy  
P.O. Box 268  
Davenport, CA 95817





# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

**JANET K. BEAUTZ**  
FIRST DISTRICT

**ELLEN PIRIE**  
SECOND DISTRICT

**NEAL COONERTY**  
THIRD DISTRICT

**TONY CAMPOS**  
FOURTH DISTRICT

**MARK W. STONE**  
FIFTH DISTRICT

January 24, 2007

Rich Krumholz, District Director  
California Department of Transportation,  
District 5  
50 Higuera Street  
San Luis Obispo, CA 93401-5415

RE: HIGHWAY 1 BRIDGE REPLACEMENTS AT SCOTT  
AND WADDELL CREEKS (PM 31.6 AND 36.3)

Dear Mr. Krumholz:

I am writing at the direction of the Santa Cruz County Board of Supervisors. It is our understanding that the California Department of Transportation (Caltrans) is planning to replace the Highway 1 bridges that cross Scott and Waddell Creeks. We understand that the tentative scope is to replace the bridges with the existing spans and increase the width to meet current standards, but the bridge opening at Scott Creek may be relocated to the north. Our Board supports Caltrans' efforts to obtain input from a variety of resource and permitting agencies on the project scope.

We are writing to request that Caltrans prepare an alternatives analysis for the Highway 1 bridge replacements at Scott and Waddell lagoons. The alternatives analysis should include the option of full span bridges and substantially increasing bridge lengths. Our Board would like to see the new bridges designed to significantly reduce any impacts on lagoon function and maximize benefits to steelhead, coho salmon and other wildlife. With a more thorough alternative analysis, the costs and benefits of different options can be evaluated and augmented funding can be sought. Further, a Caltrans Preliminary Environmental Analysis Report on the project states: "Immense ecological benefits could be obtained by lengthening the bridges at both locations."

Scott and Waddell Creeks are among the most biologically significant watersheds in Santa Cruz County. Both watersheds support coho salmon and steelhead trout. Coho salmon are listed as endangered under the Federal and State Endangered Species Act (ESA) and steelhead are listed as threatened under the Federal ESA. Coho salmon are at the southern distribution of their range



January 24, 2007

Page 2

in Santa Cruz County where they are more vulnerable to extinction. Scott Creek has the strongest year class of coho salmon south of San Francisco Bay. Lagoons provide highly productive rearing habitat for steelhead and provide a critical transition area as young salmonids move from freshwater out to the ocean (smolting). The Scott and Waddell lagoons are critical rearing habitat for listed steelhead trout and coho salmon as well as habitat for red legged frogs, western pond turtles, tide water gobies, salamanders, and other rare wildlife, including snowy plovers that use the beach areas.

The existing Highway 1 bridges and their armored approaches restrict the natural function of the lagoons. The loss of meanders and stream length substantially reduces the rearing and smolting habitat for listed coho salmon and steelhead trout. In addition, the current short-span bridges and their location affect the timing of sandbar formation that creates the lagoon. The recently completed Comparative Lagoon Ecological Assessment Project (CLEAP - 2<sup>nd</sup> Nature, 2007) included an enhancement recommendation for Scott Lagoon to work with Caltrans to increase bridge length by 4-5 times to provide benefits to the lagoon environment.

Caltrans has proposed that short-span bridges could be constructed that would allow for increasing their length as funding becomes available in the future. Our Board does not support this approach. Rather, the current effort to replace the Scott and Waddell Creek bridges is the appropriate time to mitigate Caltrans' impacts on the lagoon ecosystems.

The installation of full span or longer span bridges at Scott and Waddell Creeks will improve these two important lagoon habitats on Santa Cruz County's beautiful North Coast.

We would appreciate your consideration of our request for the preparation of an alternatives analysis for the Highway 1 bridge replacements at Scott and Waddell lagoons.

Sincerely,

  
JANET K. BEAUTZ, Chairperson  
Board of Supervisors

JKB:ted

cc: Clerk of the Board  
Santa Cruz County Fish and Game Advisory Commission

3874A6



# County of Santa Cruz

## BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

**JANET K. BEAUTZ**  
FIRST DISTRICT

**ELLEN PIRIE**  
SECOND DISTRICT

**NEAL COONERTY**  
THIRD DISTRICT

**TONY CAMPOS**  
FOURTH DISTRICT

**MARK W. STONE**  
FIFTH DISTRICT

AGENDA: 1/23/07

January 17, 2007

BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: HIGHWAY 1 BRIDGE REPLACEMENTS AT  
SCOTT AND WADDELL LAGOONS

Dear Members of the Board:

The California Department of Transportation (Caltrans) is currently planning to replace the Highway 1 bridges that cross Scott and Waddell Creeks. The tentative plan is merely to replace the bridges with the existing spans and increase the width to meet current standards.

As Board members are aware, Scott and Waddell Creeks are among the most biologically significant watersheds in our county, providing critically important rearing habitat for endangered species and rare wildlife. Unfortunately, the current short-span bridges restrict the natural function of the lagoons and create negative impacts in these lagoon areas.

As indicated in the attached letter, the County's Fish and Game Advisory Commission has studied this issue and Commissioners believe that the Board should request that Caltrans prepare an alternatives analysis which would include the option of full-span bridges and substantially increasing bridge lengths as a means to address fish passage issues. Increasing the span and length of these bridges would mitigate Caltrans impacts on the lagoon ecosystems.

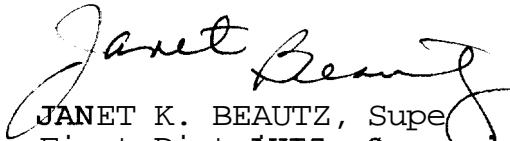
We concur with the Commission that Caltrans should consider alternatives to their current tentative plans. Accordingly, we recommend that the Chairperson be directed to write to Caltrans

56.1

BOARD OF SUPERVISORS  
January 17, 2007  
Page 2

and request that an alternatives analysis be prepared that includes an option for building full-span bridges and substantially increasing bridge lengths as a means to significantly improve lagoon function.

Sincerely,

  
JANET K. BEAUTZ, Supervisor  
First District

  
NEAL COONERTY, Supervisor  
Third District

JKB/NC:ted  
Attachment

cc: Fish and Game Advisory Commission

3868A6



# COUNTY OF SANTA CRUZ

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## FISH AND GAME ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060  
(831) 454-3154 FAX:(831) 454-3128 TDD: (831) 454-2123

January 10, 2007

Board of Supervisors  
county of ~~santa~~ cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**SUBJECT: Letter to California Department of Transportation, District 5**

Dear Members of the Board:

The Fish and Game Advisory Commission requests that your Board send a letter to Rich Krumholz, California Department of Transportation District 5 Director requesting an alternatives analysis for the Highway 1 bridge replacements at Scott and Waddell lagoons. The alternatives analysis should include the option of full span bridges and substantially increasing bridge lengths. The North Coast Beaches Advisory Committee, active in 2005, also supported replacement bridges that reduced the impact on lagoon function.

### **Background**

The California Department of Transportation (Caltrans) is planning to replace **the** Highway 1 bridges that cross Scott and Waddell creeks. Caltrans must complete a project scope by the end of 2007 in order to program the projects for 2012/13 construction. Starting in the fall 2006, Caltrans initiated a process to obtain input **from** a variety of resource and permitting agencies on the project scope. The tentative scope is to replace the bridges with the existing spans and increase the width to meet current standards. The existing bridges are 163' at Scott and 181' at Waddell. Caltrans will investigate relocating the bridge opening at Scott Creek.

The Fish and Game Advisory Commission requests that Caltrans prepare an alternatives analysis that includes the options of building full span bridges and substantially increasing bridge lengths. The Fish and Game Advisory Commission believes the new bridges should be designed and constructed to reduce significantly the impacts on lagoon function and maximize benefits to steelhead, coho salmon and other wildlife. With a more thorough alternative analysis, the costs and benefits of different options can be evaluated and augmented funding can be sought. A Caltrans Preliminary Environmental Analysis Report on the project states: "Immense ecological benefits could be obtained by lengthening the bridges at both locations."

Scott and Waddell creeks are among the most biologically significant watersheds in Santa Cruz County. Both watersheds support coho salmon and steelhead trout. Coho salmon are listed as endangered under the Federal and State Endangered Species Act (ESA) and steelhead are listed as threatened under the Federal ESA. Coho salmon are at the southern distribution of their range in Santa Cruz County where they are more vulnerable to extinction. Scott Creek has the strongest year class of coho salmon south of San Francisco Bay. Lagoons provide high productive rearing habitat for steelhead and provide a critical transition area as young salmonids move from freshwater out to the ocean (smolting). The Scott and Waddell lagoons are critical rearing habitat for listed steelhead trout and coho salmon as well as habitat for red legged frogs, western pond turtles, tide water gobies, salamanders, and other rare wildlife, including snowy plovers that use the beach areas.

The existing Highway 1 bridges and their armored approaches restrict the natural function of the lagoons. The loss of meanders and stream length reduces substantially the rearing and smolting habitat for listed coho salmon and steelhead trout. In addition, the current short-span bridges and their location affect the timing of sandbar formation that creates the lagoon. The recently completed Comparative Lagoon Ecological Assessment Project (CLEAP – 2<sup>nd</sup> Nature, 2007) included an enhancement recommendation for Scott Lagoon to work with Caltrans to increase bridge length by 4-5 times to provide benefits to the lagoon environment.

The Fish and Game Advisory Commission supports the replacement of the existing bridges with full span bridges. Building full span bridges will allow Caltrans to address fish passage issues in these watersheds as required by SB857 and should help in fulfilling the Federal Highway Administration's 7(a)(1) obligations pursuant to the ESA, benefits that are not offered by the cheaper, shorter bridge designs.

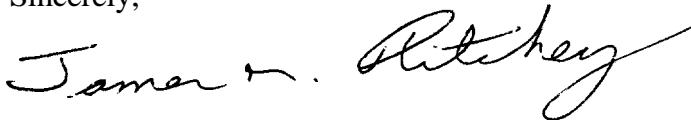
Caltrans has proposed that short-span bridges could be constructed that would allow for increasing their length as funding becomes available in the future. The Fish and Game Advisory Commission does not support this approach - the current effort to replace the Scott and Waddell creek bridges is the appropriate time to mitigate Caltrans impacts on the lagoon ecosystems.

The installation of full span or longer span bridges at Scott and Waddell creeks will improve these two important lagoon habitats on Santa Cruz' beautiful North Coast.

**Recommendation:**

It is therefore RECOMMENDED that your Board direct the Chairperson to send a letter to Caltrans requesting an alternative analysis that includes an option for a full-span bridge and bridges with spans that improve significantly lagoon function.

Sincerely,



James Ritchey, Vice Chair  
Fish and Game Advisory Commission

**CBD BOSMAIL**

---

**From:** CBD BOSMAIL  
**Sent:** Sunday, January 21, 2007 7:34 AM  
**To:** CBD BOSMAIL  
**Subject:** Agenda Comments

---

**Meeting Date :** 1/23/2007

**Item Number :** 56.1

**Name :** Marty Demare

**Email :** Not Supplied

**Address :** 5430 Coast Road

**Phone :** 457-1190

**Comments :**

The design and construction of bridges in earlier times did not adequately address environmental consequences. This reconstruction project is a rare and unique opportunity to restore and enhance habitat conditions at these beautiful sites. As funding for transportation projects has been voted, we urge the Board to advocate for the extension of the Scott Creek and Waddell Creek bridges.

JAN 5 2006



# County of Santa Cruz

## PARKS, OPEN SPACE & CULTURAL SERVICES

979 17<sup>TH</sup> AVENUE, SANTA CRUZ, CA 95062

(831) 454-7901 FAX: (831) 454-7940 TDD: (831) 454-7978

BARRY C. SAMUEL, DIRECTOR

January 3, 2006

COPY

BOARD OF SUPERVISORS  
701 Ocean Street, Room 501  
Santa Cruz, CA 95060

TO: Santa Cruz County Board of Supervisors

There is one last issue before the North Coast Beaches Advisory Committee (NCBAC) which we would like to transmit to your Board with the expiration of the NCBAC tenure on December 31, 2005.

This concerns the rebuilding of the bridges on California Highway One at Waddell and Scott Creeks. Caltrans has indicated a plan to replace these bridges during 2013-14.

These bridges were originally built during the 1950s. The design placed their abutments in the water channel, limiting the ability of the creeks to access the flood plains during periods of peak flow. This was probably due to budget concerns, coupled with less knowledge of and concern for environmental factors at that time.

There are compelling reasons not to place structures in the channels. Most effective fish nurseries are provided when natural meanders near the mouth of the creeks provide slow water habitat for the smolts to grow before they are mature enough to go into the bay/ocean environment. The placement of these abutments prevents such meanders from occurring, and the winter and spring flood surges force fast water and rapid exit for fish that require longer residency in the quiet meanders. In this instance, size matters – when they are forced into the ocean prematurely their survival rate is greatly diminished. [See the work of William J. Trush, PhD, Senior Scientist, McBain & Trush, on the relation of smolt size to survival rate].

In 2001 there was an incident of the addition of 'Emergency' rip-rap around these abutments on both bridges. This was an admission of the poor placement of these abutments in the water channels and further reduced the width of the water channels. This action was approved by the Santa Cruz County Board of Supervisors on an emergency basis.

The Caltrans plan for reconstructing these bridges is to place the abutments similarly to the originals. The replacement cost for the two bridges in this same configuration is \$20 million. A longer span is estimated by Caltrans at an additional \$40 million for the two bridges. This is a blue-sky estimate at this point, for the maximum high-level bridges at the level of the bluffs at either end of the spans. Caltrans has indicated in a letter to the SCCRTC that incremental lengthening would be possible, depending on what extra funding is found for the project. This could effect getting the abutments out of the flood plain, without going to the extreme of a totally high-level bridge, but no estimate has been offered for this design by Caltrans. The project is unfunded at present and it is in the planning/budget phase.

This situation was brought to the attention of the committee by members of the public and committee members who are concerned with the dwindling of natural fish environments in Santa Cruz County.

Caltrans inspections find that the bridges are not structurally threatened at this time. Therefore, they feel no urgency for the replacement project.

Having found that the current design is poor, it is not good sense or cost effective to replace them with the same design. The need is to push for the longer spans which place abutments outside the watercourse and flood plain.

The NCBAC has sent letters to Santa Cruz County Regional Transportation Commission and Caltrans on this issue and has had conversation with Caltrans on several occasions. Letters of response are attached.

The actions needed at this time are to: 1) push for the removal of the abutments from the flood plains, 2) push for a shorter replacement time frame than 2013-14 and 3) to find adequate funding for the project. It would be most effective if the Board of Supervisors would issue a letter to Caltrans and SCCRTC that they should not expect another approval of an 'Emergency' application of rip-rap or other act of remediation, and that the Board will approve only the longer span for the bridges, based on environmental factors. This stand by the Board would provide impetus for quicker replacement as well as stressing the need for the better design of longer spans.

I would like to take this opportunity, on behalf of all the Committee members, to thank the Board of Supervisors for forming the North Coast Beaches Advisory Committee. During our many years of providing advice to your Board and the County Parks Department, a great deal has been accomplished. The parking area at Bonny Doon was built, the Davenport Landing Beach Access was completed, the Scott Creek Beach project has been implemented and the scenic overlook at Greyhound Rock is just marvelous. It has been a pleasure to work with your Board and the Parks Department.



Board of Supervisors  
January 3, 2006  
Page Three

If in the future the need arises to provide your Board with advice about the North Coast Beaches, I am sure the members of the Committee stand ready to reconstitute.

Wishing the Board a happy and healthy new year.

Sincerely,

A handwritten signature in cursive script that reads "Harold A. Short".

Harold A. Short  
Chair of North Coast Beaches Advisory Committee

Enclosures: NCBAC Letter to SCCRTC March 22, 2005  
SCCRTC Letter to Caltrans June 3, 2005  
Caltrans Response to SCCRTC September 27, 2005

cc: Susan A. Mauriello, County Administrative Officer  
Barry C. Samuel, Parks Director



# County of Santa Cruz

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## PARKS, OPEN SPACE & CULTURAL SERVICES

979 17<sup>TH</sup> AVENUE, SANTA CRUZ, CA 95062

(831) 454-7901 FAX: (831) 454-7940 TDD: (831) 454-7978

BARRY C. SAMUEL, DIRECTOR

March 22, 2005

Regional Transportation Commission  
Ellen Pirie, Chair  
1523 Pacific Avenue  
Santa Cruz, CA 95060

### **RE: Identifying Funding Sources for Caltrans Route 1 Bridge Replacements**

The North Coast Beaches Advisory Committee has been approached by members of the public, as well as concerned Committee members, regarding a project announced over a year ago by the State Department of Transportation (CALTRANS) to replace two bridges on Route 1 in Santa Cruz County, namely at Scott Creek and Waddell Creek. Two questions are relevant: 1) What is the timetable and 2) Environmental concerns of the bridge abutments placement in the streambeds.

Telephone conversations with Steven Digrazia, San Luis Obispo Caltrans project manager for these projects revealed the following:

These projects are at the proposal stage. They will not be programmed until they have an approved budget. When there is a budget a Preliminary Project Study will be made. This will include engineering, environmental and cost aspects. The good news is that this project is not on a permanent hold; he expects the discussions to begin with the various State Agencies this summer. However, that means it will still be years before the construction takes place. The next step will be a Preliminary Project Study, after budgeting is assigned. The Preliminary Project Study Report will address engineering and environmental aspects. He said the initial survey of the bridges does not indicate any imminent structural problems.

He expects the expenditure of time and money for Environmental work to exceed the Engineering by a factor of 2; time for all approvals will probably take 5 years. He considers engineering to be very straight forward, whereas the Environmental aspects are much more sensitive.

The agencies that will have input will include National Oceanic and Atmospheric Agency, California Coastal Commission and California Department of Fish and Game, among others. He expects discussion with these agencies to begin by summer of 2005.

**Identifying Funding Sources for Caltrans Route 1 Bridge Replacements**

March 22, 2005

Page Two

In regard to costs, the two bridges to be replaced "in kind" with similar structures to those existing would be about \$10 million for both. Any high-level alternative, which would place the abutments outside the streambed as favored by environmentalists, would increase that amount several-fold. Funding by multiple agencies is a possibility to increase the funding available. Caltrans would not be the lead agency in searching for these funds, but rather would respond to local "offers" of funding to enable the project to move forward. Caltrans would expect viable funding to be brought in by an external agency or organization, in order to give serious consideration to partnering. It is mainly a County effort to find such funding. Mr. Digrazia suggested we approach the Santa Cruz County Transportation Commission to identify available fund sources.

RTC

This is the purpose of writing this letter. Caltrans would be receptive to a letter from the RTC identifying any known funding sources that are available and appropriate for these projects.

Please consider this request to identify such funding as you think is appropriate and send a response to our Committee at the Department of Parks, Open Space and Cultural Services office at the address above.

Sincerely,



Harold A. Short, Chair  
North Coast Beaches Advisory Committee  
(831)761-3612



SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

1523 PACIFIC AVENUE, SANTA CRUZ, CALIFORNIA 95060-3911 • 831/ 460-3200 • FAX 831/ 460-3215

AUG 6 1 2005

June 3, 2005

R. Gregg Albright  
District 5 Director  
Department of Transportation  
50 Higuera Street  
San Luis Obispo, CA 93401-5415

SERVICE AUTHORITY  
FOR FREEWAY  
EMERGENCIES  
(SAFE)

RAIL/TRAIL  
AUTHORITY

COMMUTE  
SOLUTIONS

TRANSPORTATION  
POLICY WORKSHOP

BUDGET &  
ADMINISTRATION  
PERSONNEL  
COMMITTEE

INTERAGENCY  
TECHNICAL  
ADVISORY  
COMMITTEE

BICYCLE COMMITTEE

ELDERLY & DISABLED  
TRANSPORTATION  
ADVISORY COMMITTEE

Subject: Bridge Replacements on Route 1 at Scott Creek and Waddell Creek

Dear Mr. Albright:

The Regional Transportation Commission took action at their June 2, 2005 meeting to request that Caltrans continue to communicate with the Coastal Commission, North Coast Beaches Advisory Committee, and other interested parties regarding options for Bridge Replacements on Route 1 at Scott Creek and Waddell Creek.

We understand that Caltrans staff is currently preparing documents necessary for Route 1 Bridge Replacements at Scott Creek and Waddell Creek to be considered for inclusion in the SHOPP. According to your staff, direct replacement of the bridges is estimated to cost \$10-15 million. The California Coastal Commission, North Coast Beaches Advisory Committee, and other resource agencies have asked Caltrans to expand the replacement project to include placing the abutments outside of the streambed. Lengthening the bridge and removing the embankments that were put in place when the bridge was built over 50 years ago could help restore the watershed in the area of these bridges. However, we understand that expanding the bridges increases the project cost significantly (likely \$40 million more) and Caltrans has indicated these additional enhancements cannot be funded within the SHOPP nor Caltrans share of TE funds. As such, the North Coast Beaches Advisory Committee requested that the RTC identify any transportation funding sources that are available and appropriate for these projects (Attachment 1).

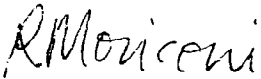
After reviewing and discussing with Caltrans staff the various transportation funding programs that exist, it appears that this type of project may only be eligible for the State's Environmental Enhancement and Mitigation (EEM) program. Unfortunately funding for that program is subject to the annual State Budget and was not included in the FY05/06 budget. Additionally, in recent years the program has only made \$5 million available statewide, with typical award limits of \$250,000 per project. Regional shares of State Transportation Improvement Program (STIP) and Surface Transportation Program (RSTP) funds, which the Regional Transportation Commission does have control over, are insufficient are designated for other regionally significant projects. It appears that

WWW.SCCRTC.ORG  
EMAIL:INFO@SCCRTC.ORG

there are no other transportation funding programs available for this type of project. However, RTC staff has identified several non-transportation funding sources that may be available for restoration of the watershed (Attachment 2).

We appreciate anything your staff can do to work with the Coastal Commission, North Coast Beaches Advisory Committee, and other interested parties to investigate non-transportation funds that may be available for expansion of this project.

Sincerely,



Rachel Moriconi  
Senior Transportation Planner

cc: North Coast Beaches Advisory Committee, c/o Department of Parks, Open Space, &  
Cultural Resources  
Coastal Commission

**DEPARTMENT OF TRANSPORTATION**

50 HIGUERA STREET  
SAN LUIS OBISPO, CA 93401-5415  
PHONE (805) 549-3101  
FAX (805) 549-3329  
TDD (805) 549-3259  
<http://www.dot.ca.gov/dist05/>



*Flex your power!  
Be energy efficient!*

September 27, 2005



Rachel Moriconi, Senior Transportation Planner  
County of Santa Cruz  
1523 Pacific Avenue  
Santa Cruz, CA 95060-3911

Dear Ms. Moriconi:

### SCOTT WADDELL BRIDGE REPLACEMENT PROJECT

This is in response to your June 3, 2005 letter regarding the Scott Waddell Bridge Replacement project, suggestions for possible alternative funding sources and the continuing of communication between all interested agencies. As you know, the Department of Transportation (Caltrans) has recommended that programming for this project occur in the 2006 SHOPP. The construction estimate is \$19,219,000 (escalated to the 2013/2014 Fiscal Year) with the Right of Way (R/W) cost estimated at \$320,000 (escalated cost). Construction is scheduled for the 2013/2014 fiscal year.

Several agencies have expressed the desire to utilize this project to enhance the Scott and Waddell Creek estuaries. As noted in your letter, the cost to achieve this enhancement is estimated to be in excess of \$40 million. This would be in addition to the current project cost. Santa Cruz County Regional Transportation Commission (SCCRTC) and Caltrans have explored numerous alternative funding sources to be potentially used in partnership with SHOPP program funds. Unfortunately, to date no viable sources have been identified that could cover the additional costs.

Since funding on this level is not likely in the near future, the project team has developed an implementation strategy that will allow incremental lengthening of the new replacement bridges as funding becomes available in the future. The technical details of this approach are published in the soon to be approved Project Scope Study Report (Scott Waddell PSSR 05-0F990K dated 10/2005). A phased implementation strategy will provide maximum flexibility for the planning and utilization of future funds. Caltrans is willing to work with SCCRTC and others in an effort to identify and initiate new projects that specifically address these concerns.

Due to the identified immediate transportation need, Caltrans plans to proceed with the project as scoped and funded (bridge replacement). In order to maintain open channels of

communication during the development of the project, the project team will develop a comprehensive Communication Plan that will be designed to be responsive to the concerns of all affected stakeholders including the agencies that have already been in contact with Caltrans. The needs of concerned local non-profit groups will also be taken into consideration in the plan.

It is the goal of Caltrans to remain flexible in our methods while addressing the needs of the highway system and the travelling public. We strive to maintain this flexibility at all times. If you have additional comments or concerns regarding this project, please contact the Project Manager, Steven DiGrazia, who can be reached at 805-549-3437.

Sincerely,



*fr*  
R. GREGG ALBRIGHT  
District Director

## Summary of Santa Cruz County Policies Relating to Anadromous Fish Habitat Conservation

*Excerpted from the study: Effects of County Land Use Policies and Management Practices on Anadromous Salmonids and Their Habitat*

January 2001  
by  
Dr. Richard Harris  
Susie Kocher  
UC Berkeley Extension

A list of activities considered to have potential impacts on fish and fish habitat was developed through the work of the County Planning Teams and the FishNet 4C Program Director. These activities are either conducted by county departments directly, or are regulated by the county with a county agency serving as the Lead Agency under the California Environmental Quality Act (CEQA). The identified activities were then categorized by the potential impacts they may have on anadromous salmonids and their habitat. This categorization is based upon Spence et. al. (1996). (See TABLE-1)

TABLE-1, Impact Categories for Identified Activities

Potential Impact to Anadromous Salmonids	County or County Regulated Activity
A. Streamflow Quantity Modifications	Road surfacing (impervious surfaces)
	Domestic water use
	Storm drainage
	Retention basins/overflow channels
	Road watering
B. Riparian Clearing	Floodplain clearing
	Channel clearing
	Levee construction
	Channel construction
	Site clearing
	Roadside brushing
C. Sedimentation	Grading/excavation/filling
	Culvert installation
	Bridge construction
	Emergency grading
	Culvert clearance/repair
	Bridge repair
	Road regrading/resurfacing
	Channel clearing
	Levee repair
	Landslide removal
D. Instream Habitat Modification (physical)	Erosion control and channel armoring
	Channel clearing
	Retention basins/overflow channels
	Channel structure installation



Potential Impact to Anadromous Salmonids	County or County Regulated Activity
E. Water Quality Impairment (thermal, biological or chemical)	Site clearing
	Channel structure installation
	Channel clearing
	Floodplain clearing
	Herbicide spraying
	Storm drainage
	Waste water discharge
F. Migration Barriers	Domestic animals
	Channel structure installation
	Retention basins/overflow channels
	Channel construction
	Culvert installation

This list of activities and impacts was the basis for the policy analysis. All Santa Cruz County general plan elements and ordinances which regulate these activities were analyzed (See TABLE-2). Policies which help avoid or mitigate impacts were identified, as were areas in which formal policies were missing. The specific policies along with relevant sections are presented in a series of tables at the end of this document. Highlights of the review are discussed below, by area of impact.

TABLE-2: General Plan Elements and Ordinances Reviewed

General Plan Element	Ordinance
Land use element	Zoning ordinance, Chapter 13.10
Circulation element	Site and landscape design review, Chapter 13.11
Housing element	Coastal zone regulations, Chapter 13.20
Conservation and open space element	Subdivision ordinance, Chapter 14.01
Public safety and noise element	Geologic hazards, Chapter 16.10
Parks, recreation and public facilities	Grading regulations, Chapter 16.20
Community design	Erosion control, Chapter 16.22
	Riparian corridor protection, Chapter 16.30
	Sensitive habitat protection, Chapter 16.32
	Significant Tree Ordinance- Chapter 16.34
	Mining regulations, Chapter 16.54

### DISCUSSION:

Guiding principles found in Santa Cruz County's General Plan are implemented through county ordinances and performance standards. To comply with California's Coastal Protection Act, all county governments in California have adopted Coastal Plans and Coastal Zoning Ordinances, which require fairly comprehensive protections for salmonid habitat. There has been no similar state requirement for salmonid habitat conservation beyond the Coastal Zone. Unlike other nearby counties, Santa Cruz extends most of its protective policies from its coastal zone to the entire county.

There are a number of policies in place in Santa Cruz County that protect fish habitat, even if that is not always their specific intention. These policies are put in place to protect wildlife

habitat in general, protect riparian corridors, prevent erosion and sedimentation, and to regulate stream channel modification.

## **Wildlife Habitat**

Santa Cruz county policies protecting wildlife habitat go farther than those of the other Fishnet 4C counties in that they establish sensitive habitat provisions throughout the county (rather than just in the coastal zone) and they are implemented by a specific sensitive habitat ordinance. They also track habitat information for project review with a GIS database.

Santa Cruz County's Conservation and Open Space Element defines "environmentally sensitive habitat" as all areas which provide habitat for species of special concern listed by the California Department of Fish and Game, areas of rare, endangered or threatened species designated by the State Fish and Game Commission and USFWS, and all lakes, estuaries, lagoons, streams, rivers, and riparian corridors (5.1.2). Only those uses dependent on the habitat are allowed unless other uses are consistent with habitat protection policies, completely mitigate adverse impacts, and are legally necessary to allow economic use of the land (5.1.3). The county's Sensitive Habitat Protection Ordinance restricts these uses to nature study and research, hunting, fishing and equestrian trails with timber harvest as a conditional use. Commercial agriculture is exempted from these provisions (16.32).

Biotic assessments are required with normal project review in sensitive habitat (5.1.9 and 16.32). The county is directed to reduce, redesign or deny any project which cannot sufficiently mitigate impacts unless approval is legally necessary to allow a reasonable use of the land. Structures are to be sited as far from the habitat as feasible, development envelopes are to be specified, and protection provided through easements, and deed restrictions. Domestic animals and landscaping with exotics is to be prohibited (5.1.7). The ordinance establishes buffer zones within which land uses are restricted to those compatible with habitat needs.

County staff report that applications for both discretionary and ministerial building permits are checked for proximity to sensitive habitat on the county's Geographic Information Systems (GIS) database which incorporates up to date information on salmonid fish habitat. Gross scale mapping is then field checked by trained county staff.

### ***IDENTIFIED AND POTENTIAL POLICY GAPS:***

- Santa Cruz county's wildlife habitat conservation policies are comprehensive and consistent. The extent to which their GIS database incorporates the most recent salmonid habitat information is not known.

## **A. Streamflow Quantity Modification**

Streamflow quantity can be affected through withdrawals of water for domestic use and through increases in accumulated run off from surfaces hardened by development. County governments are responsible for regulation of drainage from developments which can change flow regimes but are not responsible for maintenance of instream flow (which is primarily regulated by the State Water Resources Control Board). Santa Cruz county policies protecting streamflow quantity go

farther than those of the other Fishnet 4C counties in that they establish targets for instream flow and set requirements for stormwater detention basins in their general plan.

**Instream Flow Withdrawals:** Santa Cruz’s Conservation and Open Space Element (5.6) establishes a target for minimum stream flows for anadromous fish runs that comes into play when a biologic assessment has not been completed for a particular stream. The perennial stream flow target is 95 percent of normal during summer and 70 percent during winter baseflow. The county is directed to oppose new water rights applications or transfers that would individually or cumulatively diminish instream flows below this 95/70 standard. New diversions, dams, and reservoirs constructed on anadromous fish streams must be designed to provide adequate stream flow levels for successful fish populations (5.3).

Critical Water Supply Streams, including streams with anadromous fish, are designated in which new or expanded water diversions are to be prohibited or opposed by the county. The county should seek to restore in-stream flows where there is harm to beneficial uses (5.6). New water supply projects elsewhere should be conditioned to protect instream uses. The Public Safety Element requires that flood control structures built to protect existing development not restrict stream flows below minimums necessary for fish production (6.4.10).

**Stormwater Retention:** Development projects typically create hardened surfaces which change hydrologic regimes affecting the magnitude and timing of stream flow. Santa Cruz’s Public Safety Element requires onsite retention or detention of storm water to prevent any significant increase over pre-existing volumes and velocities (6.3.8). New discretionary development projects must maintain runoff at pre-development rates (7.23) and should limit coverage by impervious surfaces. On-site retention and percolation of runoff is required for new development in Water Supply Watersheds, in groundwater recharge areas, and for all projects over an acre in size for which adequate on and off site improvements to alleviate drainage problems cannot be made. When on-site detention is used, projects must be conditioned to ensure ongoing operation and maintenance of basins. The Erosion Control Ordinance (16.22) specifies the “design storm” for which runoff must be controlled which varies by soil type.

***IDENTIFIED AND POTENTIAL POLICY GAPS:***

- Provisions requiring consideration of the county’s stream flow targets or on-site water detention requirements was found in the General Plan but is not supported in county implementation ordinances. It is possible this could lead to inconsistent implementation of general plan provisions during development.

**B. Riparian Vegetation**

Santa Cruz county policies protecting riparian corridors go farther than those of the other Fishnet 4C counties in that they establish riparian corridor provisions throughout the county (rather than just in the coastal zone) and they are implemented by a specific riparian corridor ordinance.

Santa Cruz County’s Conservation and Open Space Element designates riparian corridors throughout the county (5.2). Corridors measure 50 feet from the top of channel or high water mark of perennial streams, 30 feet from intermittent streams and 100 feet from the high water mark of lakes, lagoons and estuaries. Development activities, land alteration and vegetation

disturbance within the corridors is prohibited. Exceptions must be approved by the US Army Corps of Engineers, and Department of Fish and Game. In addition to the corridor width, additional buffer setbacks are required based on stream characteristics, vegetation and slope. Setback reductions are allowed only with an approved riparian exception. An additional 10 feet of separation is required from the edge of the buffer to any structure. Land within the riparian corridor is excluded when calculating allowable density. Compatible uses that do not impair or degrade the riparian system such as non-motorized recreation and trails, parks, and fishing are allowed. Environmental review of all proposed development projects affecting corridors is required, including preparation of an EIR or biotic report for projects which may have a significant effect.

Santa Cruz's Riparian Corridor and Wetlands Protection Ordinance (Chapter 16.30) implements the guidelines in the general plan throughout the county. No development activities are allowed within riparian corridors. Exemptions include continuance of pre-existing non-agricultural uses not lapsed for more than a year, and pre-existing agricultural uses not lapsed within the last five years. Exceptions to these prohibitions may occur if there are special circumstances, or as a necessary part of a permitted activity. When exceptions are allowed, mitigations may include vegetated buffer strips, water breaks, surface treatments, and sediment catch basins. Fines of \$500 per day may be levied for non-compliance.

**Tree Protection Ordinances:** Santa Cruz County has a Significant Tree Protection Ordinance which prohibits removal of trees >20" dbh or groups of 5 trees >12" dbh on a parcel without a permit in the Coastal Zone.

***IDENTIFIED AND POTENTIAL POLICY GAPS:***

- Santa Cruz County's riparian corridor protection policies are comprehensive and consistent. However, definition of riparian protection areas on the basis of stream geomorphology rather than arbitrary distances from streams would probably improve salmonid habitat protection in many cases.
- Development may still occur in riparian areas when protection provisions make an already established parcel unbuildable. The county could establish a fund for purchase of property or easements for these cases.

## **Floodplain Management**

Riparian areas are by definition, a portion of the stream's floodplain. Some floodplain management policies may serve to protect riparian and stream functioning when they prohibit structures from the floodplain. Once structures are built on a floodplain, measures to prevent flooding such as installation of levees, clearing of riparian vegetation, or hardening of channel banks, often follow, all of which impact fish habitat.

Santa Cruz County policies protecting floodplains go farther than those of the other four Fishnet 4C counties because they limit the amount of fill that can be put on the 100-year flood plain to create building sites. On current lots only 50 cubic yards of fill can be used to create a building site. A new parcel may be created in a floodplain only if already contains a buildable site above flood level.

Santa Cruz County manages the floodplain based on federal policy which seeks to minimize damage to property and people from flooding. The floodplain area is divided into two major sections, the floodway or primary floodplain and the flood zone, or secondary floodplain. The floodway is defined as the stream channel and immediately adjacent lands (i.e., bankfull). The floodzone is the area prone to flooding during the 100-year flood as defined by the Flood Insurance Rate Map (FIRM) delineated by the Federal Emergency Management Agency (FEMA).

Santa Cruz's Public Safety Element (6.4) allows creation of new parcels in 100-year floodplains only if each proposed parcel contains at least one development site not subject to flood hazard. A restriction indicating the 100-year floodplain must be recorded on the deed. New flood control structures are allowed only to protect existing development where no other alternative is feasible and where necessary for public safety. Structures must not adversely affect sand supply, increase erosion or flooding on adjacent properties, or restrict stream flows below minimum levels necessary for maintenance of fish and wildlife habitat.

Santa Cruz's Geologic Hazards Ordinance (Chapter 16.10) sets conditions for development in floodplains. A geologic hazards assessment is required for development within 100-year flood plains. Critical facilities must be located outside of the 100-year flood plain and new parcels may only be created if a full hydrologic report demonstrates that each parcel contains at least one building site not subject to flood hazard. On current lots, a maximum of 50 cubic yards of fill may be placed within the 100-year floodplain for construction. A minimum setback of 20 feet from the banks of a watercourse is required where all development activities are prohibited if no specific floodway is designated on flood maps.

***IDENTIFIED AND POTENTIAL POLICY GAPS:***

- Santa Cruz county's floodplain protection policies are comprehensive and consistent. However, construction on current lots in floodplains may still occur. Floodplain development could be avoided by establishment of a fund for purchase of property or easements for buildable parcels in floodplains.

## **C. Sedimentation**

Santa Cruz county policies to avoid stream sedimentation go farther than those of the other Fishnet 4C counties in that they regulate agricultural grading, prohibit development on slopes over 30 percent, prohibit winter grading in sensitive areas (except for unusual circumstances), require sediment basins in new and existing development, and require erosion control plans for both private and public projects. These measures are implemented through specific Grading, Erosion Control, and Geologic Hazards Ordinances.

**Grading:** Santa Cruz County's Conservation and Open Space Element requires all grading, building, and timber harvesting in Water Supply Watersheds (WSWs) and Least Disturbed Watersheds (Laws) to meet strict standards for erosion control (5.5). All new and existing development and land disturbances near streams and lagoons should install and maintain sediment basins and or other erosion control measures (5.7). It also charges the county to

require all new and existing development to install and maintain sediment basins or other strict erosion control measures to prevent siltation to streams.

The Public Safety Element requires land clearing permits and an erosion control plan for projects which clear more than one acre (except for agriculture), for any clearing in a sensitive habitat, and for clearing more than ¼ acre in Water Supply Watersheds (WSWs) and Least Disturbed Watersheds (LDWs). All sediment must be contained on site during construction and site design must minimize grading and vegetation removal (6.3).

Santa Cruz's Grading Ordinance (16.20) requires a grading permit for excavation of over 100 cubic yards of material. Those projects under this threshold must conform to the county's Riparian Corridor, Sensitive Habitat, and Erosion Control Ordinances. The Erosion Control Ordinance requires control of all existing and potential human induced erosion by both public and private agencies (16.22). An erosion control plan must be approved prior to issuance of a building, development (including grading), land division, or clearing permit.

**Winter Grading:** Santa Cruz County's Public Safety Element (6.3) and Erosion Control Ordinance requires installation of erosion control measures by October 15<sup>th</sup>. Measures must be in place before that time to prevent erosion from early storms. All exposed soil must be protected between October 15<sup>th</sup> and April 15<sup>th</sup>. Earth moving in areas of high erosion hazard in WSWs and LDWs is prohibited during the winter unless work is pre-authorized and erosion control measures are put in place at the end of each workday.

Santa Cruz's Erosion Control Ordinance prohibits land clearing over an acre in size or grading of over 100 cubic yards of material during the winter unless approved by the Planning Director. In these cases, specific measures including mulching, drainage, and runoff detention must be in place at the end of each day's work. Operations must cease during inclement weather.

**Development on Steep Slopes:** Development on steep slopes carries increased potential for soil erosion and subsequent stream sedimentation. Santa Cruz's Public Safety Element (6.3) prohibits building structures in discretionary projects on slopes greater than 30 percent except for single-family homes on existing lots of record when no alternative is available. Site design should not allow access roads and driveways to cross slopes over 30 percent.

The Geologic Hazards Ordinance (16.10) implements these guidelines by requiring a geologic hazard assessment for development on slopes over 30 percent. New parcels may not be created if they lead to building and road sites on slopes more than 30 percent. The Grading Ordinance (16.20) requires the maximum grade of a road to not exceed 15 percent, although it may be up to 20 percent for up to 200 feet. The Erosion Control Ordinance (16.22) prohibits creation of new lots that require new access roads to cross slopes over 30 percent. Construction of new roads across slopes greater than 30 percent is prohibited on existing lots unless there is no other alternative. Clearing of land over ¼ acre is prohibited on slopes over 30 percent.

**Cultivation:** Santa Cruz County's Public Safety Element (6.3) requires agricultural activities to maintain adequate erosion control measures to prevent excessive sedimentation. The Grading Ordinance (16.20.195) requires a permit for agricultural grading. Plans must show erosion

control measures to be taken on disturbed non-crop areas. The Planning Director may require review or design by an engineer for grading with erosion potential. Agricultural activities are exempt from the county's Erosion Control Ordinance.

**Road Maintenance:** Santa Cruz County maintains 601 miles of road, only one mile of which is unsurfaced. There is very little written documentation of road maintenance procedures in the county although the county's Erosion Control Ordinance requires control of all erosion from public and private projects. Road maintenance BMPs are currently being developed for Santa Cruz, Monterey, and San Mateo Counties as part of the Water Quality Protection Program for the Monterey Bay National Marine Sanctuary.

***IDENTIFIED AND POTENTIAL POLICY GAPS:***

- Policies for mitigation of sediment impacts from road maintenance have not been adopted. Policies for county road maintenance that address disposal of spoils, stream crossings, culvert diversion potential, and slope repair would help avoid current sedimentation impacts. No program for road reconstruction, decommissioning and maintenance to minimize sedimentation and runoff impacts was identified.

**D. Channel Modification and Maintenance**

The primary agencies regulating activities in stream channels are the California Department of Fish and Game through the requirement for Streambed Alteration Agreements, and the US Army Corps of Engineer through the Section 404 permitting process. However, Santa Cruz County does have some jurisdiction over channels through its responsibilities to review permit applications for installation of bank stability structures, through its own channel clearing and maintenance and lagoon breaching practices. Santa Cruz's policies to protect stream channels from modification are in line with those of the other FishNet 4C counties except for the lack of formal policies on channel and levee maintenance.

**Bank Stability Structures:** Santa Cruz County's Riparian Corridor and Wetland Protection Ordinance (16.30) requires landowners wishing to install bank stability structures to obtain permission to work within the riparian corridor in the form of a Riparian Exception. This permit may require environmental review through the CEQA process.

**Lagoon Breaching:** Lagoons at the mouths of coastal streams may develop sandbars which cause flooding of adjacent properties. Breaching radically alters stream levels which may have negative consequences for salmonids. Santa Cruz's Conservation and Open Space Element prohibits lagoon sandbar breaching unless consistent with an approved management plan for the stream system (5.2.11).

**Channel Maintenance:** No formal policies on public channel and levee maintenance were found for Santa Cruz County. Generally, mitigations are established through Memorandums of Understanding or blanket Streambed Alteration Agreements with DFG. Conditions imposed include timing of clearing and restrictions on equipment in the stream bottom.

***IDENTIFIED AND POTENTIAL POLICY GAPS:***

- No established performance standards for county sponsored bank stability or channel and levee maintenance projects were found.
- Environmental review of bank stability structures for private or public projects does not require evaluation of cumulative effects on fish habitat.

## **E. Water Quality**

Water quality is an important component of fish habitat. Many of the regulations governing water quality are implemented through state and federal agencies. Several areas of county jurisdiction affect water quality including storm water pollution prevention, use of chemicals, zoning density and road maintenance. Santa Cruz County's restrictions on chemical use in sensitive habitat (including riparian corridors) are stricter than any others in the FishNet 4C counties. However, unlike 3 of the other 4 counties, Santa Cruz has not yet obtained permits for its storm drains or developed a storm water pollution prevention ordinance since it has not yet been required to comply with the National Pollutant Discharge Elimination System (NPDES).

**Storm Water Pollution Prevention:** Santa Cruz's Conservation and Open Space Element requires review of proposed development projects for potential to contribute to water pollution via increased storm water runoff and use of storm water BMPs (5.4). New development should minimize the discharge of pollutants by providing curbs and gutters on arterials, and oil, grease and silt traps for parking lots, land divisions and industrial uses (5.7). All stables and other animal keeping operations should be managed to prevent discharge of sediment nutrients, and contaminants to surface and groundwater. This element also directs the county to obtain permits for storm drain systems once the Regional Water Quality Control Board requires the county to comply with the National Pollutant Discharge Elimination System (NPDES).

**Chemical Use:** Santa Cruz's Conservation and Open Space Element prohibits the use of insecticides, herbicides or toxic chemicals within sensitive habitats (including riparian corridors) except during an emergency, when habitat is threatened, or for flood control maintenance by Public Works (5.1.8).

**Density:** Santa Cruz's Conservation and Open Space Element (5.5) designates Least Disturbed Watersheds (LDWs) and Water Supply Watersheds (WSWs) in which new parcels must be at least 10 acres (20 acres in the coastal zone).

### ***IDENTIFIED AND POTENTIAL POLICY GAPS:***

- Santa Cruz County does not yet have a storm water pollution prevention ordinance or permits for its storm drains under the National Pollutant Discharge Elimination System (NPDES). The county has not yet been required to obtain these by the Regional Water Quality Control Board.

## **F. Migration Barriers**

Culverts and bridges over anadromous fish streams may create a barrier to migration of fish when not properly sized or installed. Santa Cruz County maintains about 3100 culverts and 130 bridges. Thirty-two bridges are scheduled for repair or replacement over the next twenty years.



In general, replacement of culverts and crossings affecting fish bearing streams is reviewed the Department of Fish and Game through the Streambed Alteration Agreement process. Santa Cruz County policies make more mention of avoiding migration barriers than the other FishNet 4C counties (which make no mention at all). However, these policies are not comprehensive or consistently applied through ordinances or action plans.

Santa Cruz County's Conservation and Open Space Element requires that new diversions, dams, and reservoirs constructed on anadromous fish streams be designed to protect fish populations (5.35). The Grading Ordinance requires that private bridges cross a stream channel based on 100-year storm levels (16.20.180).

***IDENTIFIED AND POTENTIAL POLICY GAPS:***

- No written county policies or action plans to prevent or mitigate fish migration barriers due to county maintained culverts and bridges were identified.
- No written policies requiring review of fish migration impacts due to emergency replacement of county culverts and bridges were identified.

***Summary of Policy Conclusions***

Santa Cruz county's riparian corridor protection and wildlife habitat conservation policies are comprehensive and consistent. They surpass those of the other FishNet 4C counties by establishing sensitive habitat provisions and riparian corridors throughout the county and implementing them with specific ordinances. Floodplain protections are stronger because the amount of fill that can be placed in the 100-year flood plain to create building sites is limited to 50 cubic yards on current parcels, and none on new parcels. Santa Cruz County is unique in establishing targets for instream flow and setting requirements for stormwater detention basins in their general plan.

Sedimentation avoidance policies are also more comprehensive than the other counties in that they regulate agricultural grading, prohibit development on slopes over 30 percent, prohibit winter grading in sensitive areas (except for unusual circumstances), require sediment basins in new and existing development, and require erosion control plans for both private and public projects.

Policies to protect stream channels from modification are in similar to those of other counties except for Santa Cruz's lack of formal policies on channel and levee maintenance.

Water quality policies are stronger for chemical use since they prohibit use of herbicides and pesticides in sensitive habitat (including riparian corridors) are stricter than any others in the FishNet 4C counties. However, unlike 3 of the other 4 counties, Santa Cruz has not yet obtained permits for its storm drains or developed a storm water pollution prevention ordinance.

Santa Cruz County policies make more mention of avoiding migration barriers than the other FishNet 4C counties (which make no mention at all). However, these policies are not comprehensive or consistently applied through ordinances or action plans.

## ***Summary of Identified and Potential Policy Gaps***

### **A. Streamflow quantity modification**

- Provisions requiring consideration of the county's stream flow targets or on-site water detention requirements were found in the General Plan but is not supported in county implementation ordinances. It is possible this could lead to inconsistent implementation of general plan provisions during development.

### **B. Riparian protection areas**

- Definition of riparian protection areas on the basis of stream geomorphology rather than arbitrary distances from streams would improve salmonid habitat protection.
- Development may still occur in riparian areas when protection provisions make an already established parcel unbuildable.
- Construction on current lots with buildable sites in floodplains may still occur.

### **C. Sedimentation**

- Policies for mitigation of sediment impacts from road maintenance including disposal of spoils, road reconstruction, decommissioning, and maintenance to minimize sedimentation and runoff impacts have not been adopted.

### **D. Channel modification**

- Environmental review of bank stability structures for private or public projects does not require evaluation of cumulative effects on fish habitat.

### **E. Water Quality**

- Santa Cruz County does not yet have a storm water pollution prevention ordinance or permits for its storm drains under the National Pollutant Discharge Elimination System (NPDES).

### **F. Migration barriers**

- No written county policies or action plans to prevent or mitigate fish migration barriers due to county maintained culverts and bridges were identified.
- No written policies requiring review of fish migration impacts due to emergency replacement of county culverts and bridges were identified.

### **Wildlife habitat conservation**

- The extent to which the County GIS database incorporates the most recent salmonid habitat information is not known.

# **SCOTT CREEK BRIDGE REPLACEMENT AND ENVIRONMENTAL ENHANCEMENT PROJECT**

## **MEMORANDUM OF UNDERSTANDING FOR PREPARATION OF A PROJECT CONCEPT REPORT**

This Memorandum of Understanding (“MOU”) by and between the California Department of Transportation (“Caltrans”), County of Santa Cruz, Santa Cruz Regional Transportation Commission, Resource Conservation District of Santa Cruz County, and Cal Poly Swanton Pacific Ranch (collectively, the “Signatory Agencies”) is hereby entered into in order to develop a Project Concept Report (“Report”) for the replacement of the California State Highway 1 (“Highway 1”) bridge over Scott Creek in Santa Cruz County.

### **RECITALS:**

**WHEREAS**, Highway 1 provides a critical transportation link between Santa Cruz and points north. CalTrans has identified the need to replace the Highway 1 bridge over Scott Creek in order to ensure continued reliable and safe transportation for people, goods and services along Highway 1.

**WHEREAS**, Scott Creek is among the most biologically significant watersheds in Santa Cruz County and supports both coho salmon and steelhead. Coho salmon are listed as endangered under the Federal and State Endangered Species Act (“ESA”) and steelhead are listed as threatened under the Federal ESA. The lagoon at Scott Creek is critical rearing habitat for listed steelhead and coho salmon, as well as habitat for Federally threatened California red legged frogs, western pond turtles, Federally endangered tide water gobies, and other sensitive wildlife, including Federally threatened snowy plovers that use the beach areas.

**WHEREAS**, the existing Highway 1 bridge over Scott Creek and its armored approach restricts the natural function of the Scott Creek lagoon. The loss of meanders and stream length reduces substantially the rearing and smolting habitat for listed Coho salmon and steelhead. In addition, the current short-span bridge and its location adversely affects the timing of sandbar formation that creates the lagoon.

**WHEREAS**, the Signatory Agencies intend to work together to create a plan for the replacement of the Highway 1 bridge over Scott Creek which preserves and enhances this critical transportation link, and enhances the critical habitat and function of the Scott Creek lagoon.

**WHEREAS**, the Signatory Agencies intend to work with an Advisory Committee to identify, analyze and recommend alternatives for bridge replacement and environmental enhancement. The Advisory Committee will include natural resource agencies and regulatory agencies.



**NOW THEREFORE**, the Signatory Agencies agree as follows:

**1. Goal of the MOU.** The goal of this MOU is to produce a Report that identifies two or more bridge replacement options, natural resource opportunities and constraints and a funding strategy for the Scott Creek Highway 1 Bridge. The Report will consider a range of options, including lengthening the bridge, moving the location of the bridge, and physical habitat restoration and enhancement. The funding strategy will include a list of specific funding options and identify agencies and/or individuals who will pursue those options. The Signatory Agencies intend to produce a Draft Report by June 1, 2014. The Signatory Agencies understand that the Report is conceptual in nature only and that any actual construction project would be required to obtain all necessary local, State and Federal permits and approvals.

The Signatory Agencies and the Advisory Committee will cooperatively develop a Work Program that outlines the roles, responsibilities, milestones, and key objectives for completing the Report.

**2. Advisory Committee.** To develop the Report, the Signatory Agencies will consult, collaborate with, and seek information from an Advisory Committee. The Advisory Committee is composed of natural resource and permitting agencies. The Advisory Committee will meet regularly with the Signatory Agencies, help in the preparation of the Report and the funding strategy. The Advisory Committee will include representatives from each of the following agencies:

- United States Army Corps of Engineers
- National Marine Fisheries Service (NMFS)
- United States Fish and Wildlife Service (USFWS)
- California Department of Fish and Wildlife (CDFW)
- Regional Water Quality Control Board (RWQCB)
- California Coastal Commission
- State Coastal Conservancy

The Signatory Agencies and the Advisory Committee may elect to add additional members to the Advisory Committee. Such election may be made upon consensus based decision by the Signatory Agencies and the then-current Advisory Committee.

**3. Stakeholder Group:** The Stakeholder Group will include local interested groups, landowners and agencies that are interested in the Scott Creek Highway 1 Bridge. The Stakeholder Group will include the Scott Creek Watershed Council, Central Coast Wetlands Group, and the Monterey Bay National Marine Sanctuary. Additional groups may be added by consensus among the Signatory Agencies and the Advisory Committee. The Signatory Agencies and the Advisory Committee will meet with the Stakeholder Group on at least one occasion in order to share ideas and strategies, and to get input from the Stakeholder Group and the public on priorities, alternatives, and local concerns and/or issues relating to the bridge replacement project.



**4. Collaboration.** The Signatory Agencies and the Advisory Committee will collaborate to identify the best options for transportation, environmental benefits and cost, and identify potential funding sources for the project. This collaborative process will include participation in meetings, cooperating to secure any necessary funding, sharing data and information, and working together to identify two or more alternatives that would result in replacing the Highway 1 bridge at Scott Creek and concurrently enhancing habitat for the multiple sensitive species that use the estuary/lagoon, wetland and beach habitats.

**5. Costs.** Recognizing that there is no specific or dedicated funding for the purpose of developing this Report, each Signatory Agency and each member of the Advisory Committee will bear its own costs for participation and in helping to prepare the Report. However, each Signatory Agency and each member of the Advisory Committee agrees to assist in seeking funds for the Report and for future phases of the bridge replacement and environmental enhancement project.

**6. Decision Making.** The Signatory Agencies will seek consensus among themselves and with the Advisory Committee on decision making. The Signatory Agencies will provide a lead role in the decision making process and coordinating input from the Advisory Committee and the Stakeholder Group. As needed, the Signatory Agencies will ratify decisions by majority vote. Amendments resulting in material financial implications will be ratified by a majority of the Signatory Agencies. Votes will be recorded as one vote per Signatory Agency.

#### **SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING**

We, the undersigned representatives of our respective agencies, acknowledge the above as our understanding of how the Report for the Scott Creek Highway 1 bridge replacement and environmental enhancement project will be developed.

Each party has full power and authority to enter into and perform this MOU and the person signing this MOU on behalf of each party is authorized and empowered to enter into this MOU. Each party further acknowledges that it has read this MOU, understands it and agrees to it.

The Signatory Agencies acknowledge that this MOU is not an obligation of funds, nor does it constitute a legally binding commitment by any Signatory Agency or create any rights in any third party.

**California Department of Transportation (Caltrans)**

  
\_\_\_\_\_  
Timothy M. Gubbins  
District Director

  
\_\_\_\_\_  
Date

**County of Santa Cruz**

\_\_\_\_\_  
Neal Coonerty  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

**Santa Cruz County Regional Transportation Commission**

\_\_\_\_\_  
George Dondero  
Executive Director

\_\_\_\_\_  
Date

**Resource Conservation District of Santa Cruz County**

  
\_\_\_\_\_  
Karen Christensen  
Executive Director

05/16/13  
\_\_\_\_\_  
Date

**Cal Poly Swanton Pacific Ranch**

\_\_\_\_\_  
David Wehner, Dean  
College of Agriculture, Food, and  
Environmental Sciences

\_\_\_\_\_  
Date

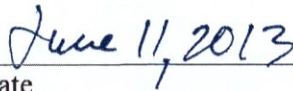
**County of Santa Cruz**

\_\_\_\_\_  
Neal Coonerty  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

**Santa Cruz County Regional Transportation Commission**

  
\_\_\_\_\_  
George Dondero  
Executive Director

  
\_\_\_\_\_  
Date

**Resource Conservation District of Santa Cruz County**

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Executive Director

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**Cal Poly Swanton Pacific Ranch**

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David Wehner, Dean  
College of Agriculture, Food, and  
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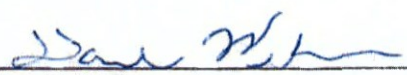
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**Resource Conservation District of Santa Cruz County**

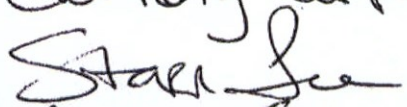
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Karen Christensen  
Executive Director

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Date

**Cal Poly Swanton Pacific Ranch**

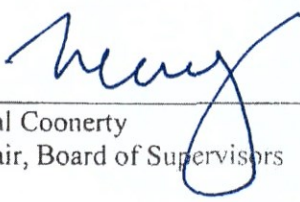
  
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David Wehner, Dean  
College of Agriculture, Food, and  
Environmental Sciences

  
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Date

Cal Poly Corporation 5-15-13  
  
Assoc Exe Director



**County of Santa Cruz**

  
\_\_\_\_\_  
Neal Coonerty  
Chair, Board of Supervisors

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Date 6-11-13

**Santa Cruz County Regional Transportation Commission**

\_\_\_\_\_  
George Dondero  
Executive Director

\_\_\_\_\_  
Date

**Resource Conservation District of Santa Cruz County**

\_\_\_\_\_  
Karen Christensen  
Executive Director

\_\_\_\_\_  
Date

**Cal Poly Swanton Pacific Ranch**

\_\_\_\_\_  
David Wehner, Dean  
College of Agriculture, Food, and  
Environmental Sciences

\_\_\_\_\_  
Date