

## 4.3 BIOLOGICAL RESOURCES

This section analyzes impacts of the *Parks Master Plan 2030* (Project) on biological resources based on a review of existing city plans and biological studies. This section also draws from the City of Santa Cruz General Plan 2030 EIR (SCH#2009032007), which was certified on June 26, 2012, regarding background information on regulatory setting and sensitive habitats. The General Plan EIR is incorporated by reference in accordance with section 15150 of the State CEQA Guidelines. Relevant discussions are summarized in subsection 4.3.1. The General Plan EIR is available for review at the City of Santa Cruz Planning and Community Development Department (809 Center Street, Room 101, Santa Cruz, California) during business hours: Monday through Thursday, 7:30 AM to 12 PM and 1 PM to 3 PM. The General Plan EIR is also available online on the City’s website at: <http://www.cityofsantacruz.com/Home/Components/BusinessDirectory/BusinessDirectory/102/1775>.

Public and agency comments related to biological resources were received during the public scoping period in response to the Notice of Preparation (NOP). Issues raised in these comments include:

- ☐ Evaluate riparian and watershed areas “in their entirety” to avoid “segmentation”.
- ☐ Assess impacts of lighting to sensitive species and habitats.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the California Environmental Quality Act (CEQA) and/or are raised by responsible agencies, they are identified and addressed within this EIR. Public comments received during the public scoping period are included in Appendix A.

### 4.3.1 Environmental Setting

#### Regulatory Setting

##### *Federal Regulations*

The United States Fish and Wildlife Service (USFWS) is responsible for the protection of terrestrial and freshwater organisms through the federal Endangered Species Act and the Migratory Bird Treaty Act, while the National Oceanic and Atmospheric Administration National Fisheries (NOAA Fisheries) is responsible for protection of anadromous fish (fish that live most of their adult life in saltwater but spawn in freshwater) and marine wildlife. The U.S. Army Corps of Engineers (ACOE) has primary responsibility for protecting wetlands and jurisdictional “other waters of the U.S.” under Section 404 of the Clean Water Act. A brief summary of relevant laws is provided below, and a full description is provided on pages 4.8-1 to 4.8-6 of the General Plan 2030 EIR (Draft EIR volume), which is incorporated by reference.

**Federal Endangered Species Act.** The federal Endangered Species Act (ESA) of 1973 (Title 16 United States Code, Section 1531 *et seq.*, as amended) prohibits federal agencies from authorizing, permitting or funding any action that would result in biological jeopardy to or take of a species listed as threatened or endangered. NOAA Fisheries jurisdiction under the ESA is limited to the protection of marine mammals and fish and anadromous fish; all other species are within USFWS jurisdiction. ESA defines “take” to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Exemptions to the prohibitions against take may be obtained through coordination with the USFWS through interagency consultation for projects with federal involvement (i.e., funded, authorized, or carried out by a Federal agency) pursuant to Section 7 of the ESA; or through the issuance of an incidental take permit under Section 10(a)(1)(B) of the ESA if the applicant submits a habitat conservation plan (HCP) that meets statutory requirements including components to minimize and mitigate impacts associated with the take.

**Birds of Conservation Concern.** USFWS’ *Birds of Conservation Concern* (BCC) (2008) was developed to fulfill the mandate of the 1988 amendment to the Fish and Wildlife Conservation Act (Public Law 100-653 (102 Stat. 3825) to “identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act (ESA) of 1973” (U.S. Fish and Wildlife Service, September 2015). The overall goal of the Birds of Conservation Concern is to accurately identify the migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent the highest conservation priorities. The bird species included on the BCC lists include nongame birds, gamebirds without hunting seasons, ESA candidate, proposed endangered or threatened, and recently delisted species.

**Migratory Bird Treaty Act.** All migratory birds and their nests are federally protected under the Migratory Bird Treaty Act of 1918 (MBTA) (Title 16 United States Code, Section 703-712 as amended; 50 Code of Federal Regulations Section 21; and 50 Code of Federal Regulations Section 13) and by California Department of Fish and Wildlife codes that support the act. The MBTA makes it unlawful to “take” any migratory bird or raptor listed in the 50 Code of Federal Regulations Section 10, including their nests, eggs or products.

**Wetlands and Waters of the U.S.** The ACOE has regulatory authority for activities within wetlands under the Clean Water Act (CWA, 1977, as amended), which serves as the primary federal law protecting the quality of the nation’s surface waters. Section 404 of the CWA establishes a program to regulate discharge of dredged or fill material into “waters of the United States,” which is administered by the ACOE. The term “waters” includes wetlands and non-wetland bodies of water that meet specific criteria as defined in the Code of Federal Regulations. In general, a permit must be obtained before fill can be placed in wetlands or other waters of the U.S. The type of permit depends on the amount of acreage and the purpose of the proposed fill, subject to discretion of the Corps. Under Section 404, general permits may be issued on a nationwide, regional, or state basis for particular types of activities that will have only minimal adverse impacts. Individual permits are required for projects with potentially significant impacts.

Under section 401 of the CWA, the California Regional Water Quality Control Boards (RWQCB) have regulatory authority over actions in waters of the U.S. through issuance of water quality certifications, which are issued in combination with permits issued by the ACOE under section 404 of the Clean Water Act. A 401 Certification is required from the RWQCB whenever improvements are made within Jurisdictional Waters of the U.S.

### ***State Regulations***

The California Department of Fish and Wildlife (CDFW) administers the California Endangered Species Act and protects streams and water bodies through the Streambed Alteration Agreement under Section 1600 of the California Fish and Game Code (CFG 2005).

**California Endangered Species Act.** The 1984 California Endangered Species Act (CESA) (Fish & Game Code, Section 2050-2098) declares that deserving plant or animal species be given protection by the State because they are of ecological, historic, educational, recreational, aesthetic, economic, and scientific value to the people of the State. Under state law, plant and animal species may be formally designated rare, threatened, or endangered by official listing by the CDFW. CESA authorizes that entities may take plant or wildlife species listed as endangered or threatened under FESA and CESA, pursuant to a federal incidental take permit issued in accordance with Section 10 of the FESA, if the CDFW certifies that the incidental take statement or incidental take permit is consistent with CESA (Fish & Game Code, Section 2080.1(a). Section 2081(b) and (c) of the CESA allows CDFW to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met. These criteria can be found in Title 14 CCR, Sections 783.4(a) and (b).

**Species of Special Concern and Fully Protected Species.** In addition to lists of designated Endangered, Threatened, and Rare plant and animal species, the CDFW maintains a list of animal “Species of Special Concern,” most of which are species whose breeding populations in California may face extirpation. Although these species have no legal status under the CESA, the CDFW recommends considering these species during analysis of proposed project impacts to protect declining populations, and to avoid the need to list them as threatened or endangered in the future. These species may “be considered rare or endangered [under CEQA] if the species can be shown to meet the criteria”. Additionally, the California Fish and Game Code contains lists of vertebrate species designated as “Fully Protected” (California Fish & Game Code 3511 [birds], 4700 [mammals], 5050 [reptiles and amphibians], and 5515 [fish]. No Section 2081(b) permit may authorize the take of “fully protected” species and “specified birds.” If a project is planned in an area where a species or specified bird occurs, an applicant must design the project to avoid all take; the CDFG cannot provide take authorization under CESA.

**Streambed Alteration Agreements.** Jurisdictional authority of the CDFW over stream areas is established under Section 1600 of the Fish and Game Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed, or bank of any lake, river, or stream. Section 1602 of the Fish and Game Code stipulates that it is unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake without notifying

the CDFW, incorporating necessary mitigation, and obtaining a Streambed Alteration Agreement. Typical activities that require a Streambed Alteration Agreement include excavation or fill placed within a channel, vegetation clearing, structures for diversion of water, installation of culverts and bridge supports, cofferdams for construction dewatering, and bank reinforcement.

**Native Plant Protection.** The Native Plant Protection Act of 1977 (NPPA) and implementing regulations pursuant to Section 1900 et seq. of the Fish and Game Code designate rare and endangered plants, and provide specific protection measures for identified populations. It is administered by the CDFW. The NPPA was enacted to “preserve, protect and enhance endangered or rare native plants of this state.” The NPPA defines a plant as endangered when its prospects of survival and reproduction are in immediate jeopardy from one or more causes. A rare plant is defined as a plant species that, though not presently threatened with extinction, occurs in such small numbers throughout its range that it may become endangered if its present environment worsens. The NPPA prohibits the take or sale of rare and endangered species in California, except for some exemptions provided by the law.

The California Native Plant Society has prepared and regularly updated an “Inventory of Rare and Endangered Vascular Plants of California.” In general, the CDFW qualifies plant species on List 1B (Plants Rare, Threatened, or Endangered in California and Elsewhere) or List 2 (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere) of the California Native Plant Society’s (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* for consideration under CEQA. Species on CNPS List 3 (Plants About Which We Need More Information--A Review List) or List 4 (Plants of Limited Distribution--A Watch List) may, but generally do not, qualify for consideration under CEQA.

### ***Local Regulations***

**Local Coastal Program (LCP).** The Coastal Act defines an “environmentally sensitive area” as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments” (Coastal Act section 30107.5). The City’s existing certified LCP identifies the following sensitive habitats: wetlands, riparian habitat, grasslands, mima mounds<sup>1</sup> and habitats that support Ohlone tiger beetle, tidewater goby, burrowing owl, California brown pelican, Monarch butterfly, pigeon guillemot, black swift, Santa Cruz tarplant or American peregrine falcon (City of Santa Cruz, 1994-Map EQ-9). Existing LCP policies seek to preserve and enhance the character and quality of riparian and wetland habitats (EQ 4.2). A separate Creeks Management Plan and policies related to the San Lorenzo River also are part of the LCP.

**Municipal Code Regulations.** Section 24.14.080 of the City’s Municipal Code includes provisions to protect wildlife habitat and protected species for areas specified in the City’s existing General Plan

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<sup>1</sup> Mima mounds are a land form of small, distinct raised hummocks amidst shallow depressions, usually supporting native grasslands (City of Santa Cruz, 1994).

(Maps EQ-8 and EQ-9). Section 24.08.21 also regulates development adjacent to city watercourses, consistent with provisions of the adopted *City-Wide Creeks and Wetlands Management Plan*, including requirements for issuance of a “watercourse development permit.” The City of Santa Cruz also regulates heritage trees and shrubs through a Heritage Tree Ordinance. Chapter 9.56 of the City Municipal Code defines heritage trees, establishes permit requirements for the removal of a heritage tree, and sets forth tree replacement requirements as adopted by resolution by the City Council. City regulations require tree replacement for removal of a heritage tree to consist of replanting three 15-gallon size trees or one 24-inch size specimen for each heritage tree approved for removal.

**Heritage Trees.** Chapter 9.56 of the City Municipal Code defines heritage trees, establishes permit requirements for the removal of a heritage tree, and sets forth mitigation requirements as adopted by resolution by the City Council. Heritage trees are defined by size, historical significance, and/or horticultural significance, including but not limited to those which are: (1) unusually beautiful or distinctive; (2) old (determined by comparing the age of the tree or shrub in question with other trees or shrubs of its species within the city); (3) distinctive specimen in size or structure for its species (determined by comparing the tree or shrub to average trees and shrubs of its species within the city); (4) a rare or unusual species for the Santa Cruz area (to be determined by the number of similar trees of the same species within the city); or (5) providing a valuable habitat. Resolution NS-23,710 adopted by the City Council in April 1998 establishes the criteria for permitting removal of a heritage tree. City regulations require tree replacement for approved to include replanting three 15-gallon or one 24-inch size specimen or the current retail value which shall be determined by the Director of Parks and Recreation. Removal would be permitted if found in accordance with the criteria and requirements previously outlined.

### City-wide Biological Resources

The following overview is summarized from the General Plan 2030 Draft EIR (pages 4.8-6 – 4.8-15), which is incorporated by reference. (For details on natural vegetation communities and wildlife throughout the City, see pages 4.8-16 - 4.8-21.)

There are 39 miles of watercourses and numerous wetland areas in the City that convey stormwater, protect water quality, and can support diverse natural habitats and aquatic and terrestrial resources. The *City-Wide Creeks and Wetland Management Plan* (described further below) includes 25 watercourses within five primary watersheds and four other watercourses. The primary watershed areas include: San Lorenzo River, Arana Gulch Creek, Neary Lagoon, Arroyo Seco, and Moore Creek. In addition there are several other miscellaneous drainages that do not fall within these primary watersheds, including Natural Bridges Creek, Lighthouse Drainage, Pilkington Creek and Bethany Creek. Table 4.3-1 summarizes the watercourses and known wetlands addressed in the *City-Wide Creeks and Wetland Management Plan*. Figure 4.3-1 shows the major watercourses and wetlands in the City.

**TABLE 4.3-1: City Watercourses and Known Wetlands**

<b>Watershed - Watercourse</b>	<b>Watercourses</b>	<b>Known Wetlands</b>
<b>San Lorenzo River Watershed</b>	San Lorenzo River Branciforte Creek Carbonera Creek, Glen Canyon Creek Redwood Creek Pogonip Creek Tick Drainage Arroyo de San Pedro Regaldo Wagner Seep Pasatiempo Creek Jessie Street Channel Ocean Villa Creek	Salz Pond         Jessie Street Marsh
<b>Arana Gulch Creek Watershed</b>	Arana Gulch Creek, Hagemann Creek Woods Creek	
<b>Nearby Lagoon Watershed</b>	Laurel Creek Bay Avenue Creek Bayona Creek Chrystal Gulch Dodero Spring Creek Longview Creek Ojos de Agua Creek	Westlake Pond Nearby Lagoon     Kalkar Quarry Spring
<b>Arroyo Seco Watershed</b>	Arroyo Seco Creek	
<b>Moore Creek Watershed</b>	Moore Creek	Antonelli Pond
<b>Other Watercourses</b>	Natural Bridges Creek, Lighthouse Drainage Pilkington Creek Bethany Creek	

The City of Santa Cruz is situated along the Monterey Bay, which was designated a national marine sanctuary by the federal government in 1992. The Monterey Bay National Marine Sanctuary stretches from Cambria to the south to Marin County on the north, encompassing 276 miles of shoreline. It extends seaward an average of 30 miles from shore—covering more than 5,000 square miles of ocean. The Sanctuary—administered by the National Oceanic and Atmospheric Administration (NOAA)—was established to promote resource protection, research, education, and public use. It boasts one of the most diverse marine ecosystems in the world, including the nation’s largest kelp forest and one of North America’s largest underwater canyons.

### ***Sensitive Habitat Areas***

Sensitive habitats generally include riparian habitat and corridors, wetlands, habitats for legally protected species and CDFW Species of Special Concern, areas of high biological diversity, areas

providing important wildlife habitat, and unusual or regionally restricted habitat types. The California Natural Diversity Data Base (CNDDB), managed by CDFW, maintains a working list of “high priority” habitats for inventory (i.e., those habitats that are rare or endangered within the borders of California). CNDDB “high priority” habitats are generally considered sensitive habitats under CEQA (City of Santa Cruz, April 2012, DEIR volume).

Four habitat types found within the City of Santa Cruz are recognized as sensitive habitat types in the City’s *General Plan 2030*: freshwater wetland, salt marsh, riparian forest and scrub, and coastal prairie portions of grassland habitats. Except for freshwater wetland, these habitat types correspond to habitat types that the CNDDB has designated as “high priority.” In addition, coastal bird habitat is considered sensitive habitats because of high biological diversity. Additionally, any area supporting a special status species would also be considered a sensitive habitat. Locally, the overwintering monarch butterfly habitat is considered sensitive due to its restricted range and CNDDB ranking as rare. Its habitat is also identified in the City’s existing General Plan as being a sensitive habitat. The General Plan sets forth protocols for evaluation of sensitive habitat and sensitive species. For riparian areas, this includes compliance with the *City-Wide Creeks and Wetlands Management Plan*.

The Coastal Act defines an “environmentally sensitive area” as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments” (Coastal Act section 30107.5). The City’s existing certified Local Coastal Program (LCP) identifies the following sensitive habitats: wetlands, riparian habitat, grasslands, mima mounds<sup>2</sup> and habitats that support Ohlone tiger beetle, tidewater goby, burrowing owl, California brown pelican, Monarch butterfly, pigeon guillemot, black swift, Santa Cruz tarplant or American peregrine falcon (City of Santa Cruz, 1994-Map EQ-9). Existing LCP policies seek to preserve and enhance the character and quality of riparian and wetland habitats (EQ 4.2).

### ***Special Status Species***

Special-status species include species listed as threatened or endangered under provisions of the federal Endangered Species Act (ESA) and species listed as rare, threatened, or endangered under provisions of the California ESA. Species formally proposed for federal listing by the U.S. Fish and Wildlife Service (USFWS) are afforded limited legal protection under the ESA. Other special-status plant species are those on List 1A, List 1B, or List 2 of the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Vascular Plants of California*, as well as wildlife species of special concern identified by the CDFW (City of Santa Cruz, April 2012, DEIR volume).

Eight special-status plant species and 39 special-status wildlife species have been identified as occurring within City limits. Three of plant species are listed: robust spineflower (*Chorizanthe robusta*), federally listed as endangered; Santa Cruz tarplant (*Holocarpha macradenia*), federally

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<sup>2</sup> Mima mounds are a land form of small, distinct raised hummocks amidst shallow depressions, usually supporting native grasslands (City of Santa Cruz, 1994).

listed as threatened and state listed as endangered; and San Francisco popcornflower (*Plagiobothrys diffusus*), state listed as endangered. Most of the locations are within publicly protected lands (Pogonip Open Space, Arana Gulch Open Space, DeLaveaga Park, and Moore Creek Preserve). Six of the wildlife species are listed: Ohlone tiger beetle (*Cicindela Ohlone*), federally listed as endangered; coho salmon (*Oncorhynchus kisutch*), federally and state-listed as endangered; steelhead rainbow trout (*Oncorhynchus mykiss*), federally listed as threatened; tidewater goby (*Eucyclogobius newberryi*), federally listed as endangered and a state-listed “Species of Special Concern”; California red-legged frog (*Rana draytonii*), federally listed as threatened and a state-listed “Species of Special Concern”; and brown pelican (*Pelecanus occidentalis*), state listed as endangered. Most of the locations of these species occur within the City are within publicly protected open space lands (City of Santa Cruz, April 2012, DEIR volume).

The City’s Local Coastal Program (LCP), Land Use Plan also identifies the following species as being sensitive species: Ohlone tiger beetle, tidewater goby, burrowing owl, California brown pelican, Monarch butterfly, pigeon guillemot, black swift, Santa Cruz tarplant and American peregrine falcon.

### ***Wildlife Movement / Corridors***

Wildlife corridors are segments of land that provide a link between these different habitats while also providing cover. Wildlife dispersal corridors, also called dispersal movement corridors, wildlife corridors or landscape linkages, are features whose primary wildlife function is to connect at least two significant or core habitat areas and which facilitate movement of animals and plants between two or more otherwise disjunct habitats (City of Santa Cruz, April 2012, DEIR volume). Three main corridors have been identified within the City that could provide connectivity between core habitats within or adjacent to the city: western corridor (Moore Creek), central corridor (San Lorenzo River and major tributaries), and eastern corridor (Arana Gulch) (City of Santa Cruz, April 2012, DEIR volume.).

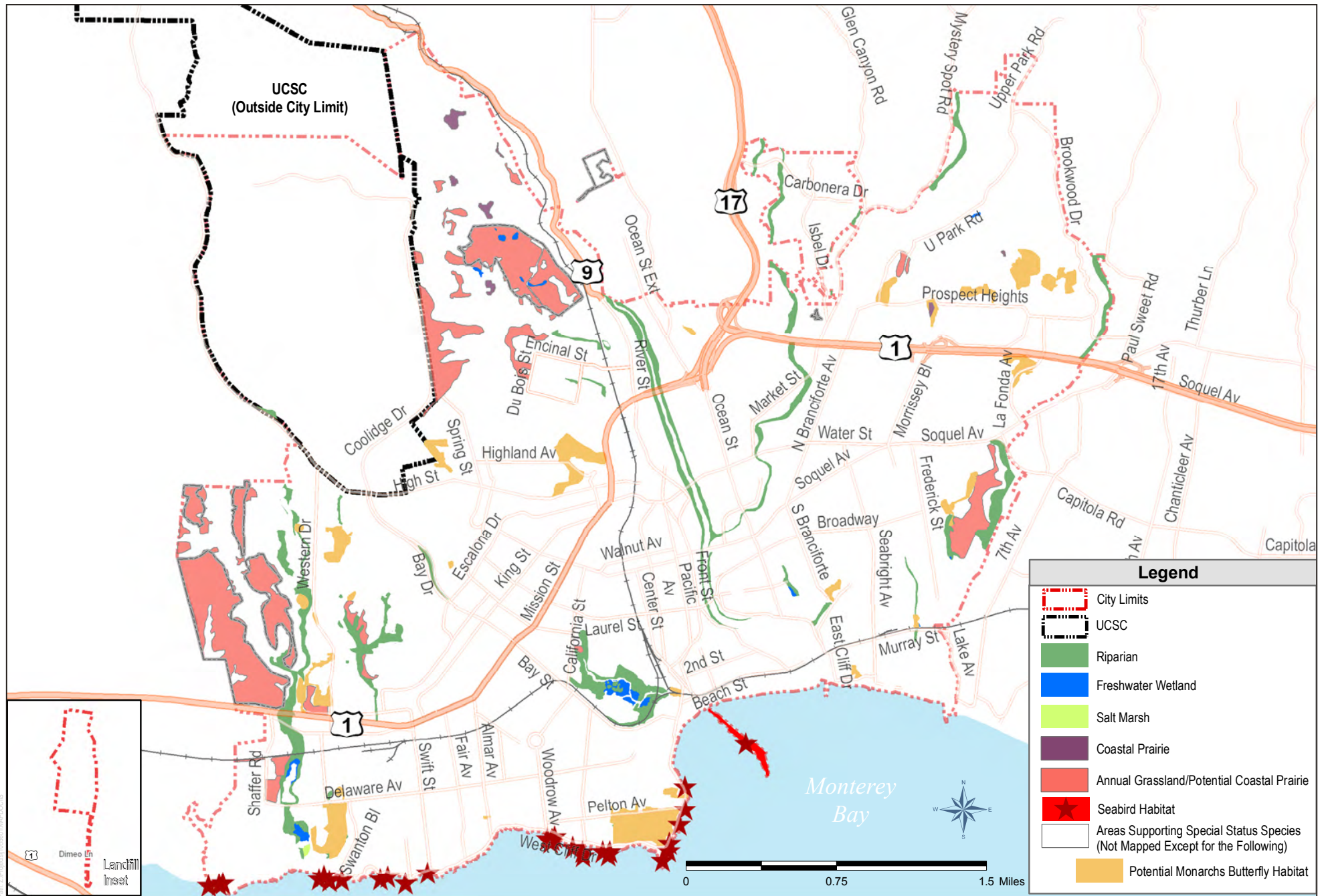
## **Biological Resources in City Parks and Open Space Lands**

A number of existing City parks and open spaces contain or are in proximity to sensitive habitat areas and/or areas known to support special-status species, while many of the City’s neighborhood parks are developed facilities within developed neighborhoods and do not contain sensitive biological resources. According to maps developed for the City’s *General Plan 2030* and included in the General Plan EIR, areas that are within a mapped sensitive habitat area (City of Santa Cruz, April 2012, DEIR volume-Figure 4.8-3) include Arana Gulch Open Space, DeLaveaga Park, Jessie Street Marsh, Moore Creek Preserve, Neary Lagoon Wildlife Refuge, Pogonip Open Space, Santa Cruz Riverwalk, Santa Cruz Wharf, and University Terrace as well as riparian habitat adjacent to other water courses throughout the City. Table 4.3-2 summarizes existing and potential location of sensitive habitat and/or special-status species in the City’s park system, and sensitive habitat areas throughout the City are shown on Figure 4.3-2. The predominant sensitive habitat found in City parks are riparian habitat, wetlands, and coastal prairie grassland.





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SOURCE: City of Santa Cruz

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**FIGURE 4.3-2**  
**Sensitive Habitat Areas**

City of Santa Cruz Parks Master Plan 2030 EIR

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**TABLE 4.3-2: Major Sensitive Biological Resources  
At City Parks and Open Space Lands**

<b>Park-Open Space-Facility</b>	<b>Sensitive Habitat</b>	<b>Special Status Species</b>
Arana Gulch Open Space	<ul style="list-style-type: none"> <li>• Coastal prairie</li> <li>• Riparian</li> <li>• Potential monarch butterfly</li> </ul>	<ul style="list-style-type: none"> <li>• Santa Cruz tarplant</li> <li>• Nesting bird species</li> </ul>
Arroyo Seco Canyon	<ul style="list-style-type: none"> <li>• Riparian</li> <li>• Coastal prairie</li> <li>• Potential monarch butterfly</li> </ul>	<ul style="list-style-type: none"> <li>• Nesting bird species</li> </ul>
DeLaveaga Park	<ul style="list-style-type: none"> <li>• Coastal prairie</li> <li>• Riparian</li> <li>• Potential monarch butterfly</li> <li>• Oak woodlands</li> <li>• Wetlands</li> </ul>	<ul style="list-style-type: none"> <li>• Santa Cruz tarplant</li> <li>• California Species of Special Concern (birds)</li> <li>• Nesting bird species</li> </ul>
Jessie Street Marsh	<ul style="list-style-type: none"> <li>• Wetland</li> </ul>	<ul style="list-style-type: none"> <li>• Potential nesting bird species</li> </ul>
Moore Creek Preserve	<ul style="list-style-type: none"> <li>• Coastal prairie</li> <li>• Riparian</li> <li>• Potential monarch butterfly</li> </ul>	<ul style="list-style-type: none"> <li>• San Francisco popcornflower</li> <li>• Ohlone tiger beetle</li> <li>• California red-legged frog</li> <li>• Southwestern pond turtle</li> <li>• California Species of Special Concern (bats)</li> <li>• Nesting bird species</li> </ul>
Neary Lagoon Refuge	<ul style="list-style-type: none"> <li>• Riparian</li> <li>• Freshwater wetland</li> </ul>	<ul style="list-style-type: none"> <li>• Southwestern pond turtle</li> <li>• California Species of Special Concern (birds)</li> <li>• Nesting bird species</li> </ul>
Pogonip Open Space	<ul style="list-style-type: none"> <li>• Coastal prairie</li> <li>• Riparian forest</li> <li>• Freshwater marsh</li> <li>• Seasonal wetlands</li> </ul>	<ul style="list-style-type: none"> <li>• Robust spineflower</li> <li>• San Francisco popcornflower</li> <li>• Gairdner's yampah</li> <li>• California red-legged frog</li> <li>• Southwestern pond turtle</li> <li>• Ohlone tiger beetle</li> <li>• California Species of Special Concern (bats, birds, woodrat)</li> <li>• Nesting bird species</li> </ul>
Santa Cruz Riverwalk San Lorenzo River	<ul style="list-style-type: none"> <li>• Riparian</li> <li>• Freshwater Wetland</li> </ul>	<ul style="list-style-type: none"> <li>• Steelhead and coho salmon</li> <li>• Tidewater goby</li> <li>• Western pond turtle</li> <li>• Nesting bird species</li> </ul>
Santa Cruz Wharf	<ul style="list-style-type: none"> <li>• Sea bird habitat</li> </ul>	<ul style="list-style-type: none"> <li>• California brown pelican</li> <li>• Nesting bird species</li> </ul>
West Cliff	<ul style="list-style-type: none"> <li>• Sea bird habitat</li> </ul>	<ul style="list-style-type: none"> <li>• California brown pelican</li> <li>• Nesting bird species</li> </ul>

**SOURCE:** City of Santa Cruz *General Plan 2030* EIR, City of Santa Cruz Local Coastal Program, Pogonip Master Plan EIR, Pogonip Master Plan Amendment and New East Multi-Use Trail Mitigated Negative Declaration/Initial Study



## Existing Management Plans

A number of existing plans have been adopted by the City for management of City-owned open space areas and protection of natural resources. Plans that have elements directed at protection of biological resources are summarized below.

**City-Wide Creeks and Wetlands Management Plan.** This plan was adopted by the City in 2007 and approved by the California Coastal Commission as a LCP amendment in October 2007. The Plan provides a comprehensive approach to managing all creeks and wetlands within the City. Long-term goals to manage these resources include reduction and/or elimination of pollutants; improvement of water quality; improvement and restoration of natural habitat; and increased public awareness of the value of watershed quality. The Management Plan recommends development setbacks along each watercourse in the City based on biological, hydrological, and land use characteristics for various watercourse types. The recommended setbacks include a riparian corridor, a development setback area, and an additional area that extends from the outward edge of the development area.

The riparian corridor is adjacent to the watercourse, and is intended to provide an adequate riparian width to maintain or enhance habitat and water quality values. Allowable uses within the riparian corridor are limited. The development setback area<sup>3</sup> is the area outward from the edge of the designated riparian corridor where development is restricted, providing a buffer between the riparian corridor and development. The Creeks Plan also includes development standards and guidelines for any allowable uses in the setback areas in order to protect habitat and water quality.

**Arana Gulch Management Plan.** Arana Gulch is a City-owned greenbelt property situated along the City's eastern boundary, to the north of the Santa Cruz Small Craft Harbor. This 67.7-acre open space property features coastal prairie, riparian and oak woodland, seasonal wetlands, and the lower reaches of Arana Gulch Creek. Arana Gulch supports three sensitive habitat areas: 1) areas of Santa Cruz tarplant (*Holocarpha macradenia*), a state listed endangered species and a federally-listed threatened species 2) riparian habitat; and 3) seasonal wetlands. In addition to public access and use recommendations, the Master Plan identifies resource management areas and management guidelines for each of following areas: coastal prairie/Santa Cruz tarplant; Arana Gulch Creek riparian and wetland; and Hagemann Gulch riparian woodland. Habitat restoration efforts are underway pursuant to provisions of the Management Plan and the coastal development permit approved by the Coastal Commission for implementation of the Plan.

**Jessie Street Marsh Management Plan.** Jessie Street Marsh is a City-owned open space site located off of San Lorenzo Boulevard-East Cliff Drive and downslope of Ocean View Park. The site currently has an ad-hoc trail that extends from East Cliff Drive to Lemos Avenue.

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<sup>3</sup> The development setback width is intended to provide an appropriate water quality and habitat buffer between the riparian corridor and development within the remaining management area. New development generally would be limited in this area to landscaping and limited pervious surfaces.

In 1998, the City prepared the Jessie Street Marsh Management Plan, which includes goals to restore the marsh and improve access. The Plan identifies actions to improve hydrologic functions of the marsh (including hydrologic interaction with the San Lorenzo River), habitat restoration actions, and measures to enhance public access. Historically, Jessie Street Marsh was part of a large tidal estuary open to the San Lorenzo River. The Management Plan proposes to modify the marsh area to increase the tidal exchange with the San Lorenzo River and enhance salt/brackish marsh and freshwater marsh habitat areas. Both marsh and upland woodland habitats would also be enhanced by removing invasive, non-native plants and revegetation of degraded areas. The management approach is to maximize the biodiversity of the marsh areas and enhance the biotic resources.

The Jessie Street Marsh property was purchased by the City as part of the mitigation for the loss of park land as a result of the City's Secondary Wastewater Treatment Plant (SWTP) Modification project in 1991 ("1991 Project"). It was intended that the marsh be enhanced with riparian plantings, wetland restoration, interpretive signage and construction of an accessible trail system. The City's SWTP is located next to Neary Lagoon Park and the Neary Lagoon Wildlife Refuge.

The original 1991 Project concept contemplated removal of a total of 0.83 acres of riparian and wetland habitat (including 0.02 acre of COE jurisdictional wetland) during construction. As mitigation for the loss of habitat, the Final Supplemental Environmental Impact Report (EIR) (June, 1991) proposed as mitigation the establishment of an equal amount of riparian habitat adjacent to the SWTP on the south side of Neary Lagoon, as well as the establishment of approximately 0.6-0.9 acre of riparian habitat at Jessie Street Marsh and enhancement of approximately 0.2-0.4 acre of existing wetland at that location.<sup>4</sup>

On June 20, 1991, the Planning Commission denied the project and directed staff to create an environmentally superior design. As a result of concerns for the impact to riparian and wetland habitat, the SWTP Project design was modified to eliminate impacts to riparian or wetland habitat. The plans were revised and the final project avoided the wetland and riparian areas but the project did displace park land and open space. The modifications represented revised mitigation measures for impacts of the original proposed project on a total of 0.83 acre of riparian habitat, including 0.02 acre of Corps jurisdictional wetlands.<sup>5</sup>

The SWTP Modification Project's EIR and Addendum also identified the loss of 3.8 acres of park land and open space at Neary Lagoon as one of the significant environmental effects. On November 12, 1991, the City adopted the project's Mitigation, Monitoring, and Reporting Program (MMRP), which specified lessening or avoiding the loss of park land/open space impacts, in part, by acquiring Jessie Street Marsh, developing a management plan for the marsh, and funding capital expenditures as determined by the management plan.

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<sup>4</sup> See, Final Supplemental EIR – City of Santa Cruz Wastewater Treatment Plan Modification Program – Addition of Secondary Treatment Facilities (Jones & Stokes - June, 1991), p. 2-7.

<sup>5</sup> See, Addendum of city of Santa Cruz Wastewater Treatment Plant Modification Program Supplemental EIR: Modification of Access Road Route and Clarifier Placement to Avoid Impacts on riparian and Wetland Habitat (Jones & Stokes - August 9, 1991), p. 1-3.

The City has taken many steps to implement the MMRP to mitigate for the loss of park land/open space. In 1996, the City acquired the Jessie Street Marsh property. In 1998, the City prepared the Jessie Street Marsh Management Plan. Since adoption of the plan, the City has implemented some management actions, including control of invasive plant species and marsh vegetation management. The City has not yet funded the capital expenditures in the management plan.

**Moore Creek Management Plans.** The *Moore Creek Corridor Access and Management Plan* was prepared as a focused effort to bring together the then existing policies from the City’s General Plan and Western Drive Plan into a comprehensive document. Recommendations are included for resource management related to management of vegetation. In 2002, the City approved the *Moore Creek Interim Management Plan* which more specifically addresses management of the 246-acre Moore Creek Preserve area of the corridor. The Plan was adopted by City Council in June 2002 as an “Interim Management Plan”, not as a Park Master Plan. The document is intended to guide management of the Moore Creek Preserve until preparation/approval of a long term Park Master Plan for the property. The Interim Plan identifies three plant community resource management areas with specific management guidelines for habitat areas for three special status species as identified below; Resource Management Guidelines are included for each of these areas.

☐ Plant Communities

- Coastal Prairie
- Riparian and oak woodland (Moore Creek canyon and Wilder Creek canyon)
- Mixed eucalyptus and Monterey cypress grove (Monarch butterfly over-wintering habitat)

☐ Special Status Species

- Ohlone Tiger Beetle Habitat
- San Francisco popcorn flower habitat
- California red-legged frog habitat

**Neary Lagoon Management Plan.** Neary Lagoon is a City-owned wetland and natural area situated in the central part of the City. Acquired by the City in 1967, the 14-acre lagoon and surrounding riparian and woodland habitat within the management area total 44 acres. The outlet from the lagoon to Monterey Bay is located at Cowell Beach. The *Neary Lagoon Management Plan*, adopted by City and approved by the Coastal Commission in fulfillment of conditions of Coastal Commission approval of a coastal development permit issued to the City to construct park and wildlife refuge improvements. The Plan is a comprehensive guide that addresses public access and use, hydrology, water quality, vegetation management and habitat restoration, wildlife and fishery management, cultural resources and aesthetics. The plan addresses management of vegetation and wildlife habitat. The habitat areas include: freshwater marsh, open water, and riparian and mixed oak woodland. Habitat and wildlife/fisheries management actions include removal of non-native plant and wildlife species, maintaining a balance between freshwater marsh and open water habitat through removal of tules and cattails, sediment removal, establishing and enhancing islands within the lagoon for waterfowl, grassland restoration, and conducting annual surveys and monitoring.



**Pogonip Master Plan.** A Park Master Plan was completed in 1998 to guide the public use and resource management of Pogonip. The Pogonip Master Plan was adopted by City Council in July 1998. This long-range plan addresses public access, recreational uses, historic resource rehabilitation and preservation, and natural resource management and protection. The Plan does not include policies, but design and management guidelines are provided. The Trail Element in the Pogonip Master Plan includes trail design guidelines and management actions. The Plan envisions the restoration of the historic clubhouse, a Homeless Garden farming operation and support facilities, an outdoor education camp, improvements to trails, interpretive programs, parking improvements, and natural restoration activities.

**San Lorenzo Urban River Plan.** The *San Lorenzo Urban River Plan* (SLURP) is the outcome of a planning process initiated by City Council in 1999 to update previous plans for the San Lorenzo River that guided flood control, vegetation restoration and public access improvements along the San Lorenzo River. The Plan was adopted by the City Council in 2003 for the portion of the river south of Highway 1. Policies developed from recommendations in this plan were included in the LCP as a Coastal Commission-approved LCP amendment in 2004. The Plan contains recommendations for habitat enhancement, as well as public access and ideas to promote river-oriented development. One of the key goals of the plan is to enhance and restore biotic values of the river, creek and marsh fish and wildlife habitat.

Appendices to the *San Lorenzo Urban River Plan* include the *Lower San Lorenzo River and Lagoon Management Plan* and the *Jessie Street Marsh Management Plan*. The *Lower San Lorenzo River and Lagoon Management Plan* provides resource management and restoration recommendations within the constraints of providing flood protection. Management and restoration recommendations address: annual vegetation management; summer lagoon water level management; enhancement of the aquatic, shoreline and riparian habitats; and marsh restoration.

### 4.3.2 Impacts and Mitigation Measures

#### Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA); State CEQA Guidelines (including Appendix G); City of Santa Cruz plans, policies, and/or guidelines; and agency and professional standards, a project impact would be considered significant if the project would:

- BIO-1 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service;
- BIO-2 Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- BIO-3 Have a substantial adverse effect, either directly or through habitat modifications on; or substantially reduce the number or restrict the range of any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- BIO-4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- BIO-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- BIO-6 Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan;
- BIO-7 Substantially reduce the habitat of a fish or wildlife species;
- BIO-8 Cause a fish or wildlife population to drop below self-sustaining levels; or
- BIO-9 Threaten to eliminate a plant or animal community.

### Impacts and Mitigation Measures

#### *Areas of No Project Impact*

- BIO-4 *Wildlife Corridors.* None of the recommended improvements in the Parks Master Plan would interrupt or adversely affect wildlife movement corridors. Goal IV-Policy B, Action 2h calls for identification and elimination of barriers (e.g. remove unnecessary fences, old barbed wire, and other barriers) and provide safe crossings (e.g. protect existing and promote additional wildlife crossings and use wildlife friendly fencing) to enhance wildlife movement. Goal IV-Policy A, Action 3h seeks to study, enhance and expand wildlife corridors. Furthermore, potential future development, including potential new trails, would be subject to site-specific review and would be required to comply the City's *City-wide Creeks and Wetlands Management Plan*, which establishes requirements for setbacks that would protect wildlife movement along major corridors identified in the City. Therefore, adoption and implementation of the Parks Master Plan would not directly or indirectly substantially interfere with wildlife movement or with established wildlife corridors and would result in *no impact*.
- BIO-6 *Conflicts with HCP or NCCP.* There are no adopted Habitat Conservation or Natural Community Conservation Plans in the City.
- BIO-7 *Substantially Reduce Fish or Wildlife Species Habitat.* The proposed *Parks Master Plan 2030* includes policies, goals and recommendations for improvements at park and recreational facilities that could lead to future development. As explained in Impact BIO-1 and BIO-2 below, potential impacts to sensitive habitat and special status species

would not be significant. The Plan includes policies and actions to protect habitat and wildlife areas. In addition, the recommended improvements are mostly minor or small structures that would not result in substantial ground disturbance or habitat loss and would not affect fish or wildlife habitat. None of the recommended improvements would be of a magnitude that would result in substantial habitat loss. The proposed project could result in indirect impacts to biological resources (nesting birds) that can be mitigated to a less-than-significant level as discussed in this EIR. Therefore, the Project does not have the potential to substantially reduce the habitat of fish or wildlife species.

- BIO-8 *Cause a Fish or Wildlife Population Decline.* The proposed *Parks Master Plan 2030* includes policies, goals and recommendations for improvements at park and recreational facilities that could lead to future development. As explained in Impact BIO-1 and BIO-2 below, potential impacts to sensitive habitat and special status species would not be significant. The Plan includes policies and actions to protect habitat and wildlife areas. In addition, the recommended improvements are mostly minor or small structures that would not result in substantial ground disturbance or affect fish or wildlife habitat to a degree that a fish or wildlife population would decline to a level that would be considered below self-sustaining levels. None of the recommended improvements would be of a magnitude that would result in substantial impacts on plant, fish, or wildlife populations. Therefore, the Project does not have the potential to cause a fish or wildlife species population drop below self-sustaining levels.
- BIO-9 *Threaten to Eliminate a Plant or Animal Community.* The proposed Project would not threaten to eliminate a plant or animal community. As explained in Impact BIO-1 and BIO-2 below and BIO-7 and BIO-8 above, potential impacts to wildlife habitat and species population would not be significant. The Plan includes policies and actions to protect habitat and wildlife areas. In addition, the recommended improvements are mostly minor or small structures that would not result in substantial ground disturbance or result in loss of habitat. Therefore, the Project does not have the potential to threaten to eliminate a plant or animal community.

### *Project Impacts*

- Impact BIO-1: Sensitive Habitats.** Implementation of the Parks Master Plan could result in indirect impacts to sensitive habitats as a result of future implementation of recommended improvements identified in the Master Plan, which would be avoided or minimized with implementation of policies and actions in the Parks Master Plan and the *General Plan 2030*, as well as with mitigation or other measures included in previously adopted park/open space management plans and their accompanying CEQA documents. Therefore, this is considered a *less-than-significant impact*.

Recommendations included in the Parks Master Plan could result in potential direct impacts to sensitive habitat areas if future development is not sited to avoid sensitive habitat areas. Some project areas are within or near areas of sensitive habitat, primarily in the open space areas as summarized on Table 4.3-2. Most recommended improvements are for minor improvements or addition of amenities to existing parks and facilities within developed areas that do not support sensitive habitat or special status species. No significant structural improvements or park expansion is proposed. However, recommendations in the Plan could lead to additional development of trails and small structures that could adversely affect sensitive habitats if not designed to avoid sensitive habitat areas. Within the City, the primary sensitive habitat areas are riparian and coastal prairie grassland habitats. Wetland habitats are also considered sensitive habitat areas and are addressed in Impact BIO-2 below.

Some improvements, such as trails, are proposed to be explored further at Arroyo Seco, DeLaveaga Park, Moore Creek, Pogonip Open Space, and Jessie Street Marsh. New structural development recommendations include:

- Potential restrooms at a few neighborhood parks within developed areas (Sgt. Derby Park, University Terrace Park, and Westlake Park) and restroom renovation at DeLaveaga Park;
- Permanent restroom and dressing room facilities the Audrey Stanley Grove amphitheater at DeLaveaga Park;
- Potential addition of a caretaker residence at Pogonip;
- Potential workshop and storage structure at the Wharf Yard (at Depot Park); and
- Structural renovations at the Civic Auditorium, Loudon Nelson Community Center, and Pogonip clubhouse. The Master Plan recommends implementation of the DeLaveaga Golf Course Master Plan that includes construction of a new DeLaveaga Golf Course clubhouse. However, the DeLaveaga Golf Course clubhouse is currently being remodeled, and according to City staff, a new structure would not be pursued during the 2030 timeframe of the Parks Master Plan.

Other recommendations in the Parks Master Plan that could lead to development include: consideration of new parking areas at Lower DeLaveaga Park, Moore Creek Preserve, and Pogonip Open Space; a pedestrian bridge over Branciforte Creek in Lower DeLaveaga Park; and a drone course.

At DeLaveaga Park, the Parks Master Plan recommends permanent restroom and dressing room facilities at the Audrey Stanley Grove amphitheater<sup>6</sup> and a potential pedestrian bridge over Branciforte Creek in Lower DeLaveaga Park. Permanent facilities at the amphitheater likely would be located within the existing developed footprint where temporary facilities are located, and construction would not result in significant impacts if the facilities are sited and designed to avoid areas of sensitive habitat. Future development also would be required to comply with the *City-wide Creeks and Wetland Management Plan* setbacks for the adjacent Arana Gulch watercourse. A

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<sup>6</sup>An application for a Design Permit to construct a 5,500 square foot multi-purpose building to replace existing trailer at the amphitheater has been submitted to the City's Planning and Community Development Department.

pedestrian bridge over Branciforte Creek is anticipated to have the bridge abutments and supports located outside of the channel, although minor areas of riparian vegetation may be trimmed or removed. However, this type of project also would be subject to development standards in the *City-wide Creeks and Wetlands Management Plan*.

At Pogonip Open Space, potential restoration of the Pogonip Clubhouse and construction of a road, parking lot, infrastructure and other improvements are recommended. Design and siting of these facilities would be subject to management provisions in the adopted Pogonip Master Plan and adopted mitigation measures in the Pogonip Master Plan EIR.

Future trail construction could affect sensitive biological resources if not properly sited and designed to avoid sensitive resources. The proposed Parks Master Plan recommends considering additional trails at DeLaveaga Park and Moore Creek Preserve, as well as trail connections to Arroyo Seco and potential new trails at and to Pogonip Open Space. The Parks Master Plan does not recommend or identify specific trail locations or alignments, other than to support implementation of the Sycamore Trail at Pogonip, which is included in the Pogonip Master Plan and was evaluated in the Pogonip Master Plan EIR. No specific trail alignment locations are proposed at DeLaveaga or other parks and open spaces. Potential trails at DeLaveaga Park potentially could follow existing fire roads and ad-hoc trails. It is noted that the existing adopted DeLaveaga Park Master Plan identifies a trail network throughout the park, including a loop trail around the park.

The Parks Master Plan specifically calls for additional study of trail uses in open space areas. New trails would be developed as a result of conducting a study with a public process to determine appropriate locations and uses for expanded or new trails as set forth in the Parks Master Plan. Recommendations for Pogonip Open Space include conducting a trails assessment to evaluate existing trail connections and use issues that would help inform the determination of whether or not future trail modifications or improvements are appropriate, and the Master Plan specifically indicates that potential impacts and mitigations related to new or expanded trails at Pogonip would be evaluated through the CEQA process conducted for future trail projects.

No significant indirect impacts to sensitive habitat are anticipated with future use at existing parks and open space lands. The Master Plan requires new off-leash dog use areas to be completely fenced, and these types of facilities are usually small and located within existing parks and/or developed areas as evidenced by the nature and location of existing facilities. These type of facilities typically would not result in significant environmental impacts due to their small size and typical location within existing parks outside of sensitive areas. The provision of fencing within parks in developed areas would prevent impacts to sensitive species and habitat, which are primarily located in the City's open space areas.

The Parks Master Plan Goal III-Policy G, Action 1j calls for consideration of establishment of a drone course, but the Master Plan does not propose a location or description of facilities that might be considered. Potential impacts would primarily be associated with possible disturbance to birds/wildlife if a facility is sited in proximity to open space areas. However, the Master Plan includes

actions to protect habitat and prevent impacts to wildlife which would direct selection of a site away from sensitive habitat areas.

No other Parks Master Plan policies, actions or recommendations would adversely affect biological resources. Lighting is recommended at the Main Beach, Depot Park, and Neary Lagoon Park, but policies and actions in the Plan seek to direct lighting so that there is no offsite illumination or impacts on wildlife habitat (Goal 1-Policy A, Action 2).

Potentially significant impacts to sensitive habitat areas could occur without careful review, design, and construction of future improvements to facilities. No specific development is proposed as a part of the Parks Master Plan. Feasibility studies would be conducted for new trails and facilities before site designs were undertaken, and protection of sensitive biological resources and avoidance of impacts would be taken into consideration, in accordance with policies and actions in the Parks Master Plan that call for protection of sensitive habitat and species. Furthermore, the *General Plan 2030* sets forth protocols for evaluation of sensitive biological resources as part of project-specific development and environmental review. Any development within or adjacent to riparian or wetland habitat would be subject to provisions of the City-wide Creeks and Wetland Management Plan and would be required to provide the setbacks established in the Plan, which would provide protection to riparian habitat.

The Parks Master Plan includes a number of goals, policies, and actions to protect special status species and sensitive habitats, which would be implemented and would avoid or minimize potential impacts to sensitive habitat as a result of new or expanded trails or other facilities. They are identified below. In particular, the actions included with Goal IV-Policy B call for wildlife surveys prior to site-specific development or increases in use to avoid impacts to special status species and wildlife and to protect sensitive habitat. Goal IV-Policy B, Action 2n indicates that as part of the CEQA review process for new projects, potential impacts to sensitive habitat (including special-status species) for sites located within or adjacent to these areas would be evaluated and mitigated. Furthermore, Goal III-Policy F, Action 1a calls for evaluation of new trail uses through a public process to determine if they are appropriate for a specific open space area, which would include collection of usage data on existing trails and a study of impacts to wildlife and habitat to inform the decision-making process. Specific policies and actions that would avoid or minimize impacts to sensitive habitat include:

- ☐ *Goal I* and supporting policies and actions support the creation of sustainable parks, including recommended actions to select materials and native plants to enhance biodiversity and attract pollinators and birds in parks and to increase the number of trees and tree canopy to provide habitat (Policy A, Actions 1e and 1f).
- ☐ *Goal IV* and supporting policies and actions promote conservation and stewardship and seek to protect the City's natural resources, native wildlife habitats and plant communities, and environment.
- ☐ *Goal IV-Policy A*: This policy seeks to maintain and enhance natural habitats to increase biodiversity and long-term ecological function. Supporting actions call for Inventory,

monitoring, and (as needed) restoration of resources as well as improve habitat, including conversion of turf areas to native landscaping, where appropriate (Actions 1-4).

- ☐ *Goal IV-Policy B: Manage greenbelt and open spaces for conservation and to minimize recreational use impacts.*
- ☐ *Goal IV-Policy B, Action 2b: Develop management strategies for protection of sensitive wildlife habitats.*
- ☐ *Goal IV-Policy B, Action 1c: Ensure resource conservation and environmental sensitivity in project design and construction.*
- ☐ *Goal IV-Policy B, Action 1d: Evaluate new uses for potential impacts to watershed, riverine, stream, and riparian environments.*
- ☐ *Goal IV-Policy B, Action 2: Protect, maintain and enhance habitat features that are important to native wildlife and native plant communities.*
- ☐ *Goal IV-Policy B, Action 2b: Revegetate plants native to the specific habitat in buffer/setback areas adjacent to creeks and wetlands.*
- ☐ *Goal IV-Policy B, Action 2g: Discourage human intrusion into sensitive wildlife habitats by appropriate placement of facilities and trails.*
- ☐ *Goal IV-Policy B, Action 2k: Evaluate new uses for potential impacts to watershed, riverine, stream, and riparian environments.*
- ☐ *Goal IV-Policy B, Action 2m: Conserve creek, riparian, and wetland resources in accordance with the City-wide Creeks and Wetlands Management Plan, San Lorenzo Urban River Plan, Moore Creek Interim Management Plan, Jessie Street Marsh Management Plan, and the Neary Lagoon Management Plan.*
- ☐ *Goal IV-Policy B, Action 2q: Protect coastal roosts and rookeries.*
- ☐ *Goal IV-Policy B, Action 3: Protect water bodies, including wetlands from uses that would degrade their value to native species.*

The Parks Master Plan also supports continued implementation of habitat managements with the following recommendations. Specific Plan recommendations:

- ☐ *Arana Gulch Open Space: Continue to implement the Habitat Management Plan and restore the Santa Cruz tarplant population and coastal prairie, woodland, and riparian areas.*
- ☐ *Delaveaga Park: Continue to work with Resource Conservation District and implement the Arana Gulch Creek Stormwater Watershed improvement projects.*
- ☐ *Santa Cruz Riverwalk. Implement the San Lorenzo Urban River Plan.*

In addition, existing adopted management plans for some areas, such as Pogonip Open Space, Neary Lagoon, Arana Gulch, Jessie Street Marsh, and Moore Creek Preserve, provide additional management measures to avoid impacts to sensitive habitat areas. Trail development at Pogonip,

including implementation of the Sycamore Grove interpretative trail as recommended in the Parks Master Plan and also included in the *Pogonip Master Plan*, also would be subject to mitigation measures included in the Pogonip Master Plan EIR to protect special status species and sensitive habitats (BIO-1a-1j, 2e, 3) in addition to or in combination with actions specified in the Parks Master Plan and other measures that may be recommended as part of future project-specific designs and CEQA reviews.

Should new facilities or trails be proposed in the future as a result of studies undertaken pursuant to recommendations in the Parks Master Plan, specific project-site level environmental reviews may be needed once design and construction details are developed. The City's *General Plan 2030* sets forth protocols for evaluation of sensitive habitat and also includes policies for protection of sensitive habitat areas.

Implementation of the proposed *Parks Master Plan 2030* policies and actions in conjunction with compliance with provisions of the *General Plan 2030*, *City-wide Creeks Wetlands and Management Plan*, adopted parks master and management plans, and local regulations and plans would result in improvements that would be sited and designed to avoid or minimize impacts to sensitive habitat areas. Therefore, the project would not result in direct impacts to sensitive habitats, and potential indirect impacts as a result of future improvements would result in *less-than-significant impacts* to sensitive habitat areas.

#### **Mitigation Measures**

No mitigation measures are required as a significant impact has not been identified.

**Impact BIO-2: Wetland Habitats.** Implementation of the Parks Master Plan could result in indirect impacts to sensitive wetland habitats as a result of future implementation of recommended improvements identified in the Master Plan, which would be avoided or minimized with implementation of policies and actions in the Parks Master Plan and the *General Plan 2030*, as well as with mitigation or other measures included in previously adopted park/open space management plans and their accompanying CEQA documents. Therefore, this is considered a *less-than-significant impact*.

Implementation of recommendations included in the Parks Master Plan could result in potential direct impacts to sensitive wetland habitat areas if future development is not sited to avoid sensitive habitat areas. The primary areas of known wetland habitat occur at Neary Lagoon Wildlife Refuge, Jessie Street Marsh, DeLaveaga Park, Pogonip Open Space, and the San Lorenzo River area adjacent to Santa Cruz Riverwalk; see summary on Table 4.3-2. However, there are no recommendations for improvements in these areas that would affect wetlands.

At Jessie Street Marsh, the City began a public process in 2016 to determine how to move forward with implementing the Jessie Street Marsh Plan in consideration of safety, flooding, environmental



restoration, and access comments received from community members. A consultant was hired to put together concept plans which are based on feedback from the neighborhood in order to help facilitate public outreach. Conceptual plans were presented to the public in December 2017 that included new access, riparian revegetation, and wetland enhancement. The plans are not in a final state. Direction has neither been provided by the Parks and Recreation Commission nor City Council. The conceptual plans are based on preliminary public feedback and it would be too speculative to review the project under CEQA at this stage as no action was taken to further develop this plan. Any future project is subject to CEQA. There are no current proposals to modify the Jessie Street Marsh Management Plan. Furthermore, part of the purpose of such plans is to implement the Jessie Street Marsh Plan that would result in enhancement of existing wetland impacts without adversely impacting these habitats.

A major component of the Jessie Street Marsh Management Plan was to create a tidal exchange between the freshwater marsh and the San Lorenzo Urban River. The Parks Master Plan indicates that this was subsequently determined to be “unbuildable” during plan review by the City’s Engineers. The recommendations in the Parks Master Plan call for working through design issues and public concerns through a public process. At this time, it is not known what outcome may result from this process or whether there may be future proposed modifications to the Jessie Street Marsh Management Plan.

The Parks Master Plan includes a number of goals, policies, and actions to protect wetland habitats, which would be implemented and would avoid or minimize potential impacts to sensitive habitat as a result of new or expanded trails or other facilities. Goal IV-Policy B, Action 2n indicates that as part of the CEQA review process for new projects, potential impacts to sensitive habitat for sites located within or adjacent to these areas would be evaluated and mitigated. Specific policies and actions that would avoid or minimize impacts to sensitive habitat include:

- ☐ *Goal IV-Policy B, Action 2b:* Revegetate plants native to the specific habitat in buffer/setback areas adjacent to creeks and wetlands.
- ☐ *Goal IV-Policy B, Action 2g:* Discourage human intrusion into sensitive wildlife habitats by appropriate placement of facilities and trails.
- ☐ *Goal IV-Policy B, Action 2j:* Provide views or low impact access in riparian and wetland areas that are consistent with riparian and wetland protection
- ☐ *Goal IV-Policy B, Action 2m:* Conserve creek, riparian, and wetland resources in accordance with the City-wide Creeks and Wetlands Management Plan, San Lorenzo Urban River Plan, Moore Creek Interim Management Plan, Jessie Street Marsh Management Plan, and the Neary Lagoon Management Plan.
- ☐ *Goal IV-Policy B, Action 3:* Protect water bodies, including creek systems, riparian environments, and wetlands from uses that would degrade their value to native species.

Implementation of the proposed *Parks Master Plan 2030* policies and actions in conjunction with compliance with provisions of the *General Plan 2030*, *City-wide Creeks Wetlands and Management Plan*, adopted parks master and management plans, and local regulations and plans would result in

improvements that would be sited and designed to avoid or minimize impacts to sensitive wetland habitat areas. Therefore, the project would not result in direct impacts to wetland habitat, and potential indirect impacts as a result of future improvements would result in *less-than-significant impacts* to sensitive wetland habitat areas.

### Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

**Impact BIO-3: Special Status Species.** Implementation of the Parks Master Plan could result in indirect impacts to special status species or their habitat areas as a result of future implementation of recommended improvements identified in the Master Plan, which would be avoided or minimized with implementation of policies and actions in the Parks Master Plan and the *General Plan 2030*, as well as with mitigation or other measures included in previously adopted park/open space management plans and their accompanying CEQA documents. Therefore, this is considered a *less-than-significant impact*.

Recommendations included in the Parks Master Plan could result in potential direct impacts to special status species or their habitat if future development is not sited and designed to avoid these areas. Some project areas are known to support special status species, primarily in the open space areas as summarized on Table 4.3-2. Most recommended improvements are for minor improvements or addition of amenities to existing parks and facilities within developed areas that do not support sensitive habitat or special status species. No significant structural improvements or park expansion is proposed, although some improvements, including restrooms, parking areas, and potential trails may occur at DeLaveaga Park, Moore Creek, and Pogonip Open Space as described in Impact BIO-1.

Future trail construction could affect special status species if not properly sited and designed to avoid sensitive resources. The proposed Parks Master Plan recommends considering additional trails at DeLaveaga Park and Moore Creek Preserve, as well as trail connections to Arroyo Seco and potential new trails at and to Pogonip Open Space. The Parks Master Plan does not recommend or identify specific trail locations or alignments, other than to support implementation of the Sycamore Trail at Pogonip, which is included in the Pogonip Master Plan and was evaluated in the Pogonip Master Plan EIR. No specific trail alignment locations are proposed at DeLaveaga or other parks and open spaces. Potential trails at DeLaveaga Park are anticipated to generally follow existing fire roads and ad-hoc trails.

The Parks Master Plan specifically calls for additional study of trails uses in open space areas. New trails would be developed as a result of conducting a study with a public process to determine appropriate locations and uses for expanded or new trails as set forth in the Parks Master Plan. Recommendations for Pogonip Open Space include conducting a trails assessment to evaluate existing trail connections and use issues that would help inform the determination of whether or not future trail modifications or improvements are appropriate, and the Master Plan specifically indicates

that potential impacts and mitigations related to new or expanded trails at Pogonip would be evaluated through the CEQA process conducted for future trail projects.

No significant indirect impacts to sensitive habitat are anticipated with future use at existing parks and open space lands. The Master Plan requires new off-leash dog use areas to be completely fenced, and these types of facilities are usually small and located within existing parks and/or developed areas as evidenced by the nature and location of existing facilities. These type of facilities typically would not result in significant environmental impacts due to their small size and typical location within existing parks outside of sensitive areas. The provision of fencing within parks in developed areas would prevent impacts to sensitive species and habitat, which are primarily located in the City's open space areas.

Potentially significant impacts to special status species and their habitats could occur without careful review, design, and construction of future improvements facilities. No specific development is proposed as a part of the Parks Master Plan. Feasibility studies would be conducted for new trails and facilities before site designs were undertaken, and protection of sensitive biological resources and avoidance of impacts would be taken into consideration, in accordance with policies and actions in the Parks Master Plan that call for protection of special status species. Furthermore, the *General Plan 2030* sets forth protocols for evaluation of sensitive biological resources as part of project-specific development and environmental review. Any development within or adjacent to riparian or wetland habitat would be subject to provisions of the *City-wide Creeks and Wetland Management Plan* and would be required to provide the setbacks established in the Plan, which would provide protection to riparian habitat.

The Parks Master Plan includes a number of goals, policies, and actions to protect special status species, which would be implemented and would avoid or minimize potential impacts as a result of new or expanded trails or other facilities. In particular, Goal IV, Policy B specifically calls for management of the City's greenbelt and open spaces for conservation and to minimize recreational use impacts. Supporting actions identify measures to protect and avoid impacts to special-status species. The actions included with Goal IV-Policy B call for wildlife surveys prior to site-specific development or increases in use to avoid impacts to special status species and wildlife and to protect sensitive habitat. Goal IV-Policy B, Action 2n indicates that as part of the CEQA review process for new projects, potential impacts to sensitive habitat (including special-status species) for sites located within or adjacent to these areas would be evaluated and mitigated. Specific policies and actions that would avoid or minimize impacts to sensitive habitat include:

- ☐ *Goal IV* and supporting policies and actions promote conservation and stewardship and seek to protect the City's natural resources, native wildlife habitats and plant communities, and environment.
- ☐ *Goal IV-Policy B*: Manage greenbelt and open spaces for conservation and to minimize recreational use impacts.
- ☐ *Goal IV-Policy B, Action 1*: Protect and enhance the habitat and populations of special status plant and animal species.

- ☐ *Goal IV-Policy B, Action 1a:* Monitor locations and conditions of special status plants and wildlife and their habitats within a park or open space.
- ☐ *Goal IV-Policy B, Action 1b:* Conduct surveys for special status plants and wildlife during the appropriate season before significant site-specific development or any unusual anticipated increase in use. Modify the project or use to avoid impacting such plants or wildlife.
- ☐ *Goal IV-Policy B, Action 2b:* Develop management strategies for protection of sensitive wildlife habitats.
- ☐ *Goal IV-Policy B, Action 1c:* Ensure resource conservation and environmental sensitivity in project design and construction.
- ☐ *Goal IV-Policy B, Action 1e:* Protect areas of special status species from negative human activities and other impacts such as erosion, trampling, and litter. Examples of protective measures include trail rerouting, educational signs, and fencing.
- ☐ *Goal IV-Policy B, Action 2:* Protect, maintain and enhance habitat features that are important to native wildlife and native plant communities.
- ☐ *Goal IV-Policy B, Action 2g:* Discourage human intrusion into sensitive wildlife habitats by appropriate placement of facilities and trails.
- ☐ *Goal IV-Policy B, Action 2q:* Protect coastal roosts and rookeries.

The Parks Master Plan also supports continued implementation of habitat management with the following recommendations:

- ☐ *Arana Gulch Open Space:* Continue to implement the Habitat Management Plan and restore the Santa Cruz tarplant population and coastal prairie, woodland, and riparian areas.

In addition, existing adopted management plans for some areas, such as Pogonip Open Space, Neary Lagoon, Arana Gulch, Jessie Street Marsh, and Moore Creek Preserve, provide additional management measures to avoid impacts to sensitive habitat areas. Trail development at Pogonip, including implementation of the Sycamore Grove interpretative trail, also would be subject to mitigation measures included in the Pogonip Master Plan EIR to protect special status species and sensitive habitats (BIO-1a-1j, 2e, 3) in addition to or in combination with actions specified in the Parks Master Plan and other measures that may be recommended as part of future project-specific designs and CEQA reviews.

Should new facilities or trails be proposed in the future as a result of studies undertaken pursuant to recommendations in the Parks Master Plan, specific project-site level environmental reviews may be needed once design and construction details are developed. The City's *General Plan 2030* sets forth protocols for evaluation of sensitive habitat and also includes policies for protection of special status species.

Implementation of the proposed *Parks Master Plan 2030* policies and actions in conjunction with compliance with provisions of the *General Plan 2030*, *City-wide Creeks Wetlands and Management*

*Plan*, adopted parks master and management plans, and local regulations and plans would result in improvements that would be sited and designed to avoid or minimize impacts to sensitive habitat areas. Therefore, the project would not result in direct impacts to sensitive habitats, and potential indirect impacts as a result of future improvements would result in *less-than-significant impacts* to sensitive habitat areas.

### Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

**Impact BIO-4: Wildlife Breeding – Nesting Birds.** Implementation of the Parks Master Plan and future implementation of recommended improvements could result in indirect impacts to nesting birds if any are occurring within or near future construction areas. Therefore, this is a *potentially significant* impact.

Areas within the City contain trees that provide habitat for nesting birds. Some recommended improvements may affect existing mature trees or occur near nesting areas, particularly in open space areas, potentially resulting in impacts to nesting birds if any are present. Birds and active nests of all native species are protected under the federal MBTA, regardless of their lack of regulatory status (e.g., state/federal listing and species of special concern). However, the City's existing ordinances and planning documents would control future development projects' ability to alter or remove trees or shrubs. Should any trees be removed as a result of a future project, such disturbance should occur during the non-nesting bird season (mid-September through January). However, if ground-disturbing activities must occur during the breeding season (February through August) in areas of potential nesting, pre-construction nesting surveys should be conducted to determine whether any nesting species are present. Removal or disturbance during nesting season (February 1 to August 31) when these species are nesting is considered a *significant impact*.

It is noted that a number of Master Plan policies and actions seek to protect/improve nesting birds, but protection during nesting season as a result of development is not specifically addressed other than implementation of protection of resources in accordance with City plans, including the *City-wide Creeks and Wetlands Management Plan* that includes a standard for pre-construction nesting bird surveys. This requirement is also included in a Streambed Alteration Agreement issued by CDFW for City maintenance activities in stream areas. Other Master Plan policies and actions regarding trees include:

- ☐ Goal IV-Policy A, Action 3f: Ensure that clean-up efforts (for illegal uses) avoid damaging bird nests.
- ☐ Goal IV-Policy A, Action 4d: Increase bird nesting opportunities by increasing tree canopy.
- ☐ Goal IV, Policy B-Action 2e: Leave snags and fallen trees to provide cover for nesting sites.
- ☐ IV-B-2q: Protect coastal roosts and rookies in the course of activities that could disturb or disrupt breeding or loss of habitat.

The Parks Master Plan Goal III-Policy G, Action 1j calls for consideration of establishment of a drone course, but the Master Plan does not propose a location or description of facilities that might be considered. Potential impacts would primarily be associated with possible disturbance to birds/wildlife if a facility is sited in proximity to open space areas or in locations that could affect nesting birds, a *potentially significant impact*. While the Master Plan includes actions to protect habitat and prevent impacts to wildlife that would direct selection of a new or expanded part or recreational site away from sensitive habitat and wildlife areas, additional measures are required to prevent impacts to nesting birds as a result of construction of new facilities and/or future development and use of a drone course .

### **Mitigation Measures**

Implementation of the Mitigation Measures BIO-4A and BIO-4B will reduce this potential significant impact to a *less-than-significant* level. Furthermore, the proposed Parks Master Plan includes policies and actions to increase tree planting and tree canopy in the City for a number of reasons, including to increase bird nesting opportunities (Goal IV-Policy A, Action 4d).

**MITIGATION BIO-4A:** Require that a pre-construction nesting survey be conducted by a qualified wildlife biologist if future park facility construction or tree removal occurs near mature trees and wooded areas, and is scheduled to begin between March and late July to determine if nesting birds are in the vicinity of the construction sites. If nesting raptors or other nesting species protected under the Migratory Bird Treaty Act are found, construction may need to be delayed until late-August or after the wildlife biologist has determined the nest is no longer in use or unless a suitable construction buffer zone can be identified by the biologist. This measure also is a requirement of the *City-wide Creeks and Wetlands Management Plan* (Standard 12).

**MITIGATION BIO-4B:** Include an Action in the Parks Master Plan to prohibit recreational use of drones and/or establishment of a recreational drone course within sensitive habitat areas or near wildlife nesting areas that could cause disturbance or harm to breeding or nesting wildlife.

**Impact BIO-5: Conflicts with Local Ordinances.** Implementation of the Parks Master Plan and future implementation of recommended improvements would not result in conflicts with local policies and ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, the Project would result in *no* impact.

There are no recommendations in the Parks Master Plan that pertain to trees, except for one specific recommendation for tree pruning at Garfield Park and inclusion of several policies and actions that seek to increase tree planting and tree canopy. Any future tree trimming or tree removal would be subject to the City's regulations regarding heritage trees. The City Municipal Code defines heritage

trees, establishes permit requirements for the removal of a heritage tree, and sets forth tree replacement requirements if removal meets criteria established in the regulations. Approval of a tree removal permit automatically requires replacement trees. Removal of a heritage tree that is consistent with the criteria, provisions, and requirements set forth in City ordinances is not considered a significant impact. Since future development would be subject to City regulations, any future removal of trees would be required to comply with City requirements, and therefore, any removed heritage trees would be replaced in the ratio required by the City and no significant impacts related to conflicts with local ordinances would occur.

Overall, Implementation of the proposed Parks Master Plan could lead to more trees throughout the City with implementation of policies and actions in the Parks Master Plan. Actions included in the Master Plan regarding trees. Specific policies and actions include:

- ☐ *Goal I-Policy A, Action 1f:* Increase the number of trees and tree canopy to increase carbon sequestration, reduce heat island effect, and provide habitat.
- ☐ *Goal I-Policy A, Action 1g:* Expand the dedication planting program to plant more trees.
- ☐ *Goal VI-Policy A, Action 4c:* Increase the tree canopy and/or provide plants and features that provide habitat value in public right-of-ways, drainage areas, or on other lands managed by the Parks and Recreation Department.
- ☐ *Goal IV-Policy A, Action 4d:* Inventory trees and increase the tree canopy to increase bird nesting opportunities, improve air quality, decrease heat island effect, and increase carbon sequestration.
- ☐ *Goal IV-Policy A, Action 6b:* Maintain and expand tree canopy coverage and manage forest diseases, when necessary, to protect native biological diversity and critical ecosystem functions.
- ☐ *Goal IV-Policy A, Action 6b:* Complete an inventory to quantify the number of trees on public lands including streets, parks, and open spaces. Increase the City's urban tree canopy by 10% between 2008 and 2020.
- ☐ *Goal IV-Policy A, Action 6c:* Promote the Urban Forestry Program to provide new trees for public property, celebrate Arbor Day, and increase the number of neighborhood tree plantings. Coordinate the preservation of trees whenever possible. Expand the Heritage Tree Grant Program.

Therefore, the project would not result in conflicts with local policies and ordinances protecting biological resources, such as a tree preservation policy or ordinance., and there would be *no impact*.

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