



Final

Program Environmental Impact Report

North Coast System Repair and Replacement Project

Prepared for

City of Santa Cruz Water Department
809 Center Street, Room 102
Santa Cruz, CA 95060

Prepared by



590 Ygnacio Valley Rd-Suite 200
Walnut Creek, CA 94596

October 2005

Final

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City of Santa Cruz Water Department
809 Center Street, Room 102
Santa Cruz, CA 95060

Prepared by



590 Ygnacio Valley Rd-Suite 200
Walnut Creek, CA 94596

October 2005

Responses to Comments on Draft Programmatic EIR on Santa Cruz North Coast System Repair and Replacement Project

Introduction

The Draft Programmatic EIR (PEIR) was sent to the State Clearinghouse as required by CEQA on April 6, 2005. The State Clearinghouse distributed the above document to selected State agencies: Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; California Department of Transportation (Caltrans), District 5; Department of Health Services; Native American Heritage Commission; and Regional Water Quality Control Board, Region 3. The City of Santa Cruz (Lead Agency under CEQA) distributed the Draft PEIR on the Santa Cruz North Coast System Pipeline and Replacement Project for public review on April 8, 2005 commencing the official public review period, which closed on May 23, 2005. The Department of Parks and Recreation was the only agency that commented through the State Clearinghouse by May 23, 2005, the close of the mandatory 45-day review period. However, comments were provided separately by Caltrans. The State Clearinghouse letter confirming the City's compliance with their review requirements for draft environmental documents follows this introductory section.

Written comments on the Draft PEIR were received from the following 15 agencies and organizations:

State

- California Department of Transportation (Keith Hinrichsen)
- California Department of Parks and Recreation (David K. Vincent)

Regional/Local

- Coast Dairies & Land Co. (Catherine Elliott)
- Monterey Bay Unified Air Pollution Control District (Jean Getchell)
- Association of Monterey Bay Area Governments (Nicolas Papadakis)
- University of California, Santa Cruz (Sally Salzman Morgan)

Private Groups, Organizations and Residents

- David & Stephanie Mills (represented by BossoWilliams)
- Andy Schiffrin
- Grey Hayes, PhD

- Marty Demare
- Frederick Yukic
- Melanie Mayer
- Refugio Group (Jim Bierman)
- Bonnie Bassett
- Peter & Christiane Young

This responses to comments document is organized into two chapters. Chapter 1 presents revisions and additions to the Draft PEIR text. Chapter 2 presents the comment letters and the lead agencies' responses to these comments. When combined with the earlier Draft PEIR (dated April 2005), this responses to comments document comprises the Final PEIR.



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

May 24, 2005

Linette Almond
City of Santa Cruz
809 Center Street, Room 102
Santa Cruz, CA 95060

RECEIVED

SEP 06 2005

ENTRIX, INC.
FRONT DESK

RECEIVED
MAY 26 2005
CITY OF SANTA CRUZ
& WATER DEPT.

Subject: North Coast Water Supply System Rehabilitation Project
SCH#: 2004062073

Dear Linette Almond:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 23, 2005, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Revisions to Text

Revisions to the Draft PEIR text are provided below by chapter, section, and page. Text that is removed is shown in strikethrough. Text to be added is underlined. The revisions address some of the public comments as identified in specific responses to comments.

Executive Summary

- Section ES.2 (p. ES-5):permits and easements. The proposed Project would require permits and review from various agencies, such as USFWS, NOAA Fisheries, and USACE, as discussed in Section 2.8.
- Section ES.4 (p. ES-8): The No Project Alternative or Alternative 1 is the same for each of the pipeline reaches so it is not discussed below. The Majors Reach will include a second “alternate” alignment.
- Section ES.4 (p. ES-9): **Maj Alternative 2 4** – Road Alternative would reduce the extent of pipeline construction on the steep forested slopes, eliminate use of the cliff boring, and provide for greater ease of operations and maintenance.
- Section ES.5 (p. ES-9): The three diversion structures (Laguna, Majors, and Reggiardo) include both the “No Project” and “Repair” alternatives. Under the proposed Project, the diversion structures on Laguna and Majors creeks would be modified so the existing 12-inch slide gate valves at the dam face would be replaced by a 5-foot high by 9-foot wide pneumatically operated spillway gate.
- Section ES.6 (p. ES-12): Traffic coordination with BLM, California Department of Transportation (Caltrans), State Parks, Trust for Public Land, County Public Works, local farming operations, rural residents, and landfill and sand quarry operations would occur on an as needed basis.
- Section Env.Anal. (p. ES-15): As a result, impacts to agricultural resources are expected to be minimal, ~~therefore,~~ with the implementation of mitigation measures identified for the proposed ~~p~~Project in Chapter 4.
- Section Env.Anal. (p. ES-17): **Public Services and Utilities:** No cumulative adverse impacts on public services would be expected from any of the proposed Project alternatives. Adverse impacts on public services and utilities would not be associated with the most of the proposed project alternatives. However, even with mitigation impacts on traffic and emergency response services at rural and urban residents in close proximity to the pipeline construction, impacts may not be reduced to a less than significant level. The proposed Project would only affect public services and utilities during the construction phase and related impacts would be short-term in nature. In addition, a construction traffic mitigation plan shall be prepared to address potential impacts related to construction traffic-related issues including emergency vehicle access during construction. As a result, the potential

cumulative impacts to public services and utilities are considered to be less than significant.

Section ES.10 (p. ES-20):

This PEIR contains an analysis of the potentially significant environmental effects associated with the proposed Project. Pipeline construction in remote areas of Laguna Reach (e.g., LAG-02 and LAG-03) will significantly impact traffic for local residents along Smith Grade Road. Although several mitigation measures would be taken to minimize impacts on traffic controls, it is unlikely that adverse impacts such as temporary road closures could be mitigated to a less than significant level. In addition, construction of the NCP pipeline (i.e., NCP-2), especially through the residential neighborhoods north of High Street, would adversely impact local residential traffic and home use due to the close proximity of the pipeline to existing residences. Even with mitigation in place, it is anticipated that adverse impacts could not be reduced to a less than significant level for construction traffic, noise and aesthetic impacts. No unavoidable potentially significant adverse program-level impacts were identified for the proposed project.

Section Alts. (p. ES-20):

No feasible alternatives with selected variation (alternatives) to the proposed project were identified. Therefore, only the proposed project described in Chapter 1 and the "No Project" alternative are analyzed in this PEIR. Following the initial alternatives screening process as discussed in more detail in Section 17.4, the only remaining viable project and geographic alternative was a mix of potential pipeline alignments that were in close proximity to the existing pipeline and supply diversions. As a result, the project alternatives associated with each of the five pipeline reaches include the "No Project" alternative, "Existing Alignment Alternative", and "Alternate Alignment Alternative(s)". The following discussion addresses the range of alternatives that were considered as possible alternatives to the proposed Project but did not meet the screening criteria and were eliminated from further consideration. The "No Project" alternative for each pipeline reach and diversion and its potential impacts are also presented in this section.

Table ES-3 (p. ES-24):

Land Use Impact Type-2 Mitigation Measures: To minimize short-term conflicts between construction activities and sensitive land uses, a construction coordination plan would be developed. As a part of the plan, residents would be notified of construction schedules and of any potential traffic controls that would be required.

Table ES-3 (p. ES-27):

Aesthetic Impact Type-2 Mitigation Measures: For the NCP-02 pipeline reach, however, construction would occur through and between private, urban residential properties potentially impairing the aesthetic values of the property owners' yards even with mitigation in place.

Significance After Mitigation: LS PSU

Table ES-3 (p. ES-30): **Hydrology and Water Quality Impact Type-2 Mitigation Measure:** To minimize potential operational impacts on water quality from the proposed diversion modifications, the City proposes to implement applicable design measures and BMPs which will be determined during the next phase of project development for incorporation into the project level EIR.

Significance After Mitigation: N/A LS

Table ES-3 (p. ES-36): **Noise Impact Type-2 Mitigation Measures:** In residential areas, residents would be informed of the schedule and duration of construction activities near their homes prior to the construction activities taking place, wherever possible. For some of the pipeline alternatives such as LAG-02, LAG-03, NCP-02 and NCP-03, however, noise levels could be potentially significant and unavoidable to residents who are in close proximity to proposed construction activities even with mitigation in place.

Significance After Mitigation: LS PSU

Table ES-3 (p. ES-38): **Transportation and Traffic Impact Type-1 Mitigation Measures:**access during construction. This plan would be reviewed and approved by both the County and City Public Works departments prior to any construction or site preparation activities in the project area.

Table ES-3 (p. ES-39): **Transportation and Traffic Impact Type-2 Mitigation Measure:** Mitigation measures for this type of impact would be the same as those described for Transportation and Traffic Impact – Type 1. For some of the pipeline alternatives such as LAG-02 and LAG-03, however, traffic-related impacts to local residents along Smith Grade Road are expected to be potentially significant even with mitigation in place, therefore unavoidable.

Significance After Mitigation: LS PSU

Proposed Project and Alternatives

Section 2.6.5.4 (p. 2-11): Typically, steel pipes in diameters appropriate for the proposed Project come in lengths of 20 feet. The design for the pipeline in/adjacent to Caltrans right-of-way would address specific requirements, including depth to cover, special pipe backfill materials including slurry or high density fill, pavement replacement, and preparation for abandonment of existing pipeline in place, as required.

Section 2.7.4.1 (p. 2-23): The trenching operation would be carried out with a chain trencher, a tracked or wheeled excavator, or backhoe. Whenever possible, trenching should be conducted outside the pavement area and avoid wheel tracks. If trenching is to occur within limits of pavement, then

special treatment including slurry backfill, pavement grinding, and asphalt-concrete (AC) overlay may be required.

Section 2.8.2 (p. 2-27):

California Department of Transportation (Caltrans) District 5 – All work within the State’s right-of-way shall comply with the general policies of the Caltrans Encroachment Permit Manual, Section 600. In addition, if a new alignment is required in an access-controlled highway, then it may be subject to Caltrans Headquarters approval through the “exception process”.

Land Use and Planning

Section 3.3.2 (p. 3-2):

The Coast Dairies Long-term Resource Management and Use Plan calls for public access to the interior of the property for recreation purposes 10 years from the date of complete conveyance to the State Parks and BLM (ESA 2004), unless the agencies acquire funding for staff and completion of their plans before that time.

Section 3.3.4 (p. 3-4):

The Laguna Alternative 3 Ridge alignment would depart Smith Grade Road at p.d. 1,200 feet and would traverse ~~seven~~ six parcels which make up part of the Rufugio group holdings.

Hydrology and Water Quality

Section 8.5.2.2 (p. 8-17):

Bedload (i.e., sand deposits) that has been stored unnaturally behind the current diversion structure will likely be mobilized and transported downstream when the historic sediment transport regime is restored through the proposed diversion modifications. Transport of this additional sediment load may result in increased turbidity and sediment deposition in the anadromous reach for a period of time, though overall, the impact on the anadromous habitat of this more natural sediment transport is undeniably beneficial. The extent and duration of this impact will be dependent upon the magnitude and frequency of the storm events that occur in the years immediately following the proposed diversion modifications. To reduce the potential impacts on water quality in Majors Creek from operations of the proposed diversion modifications to a level that is less than significant, the City proposes to implement applicable design measures and BMPs which will be determined during the next phase of project development for incorporation into the project level EIR. This may have a short term potentially significant impact on water quality in Majors Creek. No feasible mitigation measures have been identified.

Biological and Ecological Resources

Section 9.4.1.1 (p. 9-35)

Construction activities would temporarily disrupt vegetation communities along the chosen alignment. Such activities could also introduce or spread noxious weeds, infected plants and plant parts into currently uninfested areas, possibly resulting in the displacement

of special-status plant species and degrading sensitive natural communities. Revegetation requirements, such as stabilizing exposed slopes and streambanks immediately following completion of installation activities and restoring in a manner that encourages vegetation to re-establish to its pre-project or improved condition by using native plant species, and avoidance and minimization measures would reduce these impacts.

Air Resources

Section 11.4.1 (p. 11-3): ~~Generate cumulative emissions for a calendar year that exceed the de minimis thresholds established by the USEPA's general conformity rule (100 tons per year of reactive organic compounds and 100 tons per year of Nox).~~

Section 11.4.3 (p. 11-3):for the Monterey Bay region. However, additional air quality analyses for potential diesel exhaust impacts may be undertaken at the project level to address the potential impact(s) on sensitive receptors from diesel exhaust emitted during construction.

Section 11.4.3 (p. 11-4): ~~Instead, air pollutant emissions from construction equipment may result in short term, localized impacts to air quality. Air pollutant emissions from construction equipment are not expected to result in short-term localized impacts to air quality. VOC and NOx emissions from typical construction equipment (i.e., dump trucks, scrappers, bulldozers, compactors and front-end loaders) are accommodated in the 2004 Air Quality Management Plan and, therefore, would not have significant project level or cumulative impacts on ozone levels. Emissions from combustion sources, as well as dust generation from excavation activities, could result in short term increases in pollutant emissions during construction activities. However, under CEQA Air Quality Guidelines, these emissions do not constitute a significant impact.~~

Hazards and Hazardous Wastes

Section 13.5.1 (p. 13-7): Construction activities may result in temporary road closures/delays in the County, City, and on private access roads. These road closures/delays could temporarily impact the ability of emergency services to respond to emergency calls (addressed in Section 15.4.3) and for the private landowners to respond to emergencies. To minimize this impact, the City will identify measures for emergency services and private landowners in consultation with the County to provide access as needed in emergency situations. The potential for the release or spill of hazardous materials to occur in aquatic habitat.....

Transportation and Traffic

Section 14.4.6.1 (p. 14-7)

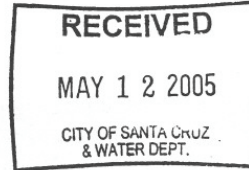
Mitigation Measures: Implementation of Mitigation 14-1 (below) would help to reduce this the level of this potential potentially significant impact to a level that is less than significant. However, impacts to local residents along the private access road are expected to be significant and unavoidable.

Responses to Comments

The following sections include a copy of each comment letter in the order of the agencies and organizations presented above, followed by the lead agencies' response to that comment.

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.gov/dist05>



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 Be energy efficient!*

May 10, 2005

SCH# 2004062073

Linette Almond
 City of Santa Cruz
 809 Center Street, Room 102
 Santa Cruz, CA 95060

SUBJECT: North Coast Water Supply System Rehabilitation Project

Dear Mr. Van Etten:

The California Department of Transportation (Department) District 5 has reviewed the draft Environmental Impact Report (DEIR) for the North Coast Water Supply System Rehabilitation Project. The project is primarily north of The City of Santa Cruz, but activities would be occurring both in the city and the County of Santa Cruz. The project would consist of rehabilitation and replacement of the 18-mile long North Coast System of piping. District 5 staff offers the following comments for portions of the project that may either be in, or impact, the State's right-of-way for your consideration:

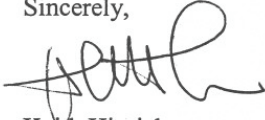
- 1 [1)The work will be subject to requirements for cultural resource compliance.
- 2 [2)Impacts to biological resources must be identified and avoided to the extent possible. Identify trees and vegetation that maybe impacted by trenching within their root zones.
- 3 [2)A Water Pollution Control Plan (WPCP) or Storm Water Pollution Prevention Plan (SWPPP) may be required.
- 4 [3)Portions of Highway 1 between post-mile (PM) 19.4 and 24.6 are in access-controlled highway (expressway). If a new alignment is required, it may be subject to Caltrans Headquarters approval through the "exception process."
- 5 [4)Piping may require filling with sand or slurry prior to abandonment in-place, or may require complete removal.
- 5 [5)Cover over piping needs to be a minimum of thirty-six inches (36"). Cover over piping in current or future drainage structures must be at least twelve inches (12"). Cover over piping in unlined ditches must be at least thirty inches (30").
- 6 [6)Trenching should be outside the pavement area and avoid wheel tracks whenever possible. Trenching within limits of pavement may require special treatment including cement-slurry backfill, pavement grinding, and asphalt-concrete (AC) overlay.

North Coast WSS Rehab Project
May 10, 2005
Page 2

- 4 [7) Finally, all work within the State's right-of-way shall comply with the general policies of the *Caltrans Encroachment Permit Manual, Section 600*.

Thank you for your consideration and action upon these issues. If you have questions regarding our comments please contact me at (805) 549-3099.

Sincerely,



Keith Hinrichsen
Regional Plng/Develop Review
Caltrans Planning, District 5
keith_hinrichsen@dot.ca.gov

Cc: D. Murray – Reg. Plng/Dev. Rev.
S. Senet – Encroachment Permits
G. Blakeslee - SCCRTC

Response

**California Department of Transportation – Keith Hinrichsen
May 10, 2005**

Caltrans-1

The work indeed will be subject to Federal, state and local cultural resource regulations at the project level (refer to Section 10.2).

Caltrans-2

Impacts to biological resources (i.e., trees and vegetation) and avoidance measures for each of the pipeline reaches have already been identified in the document (refer to Chapter 9).

Caltrans-3

As mentioned in Section 8.2.2 of the document, a SWPPP will need to be developed and implemented to address the specific water quality concerns for the construction period of the proposed NCS Project upon request of the CCRWQCB.

Caltrans-4

Comment noted. Modification made to Section 2.8.2 (or Section 2.8.2 has been corrected as suggested).

Caltrans-5

Comment noted. Modification made to Section 2.6.5.4.

Caltrans-6

Comment noted. Modification made to Section 2.7.4.1.

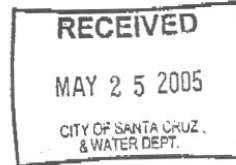


State of California • The Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION
Santa Cruz District
303 Big Trees Park Road
Felton, CA 95018
(831) 335-6318 Fax (831) 335-6394

Ruth Coleman, Director



SC# # 2004062073

May 23, 2005

City of Santa Cruz
809 Center St. Room 102
Santa Cruz, Ca 95060
Attn: Linette Almond

Dear Ms. Almond,

Thank you for the opportunity to comment on the Draft Program Environmental Impact Report for the North Coast System Repair and Replacement Project.

We understand that this is a Program EIR, addresses the overall project, and that more specific comments will be solicited when individual components of the project are proposed.

1 In general, California State Parks would like to emphasize that the land use of the project area has changed since the North Coast Pipeline was originally constructed. When constructed, the pipeline passed through agricultural, ranch, and timber harvest lands. Presently, much of the pipeline is located in parkland or proposed parkland. The major difference in these two land uses is the present emphasis on biological, scenic, cultural, and recreational values of the land.

With this in mind, pipeline alternatives should be weighted toward enhancement of these values. Utilization of the existing easement should be considered before creating a separate disturbed area. In particular, mixing of the soil profiles by digging and refilling is irreparable, and no amount of reasonable 'mitigation' can return sustainable native vegetation or cultural values to the sites. This is best illustrated in areas of coastal prairie that have been trenched and filled. In addition, the pipeline should be constructed so the surface vegetation above is allowed to pass through succession; maintenance swaths annually cut through parkland impinge on the scenic values of parkland.

2 For the Majors Creek alternative, please advise us why the use of the existing easement is not an alternative. This area has already been disturbed, and the gravity feeding characteristics of this option would eliminate the need for construction of a pumping station, construction of an electric line to feed the station, and the possible noise from pumping in a pristine location.

Please contact Victor Roth at 335-6385 if you would like further information. We look forward to commenting during environmental review of future components of this project.

Sincerely,

David K. Vincent
District superintendent

Response

**California Department of Parks and Recreation – David Vincent
May 23, 2005**

CDPR-1

The pipeline alignments proposed for each of the five reaches examined the biological, scenic, cultural and recreational issues raised by CDPR. For sensitive areas, specific construction methods and BMPs have been incorporated into this PEIR as recommended mitigation measures, and will be examined further under the project level environmental review process. In particular, the impacts to vegetation and potential special-status species inhabiting the Project Area were assessed and appropriate minimization and/or compensation measures have been proposed for implementation during the next phase of project development.

CDPR-2

For the Majors Creek reach, the use of the existing easement is identified in this PEIR as a potential alternative. This alternative was not selected as the environmentally superior alternative because it involves construction constraints and potentially significant environmental impacts (both long and short-term) in the riparian corridor and heavily forested canyon areas. The existing easement's extreme lack of access in the steep canyon areas and current leaks and repairs that result in severe disturbance to the fairly pristine areas are additional reasons for consideration of other possible routes/concepts.

05/20/2005 16:47 FAX 415 495 0541

TPL WEST REGION

002

Coast Dairies & Land Co.

116 New Montgomery Street
Third Floor
San Francisco, CA 94105-
Phone: (415) 495-5660
Fax: (415) 495-0541

Via Email and Facsimile
May 20, 2005

City of Santa Cruz
809 Center St, Room 102
Santa Cruz CA 95060

Attn: Ms. Linette Almond

RE: Response to the Draft Program Environmental Impact Report Concerning the Santa Cruz City Water Department's North Coast System Repair and Replacement Project (April 2005)

Dear Ms. Almond:

Thank you for providing the opportunity to comment on the City of Santa Cruz's Water District North Coast Programmatic Environmental Impact Report (PEIR) concerning the Santa Cruz City Water Department's North Coast System Repair and Replacement Project.

We understand the City's need to repair and upgrade its water system and improve fish passage. We have granted access to the City's biologists, Chris Berry and Matt Baldowski, to study Laguna Creek and other creeks on Coast Dairies land and have very much appreciated working with them.

I was concerned, however, that Coast Dairies & Land Co. (CDLC) did not receive notification of the PEIR's release or request for comment, especially since much of the work proposed in the PEIR would be done on this property. I understand that writing a PEIR is a huge undertaking, and I may have overlooked a request to sign up for the mailing list. I would strongly recommend, though, that the City proactively notify all landowners that would be affected by a proposal.

We appreciate your consideration of our comments regarding the PEIR:

- 1) We strongly encourage the City to work directly with the future landowners of Coast Dairies regarding any proposal for this property. We expect to transfer the Coast Dairies property by this fall. The upland portion will be transferred to the federal Bureau of Land Management (BLM). The agricultural land inland of Highway One will**

Coast Dairies & Land Co. Comments on City of Santa Cruz PEIR
Page 1 of 4

05/20/2005 16:48 FAX 415 495 0541

TPL WEST REGION

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be transferred to the local non-profit, Agri-Culture. State Parks will acquire the land coastside of Highway One and the parcel surrounding the historic Laguna Inn. Please add these contacts to your mailing list:

Robert Beehler, Field Office Area Manager
 Bureau of Land Management
 20 Hamilton Court, CA 95023
 (831) 630-5010

Jess Brown, Executive Director
 Agri-Culture
 141 Monte Vista Drive
 Watsonville, CA 95076
 (831) 722-6622

David Vincent, Superintendent
 Santa Cruz District
 CA Department of Parks and Recreation
 303 Big Trees Park Road
 Felton, CA 95018
 (831) 335-6390

2) The Coast Dairies property has been protected for a number of important reasons, including public access, habitat protection, and conservation of coastal agriculture. We urge the City to assist in the protection of these uses and to consider the downstream effects on water quality and quantity on the agriculture and habitat on the land.

3) Now to discussing the PEIR itself. Our comments are general in nature, matching the tenor of the PEIR, and do not include the specific detailed response necessary when the individual components of the project are presented. **Again, we strongly encourage the City to work closely with BLM, Agri-Culture, and State Parks, before pursuing more detailed planning.**

3) a) Alternatives: We agree in principle with the chosen Best Alternatives in each of the cases pertinent to Coast Dairies: the Liddell pipe alignment, the Laguna alignment, and the combined Liddell/Laguna alignment. All the other alternatives presented by SCWD are less appropriate, especially to preserve the natural resources on the site.

4) b) Water for agriculture: A CDLC farmer and a rancher receive water from the Liddell/Laguna line. We strongly urge the City to continue the water supply to these sites. Further, we ask that the City provide early notice of any shutoffs to the tenants so they can plan accordingly.

5) c) Easements for pipeline realignment: New easements will be necessary for realigning Liddell, Laguna or the combined Liddell/Laguna pipelines. The Bureau

Coast Dairies & Land Co. Comments on City of Santa Cruz PEIR
 Page 2 of 4

5 } of Land Management will likely be the owner of the portion of the property most affected by the pipeline work. Discussions with BLM about granting these easements should be undertaken early.

6 } d) Public access: The PEIR mentions says that, in reviewing the Coast Dairies Long-Term Resource Protection and Access Plan, there appeared to be a 10-year gap between transfer of the property and the first public access. We want to point out that public access may occur earlier, if the agencies acquire funding for staff and completion of their plans. It may be possible that public recreation will precede the pipeline construction phase at Coast Dairies and should be factored in.

7 } e) Pipeline placement: Certain placements of the pipeline may have higher aesthetic or physical impacts to the resources than hinted at in the document, in particular if the property is opened to the public for low-impact recreation prior to project completion. That raises questions about the disposition of the pipe, in particular: why, if protecting the watershed is important, is any portion of the pipe designated to be placed above ground?

8 } f) Cultural/historic sites: Another cause for concern is the lack of specific knowledge of cultural/historical resources on the site, such as the multiple-era archeological site near the "Y", and the nearby Dagliones homestead. Both are fairly large areas, and the boundaries are not delineated so far as we know. They could significantly alter the Y junction worksite.

9 } g) Staging areas: Establishing staging areas for the duration of the project seems practical on its face, but particularly in light of the likelihood that some form of recreational access may precede construction, those areas could be disruptive of that use for a significant length of time. In addition, site selection should be coordinated with BLM, Agri-Culture and State Parks as well as the farming and ranching tenants. Tenants in particular will be perhaps most affected by the construction phase of the project. Ranchers may need a proposed staging area for their operations, and could have practical ideas about alternate sites. Restoration of these sites, while mentioned in passing, needs further clarification; is there any scenario in which those sites might be needed for operations and maintenance beyond the construction phase?

10 } h) Road use: Direct access to their rangelands is crucial to our ranch tenants, so coordinating with them about keeping ranch roads open is imperative. If any ranch roads are closed even temporarily ranchers will need some notice, and alternate routes to get to their herds and infrastructure.

11 } i) Emergency access: Access for fire and medical responders is equally important, so pre-construction meetings (preferably site visits) should be held with representatives from the Davenport Volunteer Fire Department, Division of Forestry, sheriff's deputies, as well as BLM, Agri-Culture and State Parks.

05/20/2005 16:49 FAX 415 495 0541

TPL WEST REGION

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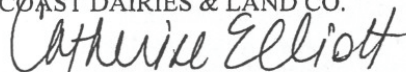
- j) Pipeline disposition: We found no mention of the disposition of the proposed abandoned segments of pipeline. Clearly, restoration of the riparian corridors requires removal of the old infrastructure. We believe that more should be said about the rest of the bypassed alignments. Perhaps buried lines could be abandoned in place if regulatory agencies agree, but there are plenty of exposed lengths of pipe that should all be removed, and their sites restored.

I would like to thank our property manager, Bern Smith, for reviewing the City's PEIR for us. We would be happy to make him available to talk with you further this summer about the proposal's potential effects on the Coast Dairies property.

Thank you for your consideration of these comments. Please call me if you have any questions. My phone number is (415) 495-5660 ext. 382 and my email address is catherine.elliott@tpl.org.

Sincerely,

COAST DAIRIES & LAND CO.



Catherine Elliott
Project Manager

cc: Robert Beehler, BLM
Jess Brown, Agri-Culture
David Vincent, State Parks
Supervisor Wormhoudt
Tily Shue, CDLC
Bern Smith, CDLC
Trish Strickland, CDLC

Response

Coast Dairies & Land Company – Catherine Elliott May 20, 2005

Coast-1

Comment noted.

Coast-2

For any of the proposed activities that are included in this PEIR that have a potential to impact public access, habitat, or coastal agriculture, BMPs have been prescribed to be incorporated into project level design and the environmental review process.

Coast-3

Comment noted.

Coast-4

During any construction activities at the project level, the City will implement measures to minimize any service disruption and will notify the tenants prior to any shutoffs.

Coast-5

The City agrees that any required easement acquisitions should be undertaken as soon as practical after the PEIR is certified and the program approved.

Coast-6

Comment noted. Modification made to Section 3.3.2.

Coast-7

Pipeline placement above ground is not intended to occur in viewshed areas. Above ground construction is considered only in areas that are not intended for public access and are difficult to access (e.g., heavily forested, steep slope areas typical of the Laguna and Majors canyons) and where more common buried pipe construction would be more costly and/or have higher potential for significant environmental impacts.

Coast-8

The entire Laguna/Liddell Creek Existing Alignment Alternative and Alternate Alignment from the “Y” down to the NCP pipeline have been surveyed for cultural resources. A description of the sites recorded/reported can be found in Section 10.3.3 of the document. As mentioned in Section 10.3.5, it is recommended that an archeological reconnaissance survey be conducted for each of the chosen

alternatives which would serve to identify any previously unrecorded archeological and/or cultural sites within the proposed Project area and, additionally, would provide a project-specific assessment and evaluation of potential impacts to previously recorded sites. Also, recommended mitigation measures have been built into the Project to reduce potential impacts to these resources to a less than significant level (refer to Section 10.5.9).

Coast-9

The City does not intend any future use of the proposed construction staging areas for operation and maintenance activities.

Coast-10

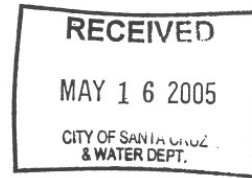
Comment noted. The City will notify Coast Dairies (or BLM) of any temporary road closures in time for Coast Dairies (or BLM) to provide notice to their tenants.

Coast-11

Comment noted. Pre-construction meetings will be held with fire and medical responders.

Coast-12

Proposed restoration of the riparian corridors will be developed during project level documentation and will include possible removal of existing pipelines, with specific consideration of potentially significant impacts to the corridor during removal.



May 12, 2005

Ms. Linette Almond
City of Santa Cruz Water Department
809 Center Street, Room 102
Santa Cruz, CA 95060

Re: MCH# 050516- Notice of Availability for North Coast System Rehabilitation Program

Dear Ms. Almond:

AMBAG's Regional Clearinghouse circulated a summary of notice of your environmental document to our member agencies and interested parties for review and comment.

The AMBAG Board of Directors considered the project on **May 11, 2005** and has no comments at this time.

Thank you for complying with the Clearinghouse process.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicolas Papadakis". The signature is fluid and cursive, with a prominent peak at the end.

Nicolas Papadakis
Executive Director

SERVING OUR REGIONAL COMMUNITY SINCE 1968
445 RESERVATION ROAD, SUITE G ♦ P.O. BOX 809 ♦ MARINA, CA 93933-0809
(831) 883-3750 ♦ FAX (831) 883-3755 ♦ www.ambag.org

Response

**Association of Monterey Bay Area Governments – Nicolas Papadakis
May 12, 2005**

No comments at this time. No response required.

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

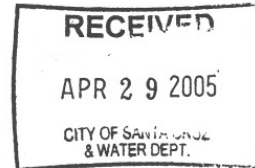
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SANTA BARBARA • SANTA CRUZ

PHYSICAL PLANNING AND CONSTRUCTION

SANTA CRUZ, CALIFORNIA 95064



27 April 2005

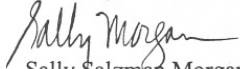
Ms. Linette Almond
City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

**Re: Santa Cruz North Coast Pipeline System
Draft Programmatic Environmental Impact Report**

Dear Ms. Almond:

We have reviewed the Draft Programmatic Environmental Impact Report for the North Coast Pipeline System. UC Santa Cruz has no comments on the document. Thank you for the opportunity to review the document.

Sincerely,


Sally Salzman Morgan
Senior Environmental Planner

Response

**University of California, Santa Cruz – Sally Salzman Morgan
April 27, 2005**

No comments at this time. No response required

ROBERT E. BOSSO
LLOYD R. WILLIAMS
CHARLENE B. ATACK
JOHN M. GALLAGHER
PETER L. SANFORD *
CATHERINE A. PHILIPOVITCH
PASCHA R. STEVENS **
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THOMAS D. MORELL
PHILIP M. SACHS, Of Counsel

* Certified Specialist in Taxation Law
** Certified Specialist in Family Law
*** Certified Specialist in Estate Planning, Trust & Probate Law
By the State Bar of California, Board of Legal Specialization

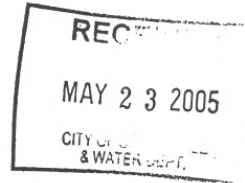
BOSSO WILLIAMS

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May 20, 2005



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CPHILIPOVITCH@SCLAWFIRM.COM
EMAIL:

City of Santa Cruz
Attn: Ms. Linette Almond
809 Center St., Room 102
Santa Cruz, CA 95060

Re: North Coast EIR Comments

Dear Ms. Almond:

This office represents David and Stephanie Mills, owners of APNs 59-161-01 and 62-151-01. We have reviewed the draft EIR prepared for the City's North Coast Pipe Repair/Rehabilitation Project. We support the "Laguna/Liddel Reach Alternate Alignment," which would relocate the pipe away from Laguna Creek and onto the Coast Dairies property.

Very truly yours,

Catherine A. Philipovitch

cc: David & Stephanie Mills

Response

**BossoWilliams representing David & Stephanie Mills – Catherine Philipovitch
May 20, 2005**

Mills-1

Comment noted.

Linette A Almond

From: Bill Kocher
Sent: Tuesday, April 12, 2005 3:58 PM
To: Linette A Almond
Subject: FW: NORTH COAST SYSTEM DRAFT PEIR

Bill Kocher
Director, Santa Cruz Water Department

-----Original Message-----
From: Andy Schiffrin [mailto:BDS030@co.santa-cruz.ca.us]
Sent: Tuesday, April 12, 2005 3:53 PM
To: Bill Kocher
Subject: NORTH COAST SYSTEM DRAFT PEIR

Hi Bill -

I received a copy of the cd with the Draft PEIR for the North Coast System Repair and Replacement Project as well as the hard copy of the Executive Summary. I've had a chance to quickly scan the cd and read the Summary. I'd like to share, off the record, some questions and comments:

- The cd doesn't appear to have the figures listed in the Table of Contents. I also couldn't find them on the website addition either. Will they be available in an electronic format?

- 1 [- PAGE ES-4 - There appears to be a significant error in the first full paragraph. The third sentence begins: "If no appeal of the project is submitted to the city council....." Shouldn't it read "Coastal Commission" or "County" instead of "city council"?
- 2 [- PAGE ES-5 - PROJECT DESCRIPTION - I think the summary should have included the agencies from whom the City must obtain approval. I assume the role of the County and Coastal Commission is discussed in the main document but some reference here would have been helpful.
- 3 [- PAGE ES-8FF - PROJECT ALTERNATIVES - The presentation here is unnecessarily confusing, I think, because the alternatives are not numbered when first listed. The detailed list of alternatives always starts with Alternative 2. The question is where is Alternative 1? I assume it's the No Project Alternative but, since this alternative isn't shown with a number, it is confusing.
- 4 [- PAGE ES-9 - MAJ ALTERNATIVES - There are two Alternative 2 shown here. From reading later, it appears that the second one should be identified as MAJ Alternative 4.
- 5 [- PAGE ES-10 - DIVERSION ALTERNATIVES - There appear to be no diversion alternatives. If this is the case, the rationale should be presented.
- 6 [- PAGE ES-12 - TRAFFIC COORDINATION - This section lists the agencies that City will have to coordinate with when implementing the project. Since some of the Coast Dairies property in the project area will be transferred to BLM, shouldn't it be listed as well?
- 7 [- PAGE ES-15 - AGRICULTURAL RESOURCES - The sentence beginning "Therefore" is incomplete and doesn't make sense.
- 8 [- PAGE ES-17, 18 - NOISE, PUBLIC SERVICES, TRANSPORTATION - In these three sections, the Executive Summary indicates that not all impacts will be reduced to a level of insignificance. Given these statements, how can the document state on page ES-20 that there are no unavoidable significant impacts?

9 [- PAGE ES-20 - ALTERNATIVES - This section is also confusing. It seems to say that there are no alternatives except the No Project alternative. However, on page ES-8, the document lists three alternatives and the subsequent discussion includes a number of alternative alignments. Why aren't they considered the alternatives in the Alternatives section? CEQA requires that a reasonable range of alternatives be considered. I think the DEIR does that earlier but denies it here. This just doesn't make sense to me.

10 [- PAGE ES-24 - LAND USE IMPACT TYPE-2 - Why are residential areas considered "sensitive land uses"? Perhaps this is explained in the full document.

11 [- PAGE ES-30 - HYDROLOGY AND WATER QUALITY IMPACT TYPE-2 - I'm concerned that this analysis, if repeated in the full document could cause legal problems to the City, if challenged. The impact is identified as significant. No feasible mitigation measures are identified but the "Significance After Mitigation" shows "N/A," which is never explained. This certainly looks like an unavoidable impact but, again, none are identified in that section. The Draft PEIR needs to be made consistent.

12 [- PAGE ES-D8 - TRANSPORTATION AND TRAFFIC IMPACT TYPE-1 MITIGATIONS - The mitigation requires that the traffic plan be reviewed and approved by City Public Works. Since much of the project is in the County's Coastal Zone, shouldn't it also have to reviewed and approved by the County?

I hope these comments are helpful. At this point I don't intend to raise them at the Water Commission but would like to see your response. Thanks.

Andy

Response

Andy Schiffrin
April 12, 2005

Schiffrin-1

No. The lead agency for this PEIR is the City and not the Coastal Commission or the County.

Schiffrin-2

Comment noted. Modification made to Section ES.2

Schiffrin-3

Comment noted. Modification made to Section ES.4.

Schiffrin-4

Comment noted. Modification made to Section ES.4.

Schiffrin-5

Comment noted. Modification made to Section ES.5.

Schiffrin-6

Yes. Modification made to Section ES.6.

Schiffrin-7

Yes. Modification made to Environmental Analysis Section in the Executive Summary.

Schiffrin-8

Yes, there are some significant unavoidable impacts. Modification(s) made to Environmental Analysis Section in the Executive Summary, Section ES.10, Table ES-3 (p. 27, 36, & 39), and Section 14.4.6.1.

Schiffrin-9

Comment noted. Modification made to Alternatives Section in the Executive Summary.

Schiffirin-10

Residential land uses are identified in the City's General Plan (Environmental Quality Element) as needing protection from undesirable noise, traffic, or other activities which is why they are defined as "sensitive land uses". Modification made to Table ES-3 (p. 24).

Schiffirin-11

The impact is less than significant with mitigation measures in place and Table ES-3 (p. 30) and Section 8.5.2.2 have been modified accordingly.

Schiffirin-12

Yes. Modification made to Table ES-3.

Grey Hayes, PhD
240 Hames Road
Watsonville, CA 95076
Coastalprairie@aol.com

City of Santa Cruz
Attn: Ms. Linette Almond
809 Center Street, Room 102
Santa Cruz, CA 95060
LAlmond@ci.santa-cruz.ca.us

Via Electronic Mail, receipt verified, 5/19/05

Dear Ms. Almond,

The attached are my comments on your Department's "Program Environmental Impact Report: North Coast System Repair and Replacement Project." I am looking forward to the responses to the questions I pose regarding this project, which has a strong potential to significantly impact many sensitive natural resources.

Very Sincerely,

Grey Hayes

cc: Santa Cruz City Council
Refugio Group
Jonathan Wittwer, esq.

Introduction

- 1 [1. What does the term “raw water” with regard to the pipeline mean? Please define.
 2. Does this definition suggest that the water in the pipeline remains untreated by chlorine or any other compound used for sanitation?

Purpose and Scope of the Programmatic EIR

- 3 [3. How does the development of this PEIR mesh with the environmental review and analysis of the same department’s Habitat Conservation Plan?
 2 [4. In what way does the separation of projects being considered under the City of Santa Cruz HCP and the North Coast System Repair and Replacement Project avoid the CEQA mandate ‘that environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences?’
 3 [5. In what ways is the current project separate from the City HCP?
 6. In what ways does the current project influence the outcome of the options considered by the City’s HCP?

Project Background

- 4 [7. Local residents have documentation of one of the diversion facilities having been built more recently than the contention in the document that “The North Coast Diversion water rights were acquired by the City prior to 1914.” They note that someone purposefully removed a date stamped in the construction material from that facility in the recent past. What documentation does the City have to support its contention that *all* rights were acquired prior to 1914?
 5 [8. Does the term “low cost” mean in reference to the water taken by the NCS refer to short or long term costs?
 9. Does this ‘low cost’ term refer to human or ecological costs?
 10. What factors are used in the accounting this ‘low cost?’

ES 1. System Limitations

- 6 [11. Where would the public access the data supporting the need for repairing the facilities in question?
 7 [12. How has the City determined the amount of water lost due to leaking from the pipes?

8 [13. What are the costs of repairing the system compared to maintaining it currently?

Public Involvement Process

9 [14. Why did the City not advertise the various stages in the process through the AMBAG Clearinghouse Newsletter, as is standard practice for such activities?

15. What is the City's standard timeline for advance advertising of public meetings?

Project Description (Chapter 2)

10 [16. Why isn't the (See "ES1. System Limitations") primary motivating criteria concerning fish entrainment and passage referred to in the proposed project description: "The proposed Project evaluates options for replacing the aging gravity-fed pipeline, as well as rehabilitating the water diversion structures to ensure safe, efficient, and reliable operation of the NCS?"

ES 3. Project Objectives

11 [17. Why is the word "repair" used instead of the word "improvement" in the sentence "The overall goal of the proposed Project is to confirm the most viable repair alternatives for the NCS?" When substantially changing the design and operation of facilities, how is the word "repair" more appropriate than the words "improvement" or "construction?" Isn't the proposal more of an "upgrade" than a "repair?"

12 [18. I am confused about the project goal's verb "to confirm:" In what ways does the City consider the drafting of a plan a "project" under CEQA?

13 [19. Why was relocation of diversions not considered a "project objective" under the section "**Minimizing Environmental Impact** – The potential short- and long-term impacts from the proposed Project can be minimized by limiting construction and operation in sensitive habitat areas wherever possible. Several aspects of the *diversion repair* and *pipeline realignment* activities proposed will provide substantial reductions in environmental impacts associated with long-term operation and maintenance of the NCS (emphasis mine)?"

14 [20. Did the City's narrowing of the project objectives to "diversion repair" instead of "diversion realignment" bias the alternatives which the consultants could analyze for the City?

15 [21. Was Entrix or any of the consultants hired by or for the City for this project given direction by the City or its representatives not to consider all options including moving the diversions (to sensible locations) in formulating the environmentally superior alternatives for this Project?

ES 4. Project Alternatives

- 16 [22. What is the logic whereas “alternative alignments” are not called “new pipeline facilities?”

ES 6. Project Construction

Trenching

- 17 [23. Is it possible for trenching to alter the hydrology of wet meadows and other types of wetlands?
24. How will any trenched areas be treated to mitigate for the potential for hydrological alteration?

Directional Drilling

- 18 [25. How will directional drilling be modified in the karst geology to ensure that no impacts occur to the hydrology or airflow of caves?

Construction Schedule

- 19 [26. How will the City ensure the public that it will abide by the schedule that construction will observe the typical best management practice of avoiding the rainy season (Oct 15 – April 15) to avoid rain events that threaten to deliver sediments exposed during construction to waterways?

Heavy Equipment and Machinery

- 20 [27. How will the City ensure that equipment used for the construction arrive at the site and travel between sites in such a way to avoid spreading invasive exotic organisms, including pathogens such as Sudden Oak Death?

Construction Staging Areas

- 21 [28. How will the City manage staging areas so that they are restored and are not potential sources for sediment or invasive exotic weeds that could affect nearby sensitive habitats?

ES 12. North Coast Pipeline System Alternatives Screening Criteria

- 22 [29. How specifically does including the locations of diversions (quote follows) in the screening criteria ensure any of the main objectives of the Project? “Potential alternatives must utilize and be compatible with the City’s existing NCS water sources, water rights, and locations of diversions”

General Comments and Questions

23 30. Nowhere is there mention of the California Coastal Commission regulations regarding this project. This apparently has been omitted from several sections referring to 'state regulations.'

a. What are the potential Environmentally Sensitive Habitat Areas that may be impacted by the project alternatives?

b. Did the City consult with the California Coastal Commission in regard to this project?

24 31. One mitigation measure for botanical resources mentions stockpiling the top 10-inches of soil from where special status species are located.

a. What scientific evidence and project experience indicates that this is an effective mitigation measure?

b. How will the City ensure that the soil actually maintains a viable seed bank of the sensitive species?

c. How will the contractors place the soil back onto the appropriate site while maintaining the soil horizon such that the sensitive plant species' seeds are at an appropriate depth?

25 32. Nowhere is there mention of the need to conduct periodic and continual invasive exotic weed removal. The City's current alignments serve as vectors for a number of invasive species; despite this, the City has been unable to address this issue.

a. Why does the PEIR not mention the strong potential of the Project to spread or and/or favor non-native, invasive species through construction activities, soil disturbance, and routine maintenance of the new infrastructure?

b. What evidence is there that non-native invasive species do not pose a potentially significant impact requiring specific long-term funded mitigation measures associated with the Project?

26 33. There is insufficient information in the PEIR about the extent of karst geology in the Project area. Specifically, section 7.3.1 Geology and Geologic Hazards fails to mention that sections of the preferred alternative traverse karst geology where sinkholes currently exist. Moreover, caves within the karst contain sensitive biological resources that could be impacted by the Project, including a newly discovered cave cricket in the Laguna cave formations, over which the pipeline passes.

a. Which areas of the Project traverse karst geology?

b. What are the potential impacts of the Project as they relate to karst?

- 26
- c. What are the mitigation measures suggested for impacts to the cave fauna over which portions of the project pass?
 - d. What are the impacts of the preferred alternative on the humidity and temperature of the cave systems and how might those impacts affect the sensitive species?

27

34. Nowhere does any of the alternatives mention restoring road beds used to service the old pipeline locations. How will the City restore the topography and vegetation of historic pipeline alignments?

- 28
35. Section 9.0, biological and ecological resources section does not mention several important resources that exist in the project area.
- a. In terms of distribution and cover of native species, how do the PEIR consultants define coastal prairie, a sensitive plant community?
 - b. Does coastal prairie occur in the project area?
 - c. Is the City aware of the presence of Artist's popcornflower (*Plagiobothrys chorisianus*) in the project area?
 - d. Is the City aware of stands of the regionally significant Shreve's oak (*Quercus parvula shrevei*) in the project area?
 - e. The report mentions plant associations that were "included" in other associations; what is the minimum size of a unit of vegetation that the City deemed necessary before it was mapped as a separate community?
 - f. What were the methods for mapping vegetation, including year, area traversed, season and year surveyed?
 - g. Did the plant surveys include mapping the species included in the special plants list (a list of locally significant species distributed by the County) for the County of Santa Cruz?
 - h. Who saw and in what year the presence of Ohlone tiger beetle as reported in the PEIR: "Ohlone tiger beetles have been sighted near the lower portion of Majors Reach and its alternative."
 - i. Is the City aware of the historic nesting occurrence of black swift in the cave adjacent to the waterfall along Laguna Creek, adjacent to the existing pipeline?
- 29
36. The PEIR contains speculation that differs from other expert opinion on defining the anadromous reach of Laguna Creek.

- 29
- a. Whose opinion, specifically, is it that migration of anadromous fish is prohibited above the 1.43 mile mark on Laguna Creek?
 - b. As specifically as possible what is the level of confidence of the (above) opinion on the limitation of the anadromous reach?
 - c. Are there any possible flow conditions that would make it possible for upstream-traveling fish to overcome the "total" barrier noted at the 1.43 mile mark? How often would those flow conditions recur?
 - d. How much additional steelhead spawning habitat would be added above the 1.43 mile mark barrier?
 - e. How much agreement is there amongst the experts that the 1.43 mile mark barrier is a 'total' barrier?

30

37. There is little or no discussion of the benefits of restoring flow to significant areas of Laguna Creek through moving the diversion significantly downstream, but outside of the PEIR defined anadromous reach. Others have suggested that the diversion be "located just north of the point where the existing pipeline crosses Laguna Creek (at creek crossing LAG/LID-01)." It is this or any other feasible location that I refer to in the following questions by my language "significantly downstream."

- a. Would moving the diversion significantly downstream provide for a more healthy steelhead trout population?
- b. Has the City received any correspondence or notification from adjoining property owners that moving the diversion downstream to some point would trigger legal action? If so, how can the public access the documentation of this threat?
- c. Would moving the diversion significantly downstream increase or decrease the number and amount of prey necessary for steelhead living in the stream?
- d. Could moving the diversion significantly downstream positively affect the microclimate of the adjoining cave system, thereby making more healthy the sensitive invertebrates and bats associated with those caves?
- e. Would increased summer flow in sections Laguna Creek (as a result of moving significantly downstream the diversion) increase dissolved oxygen in the pools inhabited by steelhead?
- f. Would increased summer flow in sections of Laguna Creek (as a result of moving significantly downstream the diversion), help protect the black swift nest from predation by rodents or meso-predators?

30

g. Would increased summer flow in sections of Laguna Creek (as a result of moving significantly downstream the diversion), improve the aesthetics for the private property owners along the stream?

h. Would increased summer flow in sections of Laguna Creek (as a result of moving significantly downstream the diversion), improve water quality in the stream?

i. What would be the most important impediment to moving the diversion significantly downstream?

j. How does the City justify the long-term costs of maintaining a much longer pipeline with an alternative of moving the diversion significantly downstream?

Response

Grey Hayes
May 19, 2005

Hayes-1

“Raw water” in this context means no chemicals have been added and thus requires further treatment (e.g., filtration) before meeting drinking water standards.

Hayes-2

This PEIR is an EIR which is prepared on a series of actions that can be characterized as one large project related geographically, as logical parts in a chain of contemplated actions, and as individual activities carried out under the same authorizing statutory or regulatory authority, having generally similar environmental effects which can be mitigated in similar ways.

Hayes-3

The CEQA process for the North Coast System Repair Project in no way circumvents the City’s obligation to comply with the Federal ESA. The City has anticipated the need to address ESA issues related to the North Coast System Repair Project activities and is currently in the process of developing an HCP for that purpose. Among the issues under discussion with NOAA Fisheries are the City’s diversion operations along the North Coast streams and its proposed rehabilitation of those structures. The City’s Draft PEIR proposes the adoption of performance standards for mitigation that will require the City to meet all relevant measures required under Section 10. This approach will ensure consistency between the requirement of the PEIR and the measures ultimately adopted under the HCP.

Hayes-4

The City has done a substantial amount of historical research (refer to deeds book available at the City Water [Engineering] Department) to demonstrate conclusively that all four of the North Coast streams have pre-1914 water right status.

Hayes-5

The term “low cost” refers to the City’s construction, operation, and maintenance costs to divert and convey the water to its treatment facilities. More specifically, the NCS system operates by gravity from points of diversion to its terminus at the Coast Pump Station, so the City incurs no power costs for the gravity portion of the system.

Hayes-6

Maintenance records for the North Coast system are available at the City Water Department (contact the Engineering counter at 831-420-5210).

Hayes-7

The City has estimated the volume of leakage by comparing flow meter recordings along various reaches of the pipeline, starting at the diversions and ending at the Coast Pump Station terminus.

Hayes-8

The cost of repair has not been compared to the cost of maintenance. Many reaches of the pipeline are in poor repair and need to be replaced irrespective of the cost for current maintenance.

Hayes-9

The City mailed the Notice of Availability to the AMBAG Clearinghouse (MCH# 050516) on April 6, 2005. The Notice of Preparation of an EIR was sent to the AMBAG Clearinghouse on June 9, 2004. The City's standard timeline for advanced notice of public meetings is ten (10) days.

Hayes-10

The primary purpose of the Project is to implement a long-term repair and replacement program for the North Coast system facilities to maintain a reliable and efficient delivery system for the North Coast water sources. Fish entrainment and passage are related purposes associated with specific project improvements designed to implement the repair program.

Hayes-11

The term "repair" is used to avoid potential misinterpretation of terms used such as "upgrade" or "improvement" which can be construed to imply an increase in pipeline capacity. The City does not propose to increase capacity as part of this Project, rather only repair the system to match present capacity.

Hayes-12

CEQA guidelines define a Programmatic EIR as an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either geographically, as logical parts in the chain of contemplated actions, in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. The Project is the repair of the North Coast Pipeline and Diversion System and this PEIR addresses the potential impacts and mitigation measures for the proposed system repair project.

Hayes-13

The reason the relocation of the diversions was not listed as a project objective is that the purpose of this program is to ensure the reliability of delivery of these water supplies. Relocation of one or more of the diversions was seriously considered but rejected because of the potential adverse impacts to other users, fisheries, and the City's water supply.

Hayes-14

No, the City's narrowing of the project objectives to "diversion repair" instead of "diversion realignment" did not bias the alternatives.

Hayes-15

No, the City nor its representatives gave no direction to its consultants not to consider all options including moving the diversions to sensible locations in formulating the environmentally superior alternatives.

Hayes-16

At this time, there are no "new" facilities proposed, rather only alternatives are being considered for implementation.

Hayes-17

Best management practices will be employed throughout the construction process to ensure that disturbed areas are restored to baseline conditions.

Hayes-18

Detailed geotechnical evaluations will be completed during the final design phase of each reach. Constructability related to specific geologic conditions (e.g., karst geology) will be determined during final design.

Hayes-19

Specific construction requirements, including allowable construction seasons and erosion/sediment control measures, will be identified in project level environmental documents to be completed prior to construction of each reach of the Project.

Hayes-20

Comment noted. Modification made to Section 9.4.1.1.

Hayes-21

The primary staging areas proposed for implementation of the project would be established on relatively level ground in existing open spaces, avoiding disturbances to nearby sensitive habitats.

Hayes-22

Preserving the existing water rights is a significant and primary consideration for the City. Any proposed relocation of diversion structures could compromise existing water rights. Therefore, the

City must consider the location of the diversion facilities (i.e., existing versus new) in evaluating its alternatives relative to project objectives.

Hayes-23

Project specific requirements relative to the California Coastal Commission's review and approval of the Project will be completed during preparation of project level environmental documentation which is to be completed prior to construction for any reach of the system.

Hayes-24

Stockpiling and replacing the top layer of soil is a frequently stipulated mitigation measure. Many plant species in California are adapted to survival over many years as part of the "seed bank" in the soil. Fire-adapted species can appear even after seeds in the upper inches of soil have been killed by heat. Natural processes, including animal burrowing and water flow, result in the shifting of the seeds in this soil layer to different depths (both up and down) through the years. However, the intent of a soil stockpiling measure is not only to return the seed bank to the site after construction is completed but also to provide for the replacement of local topsoil and its associated soil biota at the surface of the disturbed site, providing suitable substrate for re-colonization from adjacent, unaffected stands.

The extent to which the seed bank can be salvaged varies, but studies have demonstrated that salvage is possible (Brown & Bedford 1997, Ervin & Smith 2002). Other studies have addressed the extent to which seeds in a natural seed bank are able to germinate (Crawford & Young 1998, Thompson et al. 2002).

Hayes-25

Currently (and under the proposed Project), the City mows portions of the pipeline route at least annually to maintain an 8-foot wide swath immediately adjacent to the pipeline. The City is not responsible for or involved in an exotic weed removal program.

Comment on invasive exotic weed species noted. Modification made to Section 9.4.1.1.

Hayes-26

Detailed geotechnical evaluations of karst geologic formations and other specific soil conditions will be completed during final design of each reach. In addition, constructability related to specific geologic conditions will be determined during the final design phase.

As of June 2005, the cave cricket was not listed on DFG's Special Animals List, which is a general term that refers to all of the taxa the California Natural Diversity Data Base (CNDDDB) is interested in tracking, regarding their legal or protection status, so it was not included in Section 9.3.2 (Threatened, Endangered, and Special-Status Terrestrial Species) of the Draft PEIR.

The potential for the cave cricket or other species to occur in the Project area in the future is addressed under Section 9.4 of the document. Since the Project would be constructed by reach over a 15 to 20 year period, biological resources along the proposed alignments may change from current conditions. Therefore, it is anticipated that, at a minimum, reconnaissance level surveys would be

required to support the project-specific CEQA document that would be prepared for each reach, in this case, the Laguna Reach, prior to construction.

Hayes-27

Best management practices will be used during construction to restore disturbed areas to existing conditions.

Hayes-28

Coastal prairie habitat (now called “Coastal Terrace Prairie” by the California Department of Fish & Game) is dominated by native perennial grasses such as Pacific redgrass, California oatgrass, red fescue, and tufted hairgrass, as well as exotic species such as velvet grass (Holland 1986). Much of the area in California, formerly occupied by this vegetation, has been converted to agriculture. The coastal terraces proper in the vicinity of the NCS Repair Project are under cultivation. No stands of Coastal Terrace Prairie were observed during the vegetation surveys, either on the coastal terraces or on the grassy slopes to the east of these terraces.

Because this is a programmatic EIR, floristic surveys have not yet been conducted. If deemed necessary, surveys will be conducted as the project-level EIRs for each segment of the over-all project are completed. Shreve’s oak (*Quercus parvula* var. *shrevei*) and artist’s popcorn flower (*Plagiobothrys undulatus*) are not identified as rare by any agency or by the California Native Plant Society (CNPS) and are not reported in the CNDDDB. Hickman’s popcorn flower (*Plagiobothrys chorisianus* var. *hickmanii*) is a CNPS List 4 taxon that may occur in Santa Cruz County. Choris’ popcorn flower (*Plagiobothrys chorisianus* var. *chorisianus*) is a CNPS List B taxon that may occur in Santa Cruz County. The presence of any such species will be determined when the floristic plant surveys are conducted.

Preliminary vegetation mapping was done on large-scale aerial images. The resulting maps were field-verified by walking surveys during May and June 2002. Two inaccessible wooded areas within City limits on one alternative were not surveyed on foot. Typically, the smallest unit mapped is one acre, although special habitat such as wetlands may be mapped in units as small as 0.25 acres. For this project, some units smaller than 0.25 acres were mapped.

The plant surveys did not include the mapping of the special-status species found on the special plants list for Santa Cruz County. Interested flora (terrestrial habitat types) was surveyed by qualified botanists along the entire proposed Project area. In addition, mitigation and avoidance and minimization measures would be implemented such as conducting any surveys necessary (following Agency approved protocols) during the appropriate flowering periods for special-status plant species to identify populations in or adjacent to the Project route prior to construction (refer to Section 9.4.1.1).

The presence of the Ohlone tiger beetle within and near the Project area is documented in Section 9.3.2.2 of the document. In addition, where data gaps currently exist as with the Ohlone tiger beetle, it is anticipated that, at a minimum, reconnaissance level surveys would be required to support the project-specific CEQA documentation that would be prepared for each reach prior to consultation (refer to Section 9.4).

Special-status bird species, such as the black swift, have been documented in portions of the Project area. As a result, construction avoidance and minimization measures would be implemented as

needed. In addition, if warranted, additional surveys would be conducted prior to construction (refer to Section 9.4.2.1).

Hayes-29

Habitat surveys were conducted by qualified fisheries biologists who determined that the anadromous reach on Laguna Creek starts at the lagoon mouth and continues 1.43 miles upstream until the first total barrier to steelhead migration located just downstream of the confluence between Laguna Creek and “Y” Creek. The first total barrier consists of a series of cascades that range in height from 3 to 6 feet. Under no flow conditions would it be possible for upstream migrating steelhead to negotiate the first complete barrier.

Overall, the karst topography found in the Laguna Creek watershed is considered a fair source of spawning gravel. However, the channel in the non-anadromous reach from the first total barrier (located 1.43 miles upstream of the lagoon) to the Laguna Creek Diversion located approximately 4.19 miles upstream becomes more confined with a steeper gradient consisting of step pool habitat that is heavily shaded which is not considered favorable steelhead habitat. Because the majority of the North Coast streams are typically in steep canyons, the linear amount of habitat available to steelhead is substantially small due to numerous natural passage barriers (e.g., boulder cascades, log jams, etc.).

Hayes-30

Moving the diversion downstream would not provide for a more healthy steelhead trout population. Placement of the diversion at the upper end of the anadromous reach would provide no improvement in habitat conditions for steelhead. Furthermore, construction and operation of a diversion downstream in the anadromous reach would permanently consume steelhead spawning and rearing habitat which are in short supply on Laguna Creek and limited by natural migration barriers.

The City has not been advised by any property owners that moving the diversion downstream of its current location would trigger legal action.

Moving the diversion downstream at the upper end of the anadromous reach has the potential to negatively affect the availability of prey for salmonids in the system, as well as negate the current benefit of natural accretion that occurs between the current point of diversion and the anadromous reach thereby making water diversion a more direct impact on spawning and rearing habitat for salmonids.

The effects of moving the diversion downstream on the microclimate of the adjoining cave system is not an issue because this alternative was rejected, thus they were not assessed in this PEIR.

The objective of the proposed Project is not to increase flow in the Laguna Creek watershed or the other North Coast streams but rather to maintain system capacity by providing a reliable infrastructure through upgrades such as pipeline replacement, diversion structure modifications, etc. Thus, the effects of increased summer flow in Laguna Creek on steelhead, black swift nesting habitat and stream aesthetics were not assessed.

Besides environmental impacts, the biggest impediment for moving the diversion downstream would be that the City would have to acquire property and access to a suitable site on the anadromous reach of Laguna Creek. Also, relocation of the diversion could potentially jeopardize the City’s water rights. In this PEIR, the City has considered alternatives that will not jeopardize its water rights and

which are consistent with the existing system configuration, including pipeline reconstruction in existing alignments.

Linette A Almond

From: Marty Demare [marty@got.net]
Sent: Friday, May 20, 2005 8:30 AM
To: Linette A Almond
Subject: North Coast EIR comments

Attention:
 Linette Almond
 809 Center St. Room 102
 Santa Cruz, CA

The following remarks are submitted with the request that the final PEIR respond to the issues raised under the numbered headings in bold type.

1. The comment period should be held open until after the effects of HCP implementation are analyzed and integrated into the PEIR.

At 16.4.1.4 the PEIR notes that implementation of the Habitat Conservation Plan currently being prepared may result in a reduction of water supply. But it only acknowledges possible changes in operations and does not address structural changes that may be required to the historic diversion structures. No provision for bypass flow (2.6.3.3, 2.7.2.3) is included, nor are fish passage structures, despite plans to construct major modifications at the diversion structures. These modifications are repeatedly cited elsewhere in the document, because they will increase sediment and bed load transport which is identified as a benefit of the project, but analysis focuses only on improving O & M and fails to note that sediment transport will only be enhanced when the gate is lowered, thereby leaving sediment deposits "high and dry" most of the year when the gate is raised and streamflow is entirely diverted. Without year round flow, deposits will accumulate in the upper reaches below the dam and will not be moved downstream through the system to the ocean, thereby diminishing riparian habitat value and "starving" the beach at the mouth of Majors Creek. Current requirements for environmental protection are likely to be imposed by the regulatory agencies involved in the HCP process. Until these regulatory constraints are identified, the information provided in the PEIR is not complete enough to enable meaningful public comment on the project alternatives. It is therefore inappropriate to close public comment on this PEIR and advance the planning process.

Even without the background of HCP requirements, some flaws are apparent in the draft PEIR, as follows:

2. The PEIR offers no analysis of alternative methods to meet the alleged purpose and need except replacement of the entire system.

Proceeding from that assumption, the PEIR does not examine alternatives that would lessen environmental impacts such as an analysis of leak and failure history in the various reaches with the intent of identifying problem areas of the pipeline needing replacement and distinguishing them from portions that can be expected to perform reliably for a long period because they have already been replaced, or utilize materials that will remain serviceable. The environmentally superior alternative may well be the combination of modifications to diversion structures with improvements in maintenance practices that would proactively reduce the chance of serious pipeline failures (see attached photos of neglected repairs that could lead to a catastrophic failure). Reductions in flow mandated by regulatory agencies may enable reduction of operating pressure and thereby apply less stress to the pipelines.

3. Majors Reach Preferred Alternative 4, the Road Alternative, is detrimental to public enjoyment of the surrounding State Park area

particularly at the planned walk-in campground approximately 1/2 mile downstream and connected to the diversion site by trail. Extensive streamside fencing would be needed to exclude visitors who might be tempted to swim in the pond or wade upstream from the trail crossing. Tampering with flow measurement equipment or turbidity created by visitors' activities in the creek could trigger operation of automated equipment. SCADA equipment may not distinguish such activities from naturally occurring events such as landslides, falling trees or bank erosion events common to the area (as noted in Department studies). The addition of enough fencing to enclose up to 1600 sq. ft. of proposed pump station facilities and other fencing at the diversion dam itself would intrude on park visitors' experience and create other environmental impacts which have not been analyzed in the PEIR. Campers at the downstream campground could also be surprised by a sudden increase in streamflow caused by automated operations of the gate mechanism triggered by storm or other sediment creating events.

4. Noise

generated by a continuously operating pump is estimated at 85 db. To mitigate this impact, a substantial noise containment structure would have to be constructed, but no performance standard is provided to quantify a less than significant level in this

5/23/2005

4 | rural setting in a canyon in a State Park as little as 1500 feet from residences.

Respectfully submitted,

Marty Demare

5/23/2005

Response

Marty Demare

May 20, 2005

Demare-1

The City has anticipated the need to address ESA issues related to the NCS Repair Project activities and is currently in the process of developing an HCP for that purpose. Among the issues under discussion with NOAA Fisheries are the City's diversion operations along the North Coast streams and its proposed rehabilitation of those structures. The City's Draft PEIR proposes the adoption of performance standards for mitigation that will require the City to meet all relevant measures required under Section 10. This approach will ensure consistency between the requirement of the PEIR and the measures ultimately adopted under the HCP.

Demare-2

Many reaches of the pipeline are in poor repair and need to be replaced, irrespective of cost for current maintenance. All construction activities to repair the pipeline will be prioritized based on system need, such that recently repaired and/or serviceable reaches will not be repaired until necessary.

Demare-3

The proposed Project will not deter from the public enjoyment of the proposed State Park campground that will be connected to the Majors Creek Diversion by a trail. Mitigation measures to limit swimming and/or wading upstream of the City's diversion will be required as part of the campground construction, irrespective of the pipeline alignment for the system upgrades.

Demare-4

Any new pumping facilities (if implemented) would be enclosed in a small sound-insulated building. Specific requirements for noise mitigation will be defined during final design and incorporated into the accompanying Project Level environmental documentation at the time the specific project reach segments are implemented.

May 20, 2005

Attn: Ms. Linette Almond
City of Santa Cruz
809 Center Street, Room 102
Santa Cruz, CA 95060
via fax: (831) 420-5201

Subject: North Coast EIR Comments

Dear Ms. Almond,

1 { The DRAFT EIR (DEIR) for the North Coast Pipeline Project (Project) fails to identify the present pipeline route as the most reliable and efficient design possible because it provides gravity flow of water to the City. The existing gravity flow pipeline route is capable of supplying water to the City even during power outages, road closures, and earthquakes. Some of the alternative routes proposed in the DEIR do not provide gravity flow, and as such are not as efficient or reliable as the existing route(s). Thus, the existing route(s) are superior to the alternatives when evaluated against the criteria of reliability and should be identified as such.

2 { Also, the DEIR should include an analysis of energy usage and efficiency. I think that the existing gravity flow pipeline route will be shown to be superior when evaluated against the efficiency criteria because of the lack of pumping costs. The use of pumping stations associated with alternative routes will require additional energy consumption that should be quantified, and the associated cost estimated in the DEIR. In addition, the use of pumping stations will require additional maintenance and associated maintenance trips to the pumping stations, the costs and energy use of which should be evaluated and included in the DEIR. This analysis may show that routes without pumping stations are environmentally superior.

3 { Finally, the DEIR suggests that the alternative alignment of the NCP reach is the superior environmental alternative even though it will travel through areas of known hazardous materials releases and will require special construction considerations. This conclusion underestimates the adverse environmental impacts associated with construction through areas of known hazardous material releases, including, but not limited to: (1) worker and public exposure to hazardous and toxic materials during construction and subsequent repairs, (2) the risk of exposure of the water in the pipeline to hazardous and toxic materials through leaching through plastic pipe, (3) the potential impact

1

3 } on the pipeline backfill acting as a preferential pathway for migration of contamination left in the ground adjacent to the pipeline, and (4) the environmental impact of offsite disposal of contaminated soil and/or waters. Please revise the DEIR to more accurately and completely characterize the adverse environmental impacts of the NCP realignment through area of known releases of hazardous materials.

Thank you for your consideration of these comments.

Sincerely,



Frederick A. Yukic, MS, PE
PO Box 1260
Santa Cruz, CA 95061
(831) 426-4924
fyukic@calcentral.com

Response

Frederick Yukic
May 20, 2005

Yukic-1

The existing gravity flow pipeline route is efficient and generally preferred. Those alternatives that do not provide gravity flow are developed with consideration of potential environmental impacts to construct in routes suitable for gravity operation, and with consideration of long-term operation and maintenance.

Yukic-2

Capital and operating costs were considered in the City’s engineering support documents for the Draft PEIR (refer to Technical Memorandum No. 4: Alternative Evaluation, January 2003). Energy usage was a component of operating costs, so energy efficiency has been considered as a component of total costs as summarized in the table below.

Reach	Estimated Cost (\$ Millions)	
	Existing Alignment	Alternate Alignment
Liddell Reach		
LID (0+00 to 13+98) (alternate alignment LID ALT 0+00 to 15+22)	\$0.4	\$0.4
LID 13+98 to 99+62 (no proposed alternate)	\$2.3	-
Laguna Reach		
LAG 0+00 to 11+85 (no proposed alternate)	\$0.7	-
LAG 11+85 to 117+53 (alternate alignment LAG ALT 0+00 to 89+78)	\$3.8	\$5.4
LAG 117+53 to 125+68 (no proposed alternate)	\$0.2	-
Liddell –Laguna Reach		
LDLG 0+00 to 10+37 (no proposed alternate)	\$0.2	-
LDLG 10+37 to 61+06 (alternate alignment LDLG ALT 0+00 to 91+32)	\$1.8	\$1.2
Majors Reach		
MAJ 0+00 to 94+55 (alternate alignment MAJ ALT 0+00 to 91+32)	\$4.1	\$3.5
MAJ 94+55 to 113+40 (no proposed alternate)	\$0.3	-
North Coast Pipeline		
NCP 0+00 to 379+63	\$18.8	-
NCP 379+63 to 442+52 (alternate alignment NCP ALT 0+00 to 95+77)	\$4.3	\$6.2
Total Cost (Cost of alternate includes sections for which no alternate section is proposed)	\$36.8	\$39.2

Note: This cost estimate does not include provisions for major existing utility relocation, major pipeline rock excavation, excavation/disposal of contaminated materials, and financing/bond costs.

Yukic-3

The alternative pipeline route for the NCP reach is the superior alternative because it avoids existing neighborhoods and provides the most direct route that would result in the fewest significant environmental and public impacts during construction. Potential hazardous soil conditions are identified in the Draft PEIR. Design of the pipeline and construction in these sensitive areas will adhere to best management practices, to be defined in Project Level environmental documentation.

>-----

>>>that moving it further down would require pumping as we would lose
>>>the benefit of the head;

>-----

>I don't understand this. The farmers used a gravity feed to get water
>to the coast with no problem. I have seen the old system in action.
>Furthermore, I once called the City Water Department to report a leak
>in the old pipe - thinking then that it was a City waterline. The leak
>had sufficient pressure behind it to throw a jet of water about 15 ft.
>into the air.

>-----

>>>the fact that depending on the location, ESA issues might change,
>>>etc.

>-----

>What is ESA ?

>-----

>>>I have thought a lot about this as the benefit of not having the
>>>pipeline to maintain through some tough areas is obviously
>>>attractive. My job is to assure the reliability of the delivery of
>>>this source that the City has counted on for 116 years. Our initial
>>>look at this possibility did not reveal it met the project criteria,
>>>i.e. assure reliability of the delivery of this supply.
>>>The purpose of the public environmental review process is to prompt
>>>the City to look critically at all options that might provide a more
>>>environmentally preferable project that meets project goals. I'm
>>>glad that the meeting will prompt us to look again at this
>>>alternative and the final EIR will address it. Thanks for continuing to follow the process and provide good input.

>>>

>>>Bill Kocher

>>>Director, Santa Cruz Water Department

>>>

>>>

>>>-----Original Message-----

>>>From: melanie j. mayer [mailto:mjmayer@ucsc.edu]

>>>Sent: Tuesday, May 03, 2005 9:27 AM

>>>To: Bill Kocher

>>>Subject: clarification

>>>

>>>

>>>hi bill,

>>>

>>>i really enjoyed seeing the Water Board in action last night. i was
>>>especially interested in your response to Jim Bierman's suggestion
>>>about moving the Laguna diversion to a lower spot on the creek.

>>>

>>>is it accurate to say, then, there is no agreement the city could
>>>negotiate at this time concerning water rights on Laguna Creek that
>>>would be equivalent to the security of the existing pre-1914 rights?

>>>

>>>if this is accurate, is that because with pre-1914 rights, government

>>>agencies have no jurisdiction? (i realize this may be complicated to
>>>answer. maybe you could direct me to something i could read about
>>>this.)

>>>

>>>and finally, is it also accurate to say that should the present
>>>Laguna diversion no longer be in active use (say because a lower
>>>diversion becomes the main way for removing water), the city forfeits
>>>its present rights for the taking of water from Laguna?

>>>

>>>i'm feeling that if we understood better the constraints you are
>>>working under (and that are not made explicit by the PEIR), we will
>>>be able to make more sensible comments to the draft PEIR.

>>>

>>>thanks,
>>>melanie

Response

Melanie Mayer

May 3, 2005

Mayer-1

The alternative of relocating one or more of the diversion structures was seriously considered but rejected because of the potential adverse impacts to other users, fisheries and the City's water supply. The two primary objectives for the pipeline facilities are to improve system reliability and to maintain system capacity. Since any claim of harm to other users or to fisheries has the potential to jeopardize the City's rights, the alternative of relocating the diversions was rejected.

Refugio Group Comments on PEIR

5/19/05

May 19, 2005

To: Linette Almond, P. E.
 Deputy Water Director/ Engineering Manager
 City of Santa Cruz Water Department
 From: Refugio Group, Smith Grade Road
 Carol Summers, William Sanford and Lynette Walker, Elliot and Vera Aronson,
 Bonnie Bassett, Joshua Karter, Melanie Mayer and Cathleen Cox, James Bierman
 Re: Comments on (April) Draft Program Environmental Impact Report
 North Coast Pipeline System Rehabilitation

1 [We have reviewed the above-mentioned document, paying special attention to those sections having to do with the Laguna Reach alternatives affecting the Refugio Group properties. We recognize that the two Laguna Reach alternatives you have identified, LAG2 and LAG3, both have potentially significant environmental impacts, some of which cannot be entirely mitigated. All things considered, **if you must replace the pipeline we agree with the assessment of this document that the Existing Alignment (with some modifications, i.e. LAG2) is the environmentally preferred alternative.** We were glad to hear at the public meeting on April 21 and at the Water Board meeting on May 2 that the Water Department staff also agrees that the current alignment is the environmentally preferred alternative. Indeed we consider LAG3 not to be a viable alternative at all. We feel it should be removed from consideration because **we will not agree to grant the new easements that alternative LAG3 requires.**

The first part of these comments addresses a number of additions and corrections we feel should be made to the draft PEIR.

1 [However, as you will see in the second part of these comments, **we believe there is a superior alternative not considered in this PEIR that should have been.** That is to abandon the Laguna Reach diversion and pipes and replace them with **a diversion that is at least 3200 feet northeast of Highway 1.** We describe this alternative in considerable detail in Part II.

PART I: ADDITIONS AND CORRECTIONS

2 [**CEQA Considerations** (Also to be changed in Chapters 15 and 16)
ES.7 Significant Irreversible and Irretrievable Commitment of Resources (Page ES-18)
 The impact of non-renewable energy consumption by the pumps in the Laguna Alternative 3 and in the Majors Ridge and Road Alternatives needs to be addressed. (See details under section 15.3.5 below.)

3 **2.7.3.5 Laguna Reach - Alternative Alignment (Page 2-17)**
 “The pipeline would most likely be attached to the existing bridge (LAG ALT-01).” – Our bridge was not engineered to carry the weight of a pipeline transporting four to six million gallons of water per day. While this likelihood is acknowledged in section 8.5.5.2, there is no discussion of replacing or reinforcing the present bridge if necessary.

The same goes for the first 800 feet or so of our driveway. It is on a steep hillside, and it is not engineered to carry a water pipe of the proposed size. A leak in such a location would cause major problems on the steep canyon wall.

The description of our road and of our meadow land is inaccurate. The road from about p.d. 1900 on down to p.d. 7000 is gravel (not dirt) that is oiled and sanded in many places, and the road runs through grazed pasture land (not disturbed former pasture).

4 **3.3.4 Private Lands in Unincorporated Areas (Page 3-4)**
 Description of the Laguna Alternative 3 is inaccurate with respect to its relationship to private lands. The proposed alternative would run through six private parcels, all of which are parts of the Refugio Group holdings. (We guess that you considered the road from Smith Grade to about p.d. 1900 to be an easement. In fact, all members of the Refugio Group own in common that 50-foot-wide strip on which the road is located.) Furthermore, LAG3 would affect the access of five other parcels, that of Zucker, Schmidt, Dash, Bassett, and Mayer and Cox, and it would be on the boundary of a corner of the Coast Dairies land.

5 **3.5.2.1 LAG/LID Alternative 3 – Road Alignment Construction-Related Impacts (Page 3-9)**
 Construction of LAG3 would also disrupt telephone and private water systems.

6 **4.4 Potential Impacts on Agricultural Resources (Page 4-5)**
 The Laguna Alternative 3 should also be included because of grazing. We believe the construction and maintenance activity would disturb the cattle, causing them to lose weight.

7 **6.5.2.2 Aesthetic Resources (Page 6-9)**
 While this acknowledges the visual impact of the pipeline, (blue and white markings, vents, cattle fences, the exposed pipes, etc.) it does not acknowledge the sound effects. LAG Alternative 3 proposes to pass within 50 feet of Bierman's house – literally through the front yard, and down the hill in front of the house. It will also pass within 15 feet of the structure used by Bierman as an office and workspace. At that proximity, Bierman will be subjected to the constant noise of water flowing through the pipe and the constant and irregular drone of nearby air vents.

7.5.6.3 Geology, Paleontology, Soils and Mineral Resources (Page 7-21)

In discussing the potential exacerbation of the slide created on the hillside in front of the Bierman house by the construction of the present pipeline, the following statement appears.

Mitigation Measures: Implementation of Mitigations 7-1 and 7-4 (below) would help reduce the level of this potentially significant impact. However, it is unlikely that complete control could be achieved. A pipeline leak or failure could lead to potentially significant and unmitigated impact.

8

That is, the hazard is not adequately mitigated. This fact also should be indicated in Table ES-3, page ES 28.

The text then goes on to say. "With applicable erosion control measures in place, long-term erosion problems would not increase by installing the pipeline in the private road." The problem identified, however, is most acute in the approximately 1000 feet beyond the end of the road and driveway.

Furthermore, concerning that steep grassland slope beyond about p.d. 8000: Although not described on page 2-16, this section would probably require structures engineered to control soil slippage (page 6-10). Construction of such structures could also cause sediment run off.

9.0 Biological and Ecological Resources (Page 9-1 ff)

The obvious way to preserve the Laguna Canyon environment for Steelhead Trout, Coho Salmon and Red-legged frogs is to restore the natural flow of Laguna Creek through the Canyon. Moving the diversion downstream toward the ocean can do this. Such a move would also have several other benefits, which are discussed below.

9

This section also de-emphasizes the fact that grasslands are as threatened as wetlands (if not more), and it states that putting the pipeline down an existing road would have little impact on the grasses. Again, it ignores the fact that 1,000 feet of the proposed route continue beyond the end of the existing dirt road and driveway.

12.5.2.2 Noise (Page 12-5)

See the comments on 6.5.2.2 above.

13.5.1 Hazards and Hazardous Waste (Page 13-7)

Construction activity on our bridge and our road up to the meadow will also create a hazard by interfering with our (as well as public agencies') ability to respond to emergencies--fire, medical, police. Since there is **no alternative route, this hazard is not mitigated by any of the measures you mention. This fact should be included in Table ES-3 as well.**

10

11

15.0 Public Services and Utilities (Page 15-1 ff.)

Electrical service on Smith Grade is spotty. We experience between five and ten outages a year – sometimes for an entire week at a time. If the City resorts to pumping water rather than using gravity feed, it would not be able to pump water during those periods - unless it had an emergency back-up generator. Such a generator would create its own noise, pollution and chemical problems, which should be considered in this PEIR.

Energy efficiency should also be considered as an environmental issue. In its most basic form it is an operations cost that is felt by the general community. The proposed pumping in Laguna Alternative 3 would cost the greater **community in excess of \$250,000 per year using today's energy rates.**

PART II: A BETTER ALTERNATIVE

We suggest that the Water Department give serious consideration to establishing a new diversion on Laguna Creek that is nearer the ocean and that eliminates the need for the old Reggiardo and Laguna diversions as well as the Laguna Reach pipeline. We offer suggestions for such a new diversion that we think will meet the criteria for a superior environmental alternative. Namely, it would provide...

- a more efficient means of pipeline replacement,
- a more environmentally sound method of replacement,
- more efficient access for environmentally sound future maintenance and repair of the pipeline,
- more environmentally sound methods of operation, and
- more efficient transport of raw water from the diversion to the Coast Pump Station (CPS).

“Laguna Alternative 5” (Item 17.5.2) is dismissed without sufficient consideration. It assumes that a lower diversion on Laguna Creek must be situated in or near the populated pocket adjacent to Highway 1. However, a lower diversion could be located somewhere between the point where the existing pipeline crosses Laguna Creek (at creek crossing LAG/LID-01) and a point just below the mouth of Y Creek. If it were, most of the considerations listed as disadvantages for LAG5 in the North Coast System Repair Program Draft PEIR would evaporate. We will refer to this new suggestion as "**Laguna Alternative 5B.**"

- LAG 5B would be well inland of any coastal development. There are no accumulations of waste materials or junk cars in the vicinity.

Response

Refugio Group
May 19, 2005

Refugio-1

The alternative of relocating one or more of the diversion structures was seriously considered but rejected because of the potential adverse impacts to other users, fisheries and the City's water supply. The two primary objectives for the pipeline facilities are to improve system reliability and to maintain system capacity. Since any claim of harm to other users or to fisheries has the potential to jeopardize the City's rights, the alternative of relocating the diversions was rejected (also refer to Hayes-30 in this document).

Refugio-2

The impact of energy consumption has been considered in evaluating alternatives, along with several other factors including potential environmental impacts and constraints during and after construction, long term operation and maintenance of the facilities, and cost of construction and operation (refer to Technical Memorandum No. 4, Alternative Analysis, North Coast System Rehabilitation Project, Carollo Engineers, December 2003).

Refugio-3

The design of the proposed pipeline would account for improvements to bridge(s) and/or roadway(s) as necessary to complete the construction with no compromise to existing conditions.

Refugio-4

Comment noted. Modification made to Section 3.3.4.

Refugio-5

No, telephone and private water systems would not be interrupted during construction or post-construction activities. Temporary systems would be constructed as necessary during construction where potential route conflicts and would be restored to existing conditions after construction.

Refugio-6

No, the environmentally superior alternative or preferred alternative is Lag. Alt. 2 which would replace the existing pipeline along the existing alignment with no deviations from the existing ROW thus avoiding the pasture lands that exist along Lag. Alt. 3. Furthermore, in Section 3.5.3.1, there is mention of temporary disturbance to cattle grazing along the meadow areas adjacent to the access road for Lag. Alt. 3 due to construction activities, but implementation of the proposed mitigation measures would reduce the level of potential impacts to a less than significant level.

Refugio-7

Noise disturbance associated with air release vents would be investigated at the project level to address the potential impact(s) on sensitive receptors.

Refugio-8

The requirements for soil and slope stabilization would be investigated in detail during final design. Geotechnical design elements would be included in the final design phase as necessary to address slope stabilization.

Refugio-9

Moving the diversion downstream would not provide for a more healthy steelhead trout population. Placement of the diversion at the upper end of the anadromous reach would provide no improvement in habitat conditions for steelhead or California red-legged frog. Furthermore, construction of the diversion in the anadromous reach would permanently consume steelhead spawning and rearing habitat, which are in short supply on Laguna Creek due to natural migration barriers (e.g., boulder cascades, log jams, etc.). Placement of the diversion near the mouth of Laguna Creek would also increase the risk of decreased water availability during the dry season (summer) and could substantially reduce the quality of the water instream which could potentially have a greater impact on steelhead and California red-legged frog habitat.

We assume the commenter is referring to native perennial grasslands, which cover substantially less acreage in California today than they did historically. Most grasslands along the various pipeline alternative routes are dominated by non-native annual grasses and by non-native forbs, including thistles. A few small stands with purple needlegrass were scattered in the annual grasslands in Laguna Creek and Majors Creek watershed and on the slopes just west of the City in the Moore Creek Preserve. Non-native grasslands are not considered to be threatened. Placement of utilities beneath existing roads, rather than placement in vegetated areas, is assumed to minimize potential impacts to vegetation in the vicinity of a project.

Refugio-10

Yes, the City will notify residents during each phase of development. Modification made to Section 13.5.1.

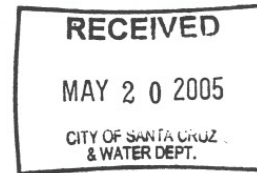
Refugio-11

In the event of a power outage, the City could opt to divert water from other sources. Alternatively, if the City constructs an emergency generator, the generator would be designed and permitted in conformance with applicable codes and regulations relative to sound mitigation, fuel storage and containment, and exhaust discharge.

Power costs are highly dependent on the volume of flow from the creek, which varies seasonally and annually. The estimated power costs for Laguna Alternative 3 range from approximately \$45,000 to \$90,000 per year.

May 20, 2005

Linette Almond, P.E.
Deputy Water Director/Engineering Manger
City of Santa Cruz Water Department



Dear Linette Almond,

Although my views are expressed communally in the letter from the Refugio Group concerning the North Coast Pipeline System Rehabilitation project, most specifically our "Laguna Alternative 5B" proposal, I wanted to submit my own personal letter as well. The reason being: my property specifically would be affected by the Alternative 2: Existing Alignment proposal. Following is an excerpt from the Appendix B Summary Tables by Reach regarding Alternative 2:

"Runs 13,000 ft. from Laguna Diversion to Y. Would replace pipeline in existing alignment except the portion down-gradient of LAG-03 where it would be placed in/adjacent to existing road. Footpath access to LAG-03 may require widening, which would require removal of mature redwood trees and undergrowth. At LAG-04, the pipeline would be suspended across Y Creek on existing footbridge"

The footpath access on the western side of the canyon down to the stream crossing LAG-03 are on my parcel and if this Alternative 2 is ultimately chosen I would like to be kept informed by the City regarding all aspects of the project. If Alternative 2 or Alternative 3 is recommended by Staff, I would also like to have binding assurances that the area on my property will be sensitively protected in connection with the pipeline installation and maintenance. I request that the City agree to meet with me (and if I request it an attorney of my choosing) to discuss legal and environmental issues prior to each of the following phases of the project:

- (1) City Council Meeting to select Alternative;
- (2) City execution of contract for the project;
- (3) Commencement of work on the project (with this meeting to include the selected contractor).

There is also financial gain involved with the "removal of mature redwood trees" and I would like that to be addressed as well.

Thank you for your time and the diligent work that has been given to this project.

Respectfully,

Bonnie Bassett

2807 Smith grade
SC 95060

Parcel # 062-141-07

currently living at

3632 18th St

San Francisco, CA 94110

Response

Bonnie Bassett

May 20, 2005

Bassett-1

All of the parties who were originally notified of the preparation of the Draft PEIR will be advised of the public hearing where the City Council could certify the Final PEIR following any additional public comments. Regarding project level questions, such as which trees might be removed, etc., such matters would be addressed at the project level under separate environmental review.

CITY OF SANTA CRUZ
NORTH COAST SYSTEM REHABILITATION PROJECT
DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)
SANTA CRUZ, CALIFORNIA

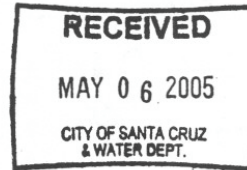
Public Comment Card

Please use the reverse side of this comment card to submit comments on the North Coast System Rehabilitation Project draft EIR.

Name: Peter and Christiane YOUNG
Mailing Address: 283 Meadow Road
Street, State, ZIP: Santa Cruz CA 95060
Affiliation (if any): _____
Date: May 1, 2005

To submit comments: *(please submit your comments by only one means):*

- Turn in at end of tonight's meeting
- Mail to: City of Santa Cruz
809 Center Street, Room 102
Santa Cruz, California 95060
Attn: Ms. Linette Almond
- Fax to: Fax: (831) 420-5201



Comments must be postmarked by May 21, 2005

Comments: We live in a residential neighborhood of Santa Cruz
and have the NCP pipeline running through our property, between
the house and garage. We also seem to be at the highest point of the
line, where there is an air release valve. This causes noise and
releases water as well as air. Despite remedial work by the water
board it is still a nuisance.

We strongly support the proposed re-routing of the NCP. The
new route follows main roads and so will have much less impact
on residences than the current route. The new route will remove
the nuisance of the air release valve. By contrast, replacing the
pipeline in its existence route would cause major damage to our
property (driveway, fences, trees etc.) and considerable inconvenience.
The same would be true for other property owners on the current route of
the NCP.

Response

Peter & Christiane Young
May 1, 2005

Young-1

Comment noted.