



Staff Report to the Zoning Administrator

Application Number: **201188**

Applicant: City of Watsonville

Agenda Date: March 12, 2021

Owner: State of California

Agenda Item #: 2

APN: 052-091-41 & public right of way

Time: After 9:00 a.m.

Site Address: No situs (Lee Road and Harkins Slough Road)

Project Description: Proposal to construct a multiple use (bicycle and pedestrian) pathway, including construction of a new bridge over Struve Slough, connecting Pajaro Valley High School with the City of Watsonville trail system along Lee Road. Requires a Coastal Development Permit, Riparian Exception and Preliminary Grading Review.

Location: Project located along the roadside of Harkins Slough Road and Lee Road in Watsonville.

Permits Required: Coastal Development Permit, Riparian Exception

Supervisory District: 2nd District (District Supervisor: Zach Friend)

Staff Recommendation:

- Adopt the attached resolution (Exhibit A) to adopt the Mitigated Negative Declaration per the requirements of the California Environmental Quality Act.
- Approval of Application 201188, based on the attached findings and conditions.

Project Description & Setting

This application is a proposal to construct a 1.4 mile long multiple use (bicycle and pedestrian) pathway along the side of Lee Road and Harkins Slough Road in the Watsonville area. The proposed pathway would provide a connection between the City of Watsonville trail system and the Pajaro Valley High School.

The project area spans from and includes portions of the City of Watsonville along Lee Road, across Struve Slough (in a section which is currently closed and subject to regular flooding) on a new proposed bridge, would continue along the east side of Lee Road to Harkins Slough Road and terminate at the Pajaro Valley High School. The proposed pathway would be partially located on property owned by the California Department of Fish and Wildlife (APN 052-091-14) in a proposed easement. The project area is characterized as urban and industrial with some agricultural uses to the south of Struve Slough, with agricultural uses and open space conservation land in the area to the north of Struve Slough.

Zoning & General Plan Consistency

The project is located along the roadside and within the road right of way of Lee Road and Harkins Slough Road. The segment located within the unincorporated County of Santa Cruz jurisdiction is located in the PR-W-AIA (Parks, Recreation & Open Space - Watsonville Utility Prohibition & Airport Combining District) zone district, a designation which allows parks, recreation, and open space uses. CA (Commercial Agricultural) land is present on the opposite side of Lee Road from the proposed pathway. The proposed multiple use pathway is a permitted use within the zone district and the zoning is consistent with the site's O-C (Open Space - Resource Conservation) General Plan designation.

The subject property is located within both the "-W" (Watsonville Utility Prohibition) and "-AIA" (Airport) combining districts. The project is in compliance with the purpose and requirements of the "-W" combining district, in that the proposed pathway would not require an increase in utility service or result in the expansion of urban services into undeveloped/rural areas west of the City of Watsonville.

The project is also in compliance with the purpose and requirements of the "-AIA" combining district, in that the proposed pathway would not interfere with the orderly expansion of airports or expose the public to excessive noise or safety hazards associated with the Watsonville Municipal Airport, which is located one mile to the north.

Multiple Use Pathway

The proposed multiple use (pedestrian and bicycle) pathway would provide a connection between the Pajaro Valley High School and the City of Watsonville trail system. It would promote active transportation to and from the high school and allow recreational use in the area. Much of the pathway will be separated from vehicular traffic and will increase safety for active transportation and recreational trail users.

The multiple use pathway will help to achieve goals stated in the County General Plan and Strategic Plan in the areas of bicycle and pedestrian safety, development of a trail network, and regional/community mobility. The construction of the proposed pathway would improve safety for bicycles and pedestrians as well as opening up a link across Struve Slough on a new bridge constructed within the existing Lee Road right of way (which is currently closed to traffic and is subject to flooding for most of the year).

Biotic Resources & Riparian Exception

Sections of the proposed pathway would cross a wetland area (Struve Slough) on a proposed bridge and be located on resource conservation land (within a new easement adjacent to Lee Road) both of which contain biotic resources. The applicant submitted documentation regarding biological resources on the subject property, with recommendations for protecting the biological resources on the project site and surrounding area. The biotic report has been reviewed and accepted by Environmental Planning staff.

As noted above, a segment of the proposed pathway would be located within a wetland area (Struve

Slough). A Riparian Exception would be required for the location of the proposed improvements within the riparian setback from Struve Slough. The proposed bridge and pathway would be located within the Lee Road right of way, over an existing paved surface that is underwater for most of the year. Non-motorized recreational trails are considered as compatible uses in and adjacent to riparian corridors provided that they do not impair or degrade the riparian plant and animal systems, or water supply values. The location of the proposed bridge and pathway would not result in adverse impacts to the riparian resource as determined through the biotic report review and acceptance by Environmental Planning staff.

Design Review & Scenic Resources

The proposed multiple use pathway complies with the requirements of the County Design Review Ordinance, in that the proposed project would be located adjacent to an existing roadway at ground level, with the proposed bridge being a small scale visual element crossing over the wetland area.

The project is located within a mapped scenic area and will allow trail users to enjoy views of the slough and surrounding agricultural fields. As many as three separate vista points would be provided, to allow people to enjoy scenic views along the pathway.

As designed, the proposed project will not result in a visual impact on scenic resources, surrounding land uses or the natural landscape.

Local Coastal Program Consistency

The proposed multiple use pathway is in conformance with the County's certified Local Coastal Program, in that the pathway is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding area. The proposed pathway would be adjacent to existing roadway improvements and would not result in any adverse impacts that would degrade riparian resources.

The project site is not identified as a priority acquisition site in the County's Local Coastal Program and the proposed pathway will provide additional access and connectivity for bicycles and pedestrians in the region. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Environmental Review

Environmental review has been required for the proposed project per the California Environmental Quality Act (CEQA), including preparation of an Initial Study (Exhibit D). The project was reviewed by the County's Environmental Coordinator and a preliminary determination to issue a Negative Declaration with Mitigations (Exhibit A) was made on 12/23/20. The mandatory public comment period expired on 1/22/21, with comments received from CalTrans advising procedures for the encroachment permit phase of the project.

The environmental review process focused on the potential impacts of the project in the areas of biological and cultural resources. The environmental review process generated mitigation measures that will reduce potential impacts from the proposed development and adequately address these issues.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Adopt the attached resolution (Exhibit A) to adopt the Mitigated Negative Declaration per the requirements of the California Environmental Quality Act.
- **APPROVAL** of Application Number **201188**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.sccoplanning.com

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Exhibits

- A. Mitigated Negative Declaration & Mitigation Monitoring and Reporting Program
- B. Findings
- C. Conditions
- D. Initial Study (CEQA Document)
- E. Project Plans
- F. Comments & Correspondence



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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KATHLEEN MOLLOY, PLANNING DIRECTOR

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MITIGATED NEGATIVE DECLARATION

Project: Watsonville Lee Road Trail Project

APPLICATION #: 201188

APNs: 018-281-63; 018-391-02; 018-392-01; 052-082-02; 052-091-41; 052-221-17; County and City Road ROW

Summary Project Description: The City of Watsonville is proposing the Lee Road Trail Project. The 1.43 mile-long trail would generally be a 12-foot wide pedestrian/bicycle trail along the east side of Lee Road, with a 12-foot wide pedestrian/bicycle bridge over the portion of Lee Road extending through (and submerged by) Struve Slough. Additionally, portions of the trail would extend along Harkins Slough Road on the north end to Pajaro Valley High School, along the west side of Lee Road on the south end to the rail trail, and along the unpaved path located on the north side of Watsonville Slough to existing trails on the east side of Highway 1.

Summary Project Location: The project is located along Lee Road, which extends through the City of Watsonville and unincorporated Santa Cruz County on the west side of Highway 1. Santa Cruz County is bounded on the north by San Mateo County, on the south by Monterey and San Benito counties, on the east by Santa Clara County, and on the south and west by the Monterey Bay and the Pacific Ocean.

Owner and Applicant: City of Watsonville

Staff Planner: Randall Adams, (831) 454-3218

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This project will be considered at a public hearing before the Zoning Administrator. The time, date and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project

California Environmental Quality Act Negative Declaration Findings:

Find, that this Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment. The expected environmental impacts of the project are documented in the attached Initial Study on file with the County of Santa Cruz Clerk of the Board located at 701 Ocean Street, 5th Floor, Santa Cruz, California.

Review Period Ends: January 22, 2021

Date: December 23, 2020

Matt Johnston

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County of Santa Cruz

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MITIGATION MONITORING AND REPORTING PROGRAM for Application No. 201188

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Biological Resources				
BIO-1	<p>CRLF Protection Measures during Construction. During project construction activities, the City shall ensure the following avoidance measures and biological monitoring will be implemented to protect the California red-legged frog (CRLF) and other sensitive wildlife species:</p> <ol style="list-style-type: none"> a. Prior to initiation of construction activities, a USFWS- and CDFW-approved biologist shall prepare a construction monitoring plan that identifies all areas to be protected with exclusion fencing on a 1:1500 scale map (or similar scale determined to be practicable), and all areas requiring monitoring by a USFWS- and CDFW-approved biologist. b. Prior to initiation of construction activities, the agency-approved biologist shall conduct an environmental training for all construction personnel. The training shall include a description of CRLF and its habitat, and measures to protect CRLF, and other sensitive wildlife species known or with potential to occur (WPT, nesting avian species, San Francisco dusky-footed woodrat, and roosting bats) in the Project alignments and surroundings. c. Prior to initiation of construction activities, the construction contractor shall install exclusion fencing (solid silt fencing) in specified areas along the project boundaries, 2.0 feet below grade and 3.0 feet above grade, with wooden stakes at intervals of not more than 5.0 feet. The fence shall be maintained in working order for the duration of construction activities. The agency-approved biologist or designated trained construction monitor shall inspect the fence daily and notify the construction foreman when fence maintenance is required. The fence shall allow for wildlife passage across the Project Area at intervals to be determined in conjunction with USFWS and CDFW. d. If feasible, construction activities within and adjacent to the CDFW Reserve, Struve Slough, and Watsonville Slough shall take place during the dry season and before the first rain of the season, especially vegetation removal and work in or near Struve Slough. Avoid working at night or during rain events when special-status amphibians and mammals are generally more active. Consult weather forecasts from the National Weather Service at least 72 hours prior to performing work. e. During vegetation removal in or adjacent to the CDFW Reserve and construction within or adjacent to Struve Slough and Watsonville Slough, with the authorization of the USFWS and CDFW, the agency-approved biological monitor will be present (or on call) to relocate CRLF (and WPT) as needed. The approved biologist shall have the authority to stop work that may result in the "take" of a special-status species. The biologist will thoroughly check all vegetation for CRLF, WPT, and other wildlife species prior to vegetation removal activities. f. The approved biologist or construction monitor will check under all equipment for wildlife before use. If any special-status wildlife is observed under equipment or within the work 	City with construction supervisor and agency-approved biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>area, the approved biologist will be permitted to handle and relocate it.</p> <p>g. At the end of each work day, excavations shall be secured with a cover, or a ramp installed to prevent wildlife entrapment.</p> <p>h. All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.</p>			
BIO-2	<p>Conceptual Mitigation Plan for California Red Legged Frog and Other Sensitive Resources. To minimize take of CRLF and degradation of its habitat during trail operation, the City will retain an agency-approved biologist to develop a Conceptual Mitigation Plan (CMP) for CRLF and other sensitive resources. The details of the CMP will be developed in consultation with USFWS and CDFW, with input from collaborative partners Watsonville Wetlands Watch and, if determined to be appropriate and beneficial, the Land Trust of Santa Cruz County. The CMP will include the following components:</p> <ul style="list-style-type: none"> a. Identification and mapping of occupied and potential CRLF aquatic (breeding and non-breeding), upland, refuge, movement, and dispersal habitat within and adjacent to the CDFW Reserve, proposed Struve Slough Bridge crossing, and channelized Watsonville Slough. b. Strategies to protect these areas from take of individual CRLF or degradation associated with trail operation. c. Monitoring of CRLF habitat (at a frequency to be determined in consultation with the agencies) by an agency-approved biologist to ensure degradation of habitat is not occurring. The monitor will confirm that protective maintenance measures are being implemented, including restricting mowing and pruning to the dry season (typically from April 15 to October 15). d. Adaptive management strategies to modify and/or supplement existing mitigation measures, in the event that the monitoring biologist identifies degradation of CRLF habitat. e. Humane removal of non-native predators in off-channel ponds or other potential breeding ponds lacking direct connection to the larger slough system. f. Communication protocol for local law enforcement and public works representatives to enforce parking restrictions along Lee Road and immediately alert Watsonville Wetlands Watch, CDFW Reserve Representatives, and/or the assigned monitoring biologist in the event that illegal encampments or other degradation of CRLF habitat is observed. <p>For efficiency, this CMP for CRLF protection could be integrated with the CMP developed to mitigate impacts to sensitive habitats and displaced wetlands (described in Mitigation Measures BIO-7 and BIO-10, respectively), such as creation or enhancement of off-channel breeding habitat within the CDFW Reserve or on Watsonville Slough Farm, and planting of adjacent refuge habitat with native vegetation.</p>	City with agency-approved biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to, during and after construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
BIO-3	<p>Nesting Bird Protection Measures. To protect nesting birds, the City in coordination with the construction contractor and a qualified biologist, will implement the following avian protection measures prior to and during construction:</p> <ol style="list-style-type: none"> a. The avian breeding season occurs between February 1 and September 1. If feasible, perform vegetation removal activities within or near the CDFW Reserve and along Watsonville Slough outside of breeding bird season to avoid direct harm or mortality to potential nesting bird species and other sensitive biological resources. b. For all project activities initiated during the breeding bird season, or if construction activities lapse for a period of two weeks or more during breeding bird season, a qualified biologist will conduct a breeding bird survey for nesting birds, including raptors. Surveys will be conducted within 15 days prior to beginning project activities and will include all work, staging, and access areas and a minimum buffer radius of 400 meters (or more as determined by the resource agencies). The survey will include potential habitat for sensitive and common raptors and other nesting avian species known to occur within the Study Area (grassland, coastal scrub, arroyo willow riparian, freshwater marsh, non-native forest/eucalyptus grove). c. If no nesting sensitive or common avian species are observed during breeding bird surveys no additional measures will be required. d. If common nesting birds are observed within or adjacent to (within 90 meters or 300 feet) vegetation proposed for removal, vegetation removal activities will be postponed until young have fledged to avoid direct harm or mortality of nesting birds and/or establish buffers depending on the activity and appropriate to the species, as determined by the qualified biologist. e. Sensitive bird species, if nesting in or near the Project Area, will be given special consideration and may require additional protective measures as determined through consultation with the relevant agency (USFWS or CDFW), such as protective buffers: <ul style="list-style-type: none"> • bald eagle: 400 meters (1,300 feet) • northern harrier, white-tailed kite, and other raptors: 90 meters (300 feet) • lawrence's goldfinch, grasshopper sparrow: 25 meters (75 feet) • oak titmouse: 15 meters (50 feet) f. Destruction of fossorial mammal burrows will be avoided to the greatest extent feasible. g. If any work is performed within or adjacent to the CFDW Reserve, Struve Slough, or Watsonville Slough during the burrowing owl and tricolored blackbird wintering period (from November to March), a qualified burrowing owl biologist will conduct a survey for these species and include the project area and suitable habitat within 150 meters (490 feet). A qualified burrowing owl biologist will have: 1) familiarity with the species and its local ecology; 2) experience conducting habitat assessments and non-breeding and breeding season surveys, or experience with these surveys conducted under the direction of an experienced surveyor; 3) familiarity with the appropriate state and federal statutes related to burrowing owls, scientific research, and conservation; and 4) experience with analyzing impacts of development on burrowing owls and their habitat. If burrowing owls are detected: <ul style="list-style-type: none"> • place visible markers near occupied burrows and fence off suitable habitat • avoid direct destruction of burrows, and • include the burrowing owl in the environmental training for construction personnel. 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
BIO-4	<p>San Francisco Dusky-Footed Woodrat Protection Measures. To protect San Francisco dusky-footed woodrat, the City in coordination with the construction contractor and a qualified biologist, will implement the following protection measures prior to and during construction:</p> <ol style="list-style-type: none"> a. Prior to construction, a qualified biologist shall conduct a preconstruction survey for woodrat houses, and clearly flag all houses within the construction impact area and immediate surroundings. b. The construction contractor shall avoid woodrat houses to the extent feasible by installing a minimum 10-foot (preferably 25-foot) buffer with silt fencing or other material that shall prohibit encroachment. If this buffer and avoidance is not feasible, the qualified biologist shall allow encroachment into the buffer, but retain microhabitat conditions such as shade, cover and adjacent food sources. c. If avoidance of woodrat houses is not possible, in coordination with CDFW, a qualified biologist shall develop and implement a San Francisco Dusky-footed Woodrat Relocation Plan (an example is provided in Appendix F of the Biotic Report, which is Attachment D of the IS/MND). 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities
BIO-5	<p>Roosting Bat Protection Measures. To protect roosting bats, the City, in coordination with the construction contractor and a qualified biologist, will implement the following protection measures to protect maternity roosts, individual roosts and winter hibernacula prior to and during construction:</p> <ol style="list-style-type: none"> a. If feasible, conduct limbing/tree removal operations between September 15 and November 1 to avoid bat maternity roosts and winter hibernacula, as well as other sensitive biological resources. b. During all months, prior to limbing/tree removal, a qualified biologist shall conduct a pre-construction survey for bats to determine if crevice or foliage roosting bats are present, as follows: <ul style="list-style-type: none"> • a qualified biologist shall determine if bats are utilizing the site for roosting. For any trees/snags that could provide roosting space for cavity or foliage-roosting bats, potential bat roost features shall be thoroughly evaluated to determine if bats are present. Visual inspection and/or acoustic surveys shall be utilized as initial techniques. If roosting bats are found, the biologist shall develop and implement acceptable passive exclusion methods in coordination with or based on CDFW recommendations. If feasible, exclusion shall take place during the appropriate windows (between September 1 and November 1) to avoid harming bat maternity roosts and/or winter hibernacula. (Authorization from CDFW is required to evict winter hibernacula for bats). • if established maternity colonies are found, in coordination with CDFW, a buffer shall be established around the colony to protect pre-volant young from construction disturbances until the young can fly; or implement other measures acceptable to CDFW. • if a tree is determined not to be an active roost site for roosting bats, it may be immediately limbed or removed as follows: If foliage roosting bats are determined to be present, limbs shall be lowered, inspected for bats by a bat biologist, and chipped immediately or moved to a dump site. Alternately, limbs may be lowered 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>and left on the ground until the following day, when they can be chipped or moved to a dump site. No logs or tree sections shall be dropped on downed limbs or limb piles that have not been in place since the previous day.</p> <ul style="list-style-type: none"> • if the tree is not limbed or removed within four days of the survey, the survey efforts shall be repeated. 			
BIO-6	<p>Sensitive Habitat Protection Measures during Construction. To protect sensitive habitat, the City in coordination with the construction contractor and a qualified biologist, will implement the following protection measures prior to and during construction:</p> <ol style="list-style-type: none"> Minimize the construction footprint, including removal or disturbance of existing vegetation, as feasible. Stage equipment in ruderal and developed areas only. Confine project activities and operation of equipment and vehicles, including site access and parking, to designated staging areas to the greatest extent feasible. Within the CDFW Reserve, access the trail alignment from the Lee Road side to the greatest extent feasible. Fence off coastal scrub and other sensitive habitats to prevent encroachment, and protect edge habitats wherever feasible. Avoid grubbing and construction within 100 feet of the edge of sensitive habitats, where feasible. Restrict and minimize access roads into Struve Slough to the greatest extent feasible. Clean all equipment caked with mud, soils, or debris from offsite sources or previous project sites prior to staging equipment on site to avoid introducing or spreading invasive exotic plant species into the adjacent remaining habitats. All equipment used on the premises should be cleaned prior to leaving the site for future projects. Revegetate coastal scrub and arroyo willow riparian forest that is temporary or permanently removed, so there is no net loss, with locally-sourced native plantings. Adjacent non-native grassland and ruderal habitats may also be planted with native vegetation, preserving edge effects, where appropriate. Upon project completion, areas remaining outside the project footprint will be planted with a planting palette of suitable native species. This will include using a native seed mix and container plants where appropriate. The native seed mix will be developed in coordination with Watsonville Wetlands Watch and CDFW to ensure proper species selection and application rates. Sterile barley or wheat may be used as erosion control in the first year following disturbance but the seed must have a minimum purity of 95 percent and 85 percent germination rate. A preliminary seed mix recommended for revegetation is included in Appendix H of the Biotic Report, which is Attachment D of the IS/MND. In areas within, outside and adjacent to the project footprint, remove invasive species, particularly those designated by Cal-IPC as having moderate to high potential for “severe ecological impacts on physical processes, plant and animal communities, and vegetation structure”. Where temporary impacts to sensitive habitats (e.g., coastal scrub or arroyo willow riparian forest) occur, re-vegetate as needed with locally-sourced native plantings. Adjacent non-native grassland and ruderal habitats may also be planted with native vegetation, preserving edge effects, where appropriate. 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
BIO-7	<p>Conceptual Mitigation Plan for Sensitive Habitat. To compensate for the loss of the non-native grassland buffer, and to minimize degradation of sensitive habitats during trail operation, the City will retain a qualified biologist to develop a Conceptual Habitat Mitigation Plan (CMP). The details of the CMP will be developed in consultation with CDFW, Watsonville Wetlands Watch and, if determined to be appropriate and beneficial, the Land Trust of Santa Cruz County. The CMP will include the following components:</p> <ol style="list-style-type: none"> Strategies to protect sensitive habitat from degradation associated with trail operation and to enhance core areas to improve habitat values. Monitoring of sensitive habitat (at a frequency to be determined in consultation with the agencies) by a qualified biologist to ensure degradation is not occurring and invasive weeds are eradicated to prevent further encroachment into sensitive habitat areas. Adaptive management strategies to modify and/or supplement existing mitigation measures, in the event that the monitoring biologist identifies degradation of sensitive habitat. Communication protocol for local law enforcement and public works representatives to immediately alert Watsonville Wetlands Watch, CDFW Reserve Representatives, and/or the assigned monitoring biologist in the event that illegal encampments or other degradation of sensitive habitats are observed. <p>For efficiency, this CMP for sensitive habitat protection could be integrated with the CMP developed to mitigate impacts to CRLF habitat and displaced wetlands (described in Mitigation Measures BIO-2 and BIO-10, respectively), such as the creation or enhancement of sensitive habitats within the CDFW Reserve or on Watsonville Slough Farm.</p>	City with qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to, during and after construction activities
BIO-8	<p>Wetlands Protection Measures during Construction. The City, in coordination with the construction contractor and qualified biologist, will implement the following wetlands protection measures during construction near Struve Slough:</p> <ol style="list-style-type: none"> Avoid or minimize disturbance to palustrine emergent wetlands (seasonal wetland, seep, and freshwater marsh), and aquatic habitats by having a qualified biologist identify fencing limits for the work, staging, and access areas; and restrict all activity to within this footprint. Where feasible, avoid grubbing and construction within 100 feet of the edge of wetlands and other waters per the County's Sensitive Habitat Protection and Riparian Corridor and Wetlands Protection ordinances (SCCC 16.30 and 16.32). Restrict access roads into Struve Slough and minimize access roads to the greatest extent feasible. 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities
BIO-9	<p>Wetland Replacement. The City in coordination with a qualified biologist will replace and/or enhance displaced wetlands (seasonal wetland and freshwater marsh) at a ratio to be determined in consultation with regulatory agencies. Typical mitigation ratios vary between 2:1 and 4:1 depending on the quality of the displaced habitat. The size and location of the wetland would be developed in the Conceptual Mitigation Plan (refer to Mitigation Measure BIO-11). On site mitigation (i.e., within the CDFW Reserve and along channelized Watsonville Slough) would be the</p>	City with qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and	Within one year of completion of construction

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>preferred location for the mitigation wetland(s). The Land Trust of Santa Cruz County also proposed Watsonville Slough Farm (located adjacent to the CDFW Reserve on the west side of Lee Road) as an alternate wetland mitigation site. A memo developed by Watsonville Wetlands Watch, identifying potential mitigation sites is included in Appendix H of the Biotic Report, which is Attachment D of the IS/MND. This memo outlines several viable areas for wetland creation and enhancement, including with the CDFW Reserve. Site reconnaissance and advanced planning for these locations indicate these area would meet the objectives for long-term benefits to wetland resources and wildlife within the Watsonville Sloughs system.</p>		<p>Construction supervisor or qualified consultant representative assigned to overall construction monitoring.</p>	
BIO-10	<p>Conceptual Mitigation Plan for Wetlands Habitat. The City will retain a qualified biologist to develop a conceptual mitigation plan (CMP) for wetlands habitat. The details of the CMP will be developed in consultation with USFWS, CDFW, Regional Water Quality Control Board, and Watsonville Wetlands Watch and include the following components:</p> <ul style="list-style-type: none"> a. Description of the Lee Road Trail Project including acreage of temporary and permanent impacts to palustrine emergent wetland, arroyo willow riparian, freshwater marsh, and aquatic habitat (Struve Slough and Watsonville Slough), as identified in the formal delineation of jurisdictional wetlands and other Waters of the U.S. b. Goals of compensatory mitigation project including types and areas of wetland and aquatic habitat to be created, restored, and/or enhanced, and mitigation ratios (created/restored/enhanced : impacted). c. Location and acreage of wetland and riparian mitigation areas including size and ownership status (refer to Appendix H of the Biotic Report, which is Attachment D of the IS/MND). d. Detailed construction and planting techniques. e. Replacement in kind of fresh water marsh vegetation that is temporarily or permanently lost. Replacement vegetation for temporary loss will occur by natural recruitment (which occurs if roots remain near freshwater marsh) or, where necessary, by replacement planting. Replacement vegetation for permanent loss will occur through replacement or enhancement. f. Replacement of all non-native tree and shrub vegetation with native, locally-sourced vegetation. The non-native tree to be removed for trail construction (at southern Struve Slough Bridge approach) will be replaced with native trees. Any permanent disturbance to coastal scrub or riparian habitat will be mitigated through in kind replacement and/or enhancement. g. Description and design of habitat requirements for special-status wildlife, including CRLF, occupying wetland and aquatic habitats. h. Maintenance activities during the monitoring period, including replanting native wetland and riparian vegetation and weed removal, that will not result in take of CRLF. i. Strategies for protecting the habitat values of the CDFW Reserve, Struve Slough, and Watsonville Slough, including wildlife movement. j. Long-term quantitative and qualitative monitoring and reporting, documenting ability to meet or surpass performance criteria. k. Adaptive management strategies to ensure long-term viability of mitigation areas. <p>For efficiency, this CMP for displaced wetlands could be integrated with the CMP developed to</p>	<p>City with qualified biologist</p>	<p>Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.</p>	<p>Prior to, during and after construction activities</p>

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	mitigate impacts to CRLF and sensitive habitats (described in Mitigation Measures BIO-2 and BIO-7, respectively).			
BIO-11	<p>Replacement Tree(s) and Native Vegetation for Significant Tree Removal. The City will ensure the following measures are implemented:</p> <ul style="list-style-type: none"> a. The southern Struve Slough Bridge approach will be revegetated with native vegetation suitable to the location such as: blue elderberry (<i>Sambucus nigrum</i>), coffeeberry (<i>Frangula californica</i>), Indianhemp dogbane (<i>Apocynum cannabinum</i>), California blackberry (<i>Rubus ursinus</i>), and wild rose (<i>Rosa californica</i>). Although these species are not tree species, this palette is more suitable than trees to the natural landscape in this location. b. To fulfill the condition of approval to replace Significant Trees within the County Coastal Zone, and to mitigate for impacts elsewhere along the trail, Native tree(s) will be planted as a component of Mitigation BIO-7: Conceptual Mitigation Plan for Sensitive Habitat (#2 above). The mitigation location for tree replacement and selection of tree species will be determined by a qualified biologist in conjunction with the County, CDFW, and Watsonville Wetlands Watch. Native tree(s) suitable to the proposed mitigation location for mitigation and the planting plan will be approved at replacement ratio determined by the County prior to implementation. 	City with qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Within one year of completion of construction
Cultural Resources				
CR-1	<p>Conditions of Approval to Minimize Impacts to Cultural Resources and Tribal Cultural Resources. Prior to and during construction, the City of Watsonville will implement the following measures:</p> <ul style="list-style-type: none"> a. Prior to any site disturbance, a pre-construction meeting shall be conducted. The purpose of the meeting will be to ensure that the conditions set forth in the proposed project description and permit requirements are communicated to the various parties responsible for constructing the project. The meeting shall involve all relevant parties including the project proponent, construction supervisor, the project Archaeologist, and the Native American Monitor. b. A California trained Archaeologist and qualified trained Native American Monitor shall be on site during all ground-disturbing activities in the vicinity of CA-SCR-107 and any other areas where monitoring is determined necessary through Native American Consultation and pre-construction testing. Both monitors shall have the authority to stop construction to implement the Archaeological Treatment Plan if necessary. c. A Construction Monitoring Plan for Cultural Resources and Human Remains shall be prepared by a qualified Archaeologist. This formal monitoring plan shall be intended to provide a detailed outline for targeted archaeological monitoring of construction in the project area. The monitoring plan shall be a standalone document prepared in conjunction with the Archaeological Treatment Plan. d. In consultation with Native American Tribes and the County, an Archaeological Treatment Plan shall be prepared by a qualified archaeologist for implementation during all ground disturbance associated with the project (including archaeological testing activities). The Archaeological Treatment Plan shall outline the treatment of archaeological resources encountered during ground disturbance and shall include the following at minimum: 	City with construction supervisor, project archaeologist, and Native American monitor.	Compliance monitored by qualified archaeologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<ul style="list-style-type: none"> • Background information that summarizes the sensitivity of the project area for archaeological resources and significant Native American Cultural Sites. • Description of the specific locations and methods of pre-construction archaeological testing activities for the two different construction phases as outlined below: <ul style="list-style-type: none"> ○ Testing shall be undertaken to the maximum depth of planned project impacts with a Native American monitor present at all times. ○ The goal of this testing shall be to determine if intact archaeological deposits or ancestral human remains survive in these locations, assess the nature of these deposits, and recommend any additional protective measures to be implemented. ○ Archaeological testing for Phase 1 on the north side of Struve Slough shall be comprised of clearing/mowing of vegetation along the trail alignment, additional surface surveys to identify any necessary testing locations, and excavation of a series of shovel probes to be determined in coordination with a Native American representative. ○ Archaeological testing for Phase 2 on the south side of Struve Slough shall be undertaken on both sides of Lee Road, using hand and/or mechanical excavation methods, in locations determined in coordination with a Native American representative. Specific care and instructions should be directed to where the previously recorded Costanoan-Ohlone Cemetery Site (CA-SCR-107) intersects with proposed ground disturbing project activities. • Avoidance and preservation in place is the preferred method of treatment. Archaeological resources shall be avoided and preserved in place as much as feasible. Reasonable efforts shall be made to preserve archaeological resources in place or leave in an undisturbed state. • Describe the methods for identification, evaluation, and treatment of any discoveries (e.g., leave in place and cap based on Native American recommendations). • Outline the notification procedures given in SCCC Chapter 16.40 for discovery of archaeological resources and human remains. • If disturbance is unavoidable, the preferred method of treatment would be to record any data necessary to adequately document the scientifically consequential information from and about the disturbed historical resource, and then return all artifacts as close to their original location as possible before capping or covering with soil. e. All construction personnel working on the project shall receive cultural sensitivity training conducted by a California trained Archaeological monitor and qualified trained Native American Monitor. Cultural sensitivity training shall occur before a person is authorized to work at the project site. f. Pursuant to section 16.40.040 of the SCCC, if archaeological resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the following notification procedures given in SCCC Chapter 16.40. <ul style="list-style-type: none"> • Pursuant to section 16.40.040 of the SCCC, and California Health and Safety Code sections 7050.5-7054, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible 			

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>persons will immediately cease and desist from all further site excavation and notify the Sheriff-Coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archaeological report will be prepared, and representatives of local Native American Indian groups shall be contacted. If it is determined that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. Pursuant to Public Resources Code section 5097, the descendants will complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. Disturbance will not resume until the significance of the resource is determined and appropriate mitigations to preserve the resource on the site are established.</p>			

A.2 Mitigation Measures Required for Each Section of the Watsonville Lee Road Trail Project by

Mitigation Measure	Lee Road North	Struve Slough Bridge	Lee Road Middle	Watsonville Slough	Lee Road South ¹
	Phase 1	Phase 2	Phase 2	Phase 2	Phase 3
BIO-1: CRLF Protection Measures during Construction	X	X	X	X	X
BIO-2: Conceptual Mitigation Plan for California Red Legged Frog and Other Sensitive Resources	X	X	X	X	X
BIO-3: Nesting Bird Protection Measures	X	X	X	X	X
BIO-4: San Francisco Dusky-Footed Woodrat Protection Measures	X	X	X	X	X
BIO-5: Roosting Bat Protection Measures	X	X	X	X	X
BIO-6: Sensitive Habitat Protection Measures during Construction	X	X	X	X	X
BIO-7: Conceptual Mitigation Plan for Sensitive Habitat	X	X	X	X	X
BIO-8: Wetlands Protection Measures during Construction	X	X		X	X
BIO-9: Wetland Replacement	X	X		X	X
BIO-10: Conceptual Mitigation Plan for Wetlands Habitat	X	X		X	X
BIO-11: Replacement and Native Vegetation for Significant Tree Removal ²		X	X		
CR-1: Conditions of Approval to Minimize Impacts to Cultural Resources and Tribal Cultural Resources	X	X	X	X	X

¹ The Watsonville Slough culvert (under Lee Road) replacement is part of the Lee Road South section.

²This mitigation is for removal of the existing 72-inch DBH eucalyptus tree, which is on the border of the Struve Slough Bridge and Lee Road Middle sections

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding can be made, in that the property is zoned PR-W-AIA (Parks, Recreation & Open Space - Watsonville Utility Prohibition & Airport Combining District), a designation which allows open space and recreational uses. The proposed multiple use pathway is an allowed use within any zone district, and the zoning is consistent with the site's O-C (Open Space - Resource Conservation) General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposed multiple use pathway will be constructed within the public road right of way of Lee Road and Harkins Slough Road. The portions of the pathway that will be constructed on the State of California parcel (APN 052-091-41) will be located within an easement for such purpose adjacent to Lee Road.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the proposed project would be located adjacent to an existing roadway at ground level, with the proposed bridge being a small scale visual element crossing over the wetland area. As designed, the proposed project will not result in a visual impact on scenic resources, surrounding land uses or the natural landscape.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that the project site is not identified as a priority acquisition site in the County Local Coastal Program and the proposed pathway will provide additional access and connectivity for bicycles and pedestrians in the region, consistent with Objective 7.6 of the County General Plan/LCP.

5. That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the proposed project will improve bicycle and pedestrian access in the area and will not adversely impact sensitive habitat or scenic resources.

6. If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Additionally, the proposed project will improve public access and connectivity in the area. The proposed multiple use pathway will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located within and adjacent to an existing public right of way intended for transportation uses. Bridge construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure the optimum in safety and the conservation of energy and resources.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the multiple use pathway and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the PR-W-AIA (Parks, Recreation & Open Space - Watsonville Utility Prohibition & Airport Combining District), a designation which allows open space and recreational uses.

The project is in compliance with the purpose and requirements of the "-W" combining district (SCCC 13.10.491 et seq.), in that the proposed pathway would not require an increase in utility service or result in the expansion of urban services into undeveloped/rural areas west of the City of Watsonville.

The project is in compliance with the purpose and requirements of the "-AIA" combining district (SCCC 13.12 et seq.), in that the proposed pathway would not interfere with the orderly expansion of airports or expose the public to excessive noise or safety hazards associated with the Watsonville Municipal Airport, which is located one mile to the north. The northernmost one-quarter mile of the proposed trail alignment is located within Safety Zone 6 (Traffic Pattern Zone) which is the area of least risk for airport conflicts and accidents. The proposed project consists of a pathway located at grade and one bridge across Struve Slough that would not project above the height of other structures or vertical elements in the project vicinity.

The proposed pathway would cross Struve Slough (a wetland area) within the Lee Road right of way. The project is in compliance with the requirements of SCCC 16.30 (Riparian Corridor and Wetlands Protection), in that the location, design and construction of the proposed pathway within and adjacent to existing road rights of way would not adversely affect riparian resources as indicated in the riparian exception findings that have been made for the proposed project.

The project is in compliance with the requirements of SCCC 16.32 (Sensitive Habitat Protection), in that the proposed pathway will be located and constructed in a manner with adequate mitigations to ensure that the project will not adversely affect habitat areas, based on a recommendation of Environmental Planning staff following review and acceptance of the submitted biotic report (per SCCC 16.32.090(C)).

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed pathway will provide additional connectivity for multiple transportation modes without adversely impacting sensitive habitats or natural resources, consistent with the requirements specified for the O-C (Open Space - Resource Conservation) land use designation in the County General Plan.

The project is consistent with the Chapter 3 of the General Plan (Goals: Bikeway System); Objectives 3.9 (Bicycle Safety) and 3.10 (Pedestrian Safety); and Policies 3.8.1 (System Continuity) and 3.8.5 (Regional Continuity), in that the proposed multiple use pathway would provide a connection between the Pajaro Valley High School and the City of Watsonville trail system. The pathway would be separated from the roadway along the northern section of Lee Road and would provide increased safety for bicycle and pedestrian travel in the region.

The project is consistent with General Plan Policy 3.8.11 (Scenic Value), in that the proposed multiple use trail will include scenic vista points along the trail alignment.

The project is consistent with General Plan Policy 5.2.7 (Compatible Uses With Riparian Corridors), in that non-motorized trails are considered as compatible uses in and adjacent to riparian corridors when they do not impair or degrade the riparian plant and animal systems, or water supply values. The location, design, and construction of the proposed bridge and pathway within and adjacent to existing road rights of way would not adversely affect riparian resources as indicated in the riparian exception findings that have been made for the proposed project.

The project is consistent with General Plan Objective 7.6 (Trails and Recreation Corridors), in that the proposed multiple use pathway will function as a recreation corridor and provide a regional connection between jurisdictions.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities, and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed multiple use pathway is to be constructed within and adjacent to an existing public right of way intended for transportation uses. The proposed project will provide for different modes of transportation and will not adversely impact existing roads or intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed multiple use pathway will be located adjacent to an existing roadway at ground level. The project will not affect the land use intensity and density of the neighborhood.

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Owner: State of California

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed multiple use pathway will be located adjacent to an existing roadway at ground level, with the proposed bridge being a small scale visual element crossing over the wetland area and will not reduce or visually impact available open space in the surrounding area.

Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property.

This finding can be made, in that the proposed multiple use pathway would be constructed within and adjacent to existing road right of way. The special circumstances or conditions affecting the subject property are presence of existing transportation facilities within the right of way and the submerged roadway section of Lee Road, necessitating construction of a bridge for the pathway to cross Struve Slough.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.

This finding can be made, in that the pathway and bridge across Struve Slough is an essential connection to allow bicycle and pedestrian travel to occur between the two segments of Lee Road connecting the Pajaro Valley High School to the City of Watsonville trail system. Lee Road is an existing road right of way, which includes transportation improvements. The separated pathway will provide increased safety for bicycle and pedestrian travel.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

This finding can be made, in that the project will allow the use of the existing Lee Road right of way for active transportation and recreational access and will not impact existing water flow or water quality in Struve Slough as the project will utilize appropriate Best Management Practices (BMPs) to prevent erosion and sedimentation from occurring and negatively impacting downstream properties or the wetland habitat.

4. That the granting of the exception, in the coastal zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.

This finding can be made, in that the proposed trail system would be located within the existing road right of way of Lee Road and the proposed bridge will provide an essential connection across Struve Slough. The BMPs utilized in the design of the proposed bridge across Struve Slough will ensure that there will not be adverse impacts to the riparian corridor or properties downstream. Given the existing road right of way alignment and presence of existing roadway on either side of Struve Slough, there are no alternative feasible locations for the proposed bridge crossing that would be less environmentally damaging.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program land use plan.

The purpose of the riparian and wetland protection ordinance is to eliminate or minimize development activities in riparian areas in order to protect wildlife habitat, water quality, open space and to allow for conveyance and storage of floodwaters. Through the riparian exception process, encroachment into riparian areas (for stream crossings or other purposes) can be authorized to allow permitted land uses on subject properties. Additionally, General Plan/Local Coastal Program policy 5.2.7 (Compatible Uses within Riparian Corridors) allows non-motorized recreational trails within riparian corridors and buffer areas when accompanied by a biotic report that has been reviewed and accepted by Environmental Planning staff. The proposed multiple use pathway and bridge crossing Struve Slough has been designed and located in a manner that will minimize impacts to riparian resources, protect wildlife habitat, provide access to open space, while preserving water quality and existing stream channel capacity.

Conditions of Approval

Exhibit E: Project plans, titled "Lee Road Trail", prepared by MME, revised 12/20/20.

- I. This permit authorizes the construction of a multiple use pathway as indicated on the approved Exhibit "E" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain and finalize any easements necessary for pathway construction on the State of California parcel (APN 052-091-41) prior to making any building or grading permit applications with the County of Santa Cruz.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - D. Obtain a Grading Permit from the Santa Cruz County Building Official.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "E" on file with the Planning Department. Any changes from the approved Exhibit "E" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. A copy of the text of these conditions of approval incorporated into the full size sheets of the architectural plan set.
 2. Colors and materials for the proposed bridge. The proposed bridge elements that are visible above the surface of the water shall utilize muted natural tones to blend with the surrounding visual environment, subject to review and approval by Planning Department staff.
 3. Grading, drainage, and erosion control plans.

4. Details showing compliance with fire department requirements.
- B. Meet all requirements of and pay Zone 7 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - C. Meet all requirements of the Environmental Planning section of the Planning Department, including the following:
 1. All requirements of the Cultural Resources Report Review, as stated in the review and acceptance letter dated 10/19/20.
 2. All requirements of the Biotic Report Review, as stated in the review and acceptance letter dated 11/5/20.
 3. All requirements of the Soils Report Review, as stated in the review and acceptance letter dated 12/16/20.
 - D. Submit 3 copies of plan review letters prepared and stamped by the project Geotechnical Engineer.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to any site disturbance or physical construction on the subject property the following condition(s) shall be met:
- A. Pre-Construction Meeting: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: the applicant, grading contractor supervisor, the project biologist, the project archaeologist, and Santa Cruz County Environmental Planning staff. Temporary construction fencing demarcating the disturbance envelope and silt fencing will be inspected at that time. Results of pre-construction biological surveys will also be collected at that time.
- IV. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building and Grading Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. All inspections required by the encroachment permit shall be completed to the satisfaction of the Department of Public Works.
 - D. The project must comply with all recommendations of the approved soils reports.

E. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.

V. Operational Conditions

A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

VI. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.

B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
2. COUNTY defends the action in good faith.

C. Settlement. The applicant/owner shall not be required to pay or perform any settlement

unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.

- D. Successors Bound. The “applicant/owner” shall include the applicant and/or the owner and the successor’(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

VII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation is hereby adopted as a condition of approval for this project. This program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

VIII. Mitigation measures

See attached pages.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

MITIGATION MONITORING AND REPORTING PROGRAM

for
Application No. 201188

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
Biological Resources				
BIO-1	<p>CRLF Protection Measures during Construction. During project construction activities, the City shall ensure the following avoidance measures and biological monitoring will be implemented to protect the California red-legged frog (CRLF) and other sensitive wildlife species:</p> <ol style="list-style-type: none"> a. Prior to initiation of construction activities, a USFWS- and CDFW-approved biologist shall prepare a construction monitoring plan that identifies all areas to be protected with exclusion fencing on a 1:1500 scale map (or similar scale determined to be practicable), and all areas requiring monitoring by a USFWS- and CDFW-approved biologist. b. Prior to initiation of construction activities, the agency-approved biologist shall conduct an environmental training for all construction personnel. The training shall include a description of CRLF and its habitat, and measures to protect CRLF, and other sensitive wildlife species known or with potential to occur (WPT, nesting avian species, San Francisco dusky-footed woodrat, and roosting bats) in the Project alignments and surroundings. c. Prior to initiation of construction activities, the construction contractor shall install exclusion fencing (solid silt fencing) in specified areas along the project boundaries, 2.0 feet below grade and 3.0 feet above grade, with wooden stakes at intervals of not more than 5.0 feet. The fence shall be maintained in working order for the duration of construction activities. The agency-approved biologist or designated trained construction monitor shall inspect the fence daily and notify the construction foreman when fence maintenance is required. The fence shall allow for wildlife passage across the Project Area at intervals to be determined in conjunction with USFWS and CDFW. d. If feasible, construction activities within and adjacent to the CDFW Reserve, Struve Slough, and Watsonville Slough shall take place during the dry season and before the first rain of the season, especially vegetation removal and work in or near Struve Slough. Avoid working at night or during rain events when special-status amphibians and mammals are generally more active. Consult weather forecasts from the National Weather Service at least 72 hours prior to performing work. e. During vegetation removal in or adjacent to the CDFW Reserve and construction within or adjacent to Struve Slough and Watsonville Slough, with the authorization of the USFWS and CDFW, the agency-approved biological monitor will be present (or on call) to relocate CRLF (and WPT) as needed. The approved biologist shall have the authority to stop work that may result in the "take" of a special-status species. The biologist will thoroughly check all vegetation for CRLF, WPT, and other wildlife species prior to vegetation removal activities. f. The approved biologist or construction monitor will check under all equipment for wildlife before use. If any special-status wildlife is observed under equipment or within the work 	City with construction supervisor and agency-approved biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>area, the approved biologist will be permitted to handle and relocate it.</p> <p>g. At the end of each work day, excavations shall be secured with a cover, or a ramp installed to prevent wildlife entrapment.</p> <p>h. All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.</p>			
BIO-2	<p>Conceptual Mitigation Plan for California Red Legged Frog and Other Sensitive Resources. To minimize take of CRLF and degradation of its habitat during trail operation, the City will retain an agency-approved biologist to develop a Conceptual Mitigation Plan (CMP) for CRLF and other sensitive resources. The details of the CMP will be developed in consultation with USFWS and CDFW, with input from collaborative partners Watsonville Wetlands Watch and, if determined to be appropriate and beneficial, the Land Trust of Santa Cruz County. The CMP will include the following components:</p> <ul style="list-style-type: none"> a. Identification and mapping of occupied and potential CRLF aquatic (breeding and non-breeding), upland, refuge, movement, and dispersal habitat within and adjacent to the CDFW Reserve, proposed Struve Slough Bridge crossing, and channelized Watsonville Slough. b. Strategies to protect these areas from take of individual CRLF or degradation associated with trail operation. c. Monitoring of CRLF habitat (at a frequency to be determined in consultation with the agencies) by an agency-approved biologist to ensure degradation of habitat is not occurring. The monitor will confirm that protective maintenance measures are being implemented, including restricting mowing and pruning to the dry season (typically from April 15 to October 15). d. Adaptive management strategies to modify and/or supplement existing mitigation measures, in the event that the monitoring biologist identifies degradation of CRLF habitat. e. Humane removal of non-native predators in off-channel ponds or other potential breeding ponds lacking direct connection to the larger slough system. f. Communication protocol for local law enforcement and public works representatives to enforce parking restrictions along Lee Road and immediately alert Watsonville Wetlands Watch, CDFW Reserve Representatives, and/or the assigned monitoring biologist in the event that illegal encampments or other degradation of CRLF habitat is observed. <p>For efficiency, this CMP for CRLF protection could be integrated with the CMP developed to mitigate impacts to sensitive habitats and displaced wetlands (described in Mitigation Measures BIO-7 and BIO-10, respectively), such as creation or enhancement of off-channel breeding habitat within the CDFW Reserve or on Watsonville Slough Farm, and planting of adjacent refuge habitat with native vegetation.</p>	City with agency-approved biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to, during and after construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
BIO-3	<p>Nesting Bird Protection Measures. To protect nesting birds, the City in coordination with the construction contractor and a qualified biologist, will implement the following avian protection measures prior to and during construction:</p> <ol style="list-style-type: none"> a. The avian breeding season occurs between February 1 and September 1. If feasible, perform vegetation removal activities within or near the CDFW Reserve and along Watsonville Slough outside of breeding bird season to avoid direct harm or mortality to potential nesting bird species and other sensitive biological resources. b. For all project activities initiated during the breeding bird season, or if construction activities lapse for a period of two weeks or more during breeding bird season, a qualified biologist will conduct a breeding bird survey for nesting birds, including raptors. Surveys will be conducted within 15 days prior to beginning project activities and will include all work, staging, and access areas and a minimum buffer radius of 400 meters (or more as determined by the resource agencies). The survey will include potential habitat for sensitive and common raptors and other nesting avian species known to occur within the Study Area (grassland, coastal scrub, arroyo willow riparian, freshwater marsh, non-native forest/eucalyptus grove). c. If no nesting sensitive or common avian species are observed during breeding bird surveys no additional measures will be required. d. If common nesting birds are observed within or adjacent to (within 90 meters or 300 feet) vegetation proposed for removal, vegetation removal activities will be postponed until young have fledged to avoid direct harm or mortality of nesting birds and/or establish buffers depending on the activity and appropriate to the species, as determined by the qualified biologist. e. Sensitive bird species, if nesting in or near the Project Area, will be given special consideration and may require additional protective measures as determined through consultation with the relevant agency (USFWS or CDFW), such as protective buffers: <ul style="list-style-type: none"> • bald eagle: 400 meters (1,300 feet) • northern harrier, white-tailed kite, and other raptors: 90 meters (300 feet) • lawrence's goldfinch, grasshopper sparrow: 25 meters (75 feet) • oak titmouse: 15 meters (50 feet) f. Destruction of fossorial mammal burrows will be avoided to the greatest extent feasible. g. If any work is performed within or adjacent to the CFDW Reserve, Struve Slough, or Watsonville Slough during the burrowing owl and tricolored blackbird wintering period (from November to March), a qualified burrowing owl biologist will conduct a survey for these species and include the project area and suitable habitat within 150 meters (490 feet). A qualified burrowing owl biologist will have: 1) familiarity with the species and its local ecology; 2) experience conducting habitat assessments and non-breeding and breeding season surveys, or experience with these surveys conducted under the direction of an experienced surveyor; 3) familiarity with the appropriate state and federal statutes related to burrowing owls, scientific research, and conservation; and 4) experience with analyzing impacts of development on burrowing owls and their habitat. If burrowing owls are detected: <ul style="list-style-type: none"> • place visible markers near occupied burrows and fence off suitable habitat • avoid direct destruction of burrows, and • include the burrowing owl in the environmental training for construction personnel. 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
BIO-4	<p>San Francisco Dusky-Footed Woodrat Protection Measures. To protect San Francisco dusky-footed woodrat, the City in coordination with the construction contractor and a qualified biologist, will implement the following protection measures prior to and during construction:</p> <ol style="list-style-type: none"> a. Prior to construction, a qualified biologist shall conduct a preconstruction survey for woodrat houses, and clearly flag all houses within the construction impact area and immediate surroundings. b. The construction contractor shall avoid woodrat houses to the extent feasible by installing a minimum 10-foot (preferably 25-foot) buffer with silt fencing or other material that shall prohibit encroachment. If this buffer and avoidance is not feasible, the qualified biologist shall allow encroachment into the buffer, but retain microhabitat conditions such as shade, cover and adjacent food sources. c. If avoidance of woodrat houses is not possible, in coordination with CDFW, a qualified biologist shall develop and implement a San Francisco Dusky-footed Woodrat Relocation Plan (an example is provided in Appendix F of the Biotic Report, which is Attachment D of the IS/MND). 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities
BIO-5	<p>Roosting Bat Protection Measures. To protect roosting bats, the City, in coordination with the construction contractor and a qualified biologist, will implement the following protection measures to protect maternity roosts, individual roosts and winter hibernacula prior to and during construction:</p> <ol style="list-style-type: none"> a. If feasible, conduct limbing/tree removal operations between September 15 and November 1 to avoid bat maternity roosts and winter hibernacula, as well as other sensitive biological resources. b. During all months, prior to limbing/tree removal, a qualified biologist shall conduct a pre-construction survey for bats to determine if crevice or foliage roosting bats are present, as follows: <ul style="list-style-type: none"> • a qualified biologist shall determine if bats are utilizing the site for roosting. For any trees/snags that could provide roosting space for cavity or foliage-roosting bats, potential bat roost features shall be thoroughly evaluated to determine if bats are present. Visual inspection and/or acoustic surveys shall be utilized as initial techniques. If roosting bats are found, the biologist shall develop and implement acceptable passive exclusion methods in coordination with or based on CDFW recommendations. If feasible, exclusion shall take place during the appropriate windows (between September 1 and November 1) to avoid harming bat maternity roosts and/or winter hibernacula. (Authorization from CDFW is required to evict winter hibernacula for bats). • if established maternity colonies are found, in coordination with CDFW, a buffer shall be established around the colony to protect pre-volant young from construction disturbances until the young can fly; or implement other measures acceptable to CDFW. • if a tree is determined not to be an active roost site for roosting bats, it may be immediately limbed or removed as follows: If foliage roosting bats are determined to be present, limbs shall be lowered, inspected for bats by a bat biologist, and chipped immediately or moved to a dump site. Alternately, limbs may be lowered 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>and left on the ground until the following day, when they can be chipped or moved to a dump site. No logs or tree sections shall be dropped on downed limbs or limb piles that have not been in place since the previous day.</p> <ul style="list-style-type: none"> if the tree is not limbed or removed within four days of the survey, the survey efforts shall be repeated. 			
BIO-6	<p>Sensitive Habitat Protection Measures during Construction. To protect sensitive habitat, the City in coordination with the construction contractor and a qualified biologist, will implement the following protection measures prior to and during construction:</p> <ol style="list-style-type: none"> Minimize the construction footprint, including removal or disturbance of existing vegetation, as feasible. Stage equipment in ruderal and developed areas only. Confine project activities and operation of equipment and vehicles, including site access and parking, to designated staging areas to the greatest extent feasible. Within the CDFW Reserve, access the trail alignment from the Lee Road side to the greatest extent feasible. Fence off coastal scrub and other sensitive habitats to prevent encroachment, and protect edge habitats wherever feasible. Avoid grubbing and construction within 100 feet of the edge of sensitive habitats, where feasible. Restrict and minimize access roads into Struve Slough to the greatest extent feasible. Clean all equipment caked with mud, soils, or debris from offsite sources or previous project sites prior to staging equipment on site to avoid introducing or spreading invasive exotic plant species into the adjacent remaining habitats. All equipment used on the premises should be cleaned prior to leaving the site for future projects. Revegetate coastal scrub and arroyo willow riparian forest that is temporary or permanently removed, so there is no net loss, with locally-sourced native plantings. Adjacent non-native grassland and ruderal habitats may also be planted with native vegetation, preserving edge effects, where appropriate. Upon project completion, areas remaining outside the project footprint will be planted with a planting palette of suitable native species. This will include using a native seed mix and container plants where appropriate. The native seed mix will be developed in coordination with Watsonville Wetlands Watch and CDFW to ensure proper species selection and application rates. Sterile barley or wheat may be used as erosion control in the first year following disturbance but the seed must have a minimum purity of 95 percent and 85 percent germination rate. A preliminary seed mix recommended for revegetation is included in Appendix H of the Biotic Report, which is Attachment D of the IS/MND. In areas within, outside and adjacent to the project footprint, remove invasive species, particularly those designated by Cal-IPC as having moderate to high potential for “severe ecological impacts on physical processes, plant and animal communities, and vegetation structure”. Where temporary impacts to sensitive habitats (e.g., coastal scrub or arroyo willow riparian forest) occur, re-vegetate as needed with locally-sourced native plantings. Adjacent non-native grassland and ruderal habitats may also be planted with native vegetation, preserving edge effects, where appropriate. 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
BIO-7	<p>Conceptual Mitigation Plan for Sensitive Habitat. To compensate for the loss of the non-native grassland buffer, and to minimize degradation of sensitive habitats during trail operation, the City will retain a qualified biologist to develop a Conceptual Habitat Mitigation Plan (CMP). The details of the CMP will be developed in consultation with CDFW, Watsonville Wetlands Watch and, if determined to be appropriate and beneficial, the Land Trust of Santa Cruz County. The CMP will include the following components:</p> <ul style="list-style-type: none"> a. Strategies to protect sensitive habitat from degradation associated with trail operation and to enhance core areas to improve habitat values. b. Monitoring of sensitive habitat (at a frequency to be determined in consultation with the agencies) by a qualified biologist to ensure degradation is not occurring and invasive weeds are eradicated to prevent further encroachment into sensitive habitat areas. Adaptive management strategies to modify and/or supplement existing mitigation measures, in the event that the monitoring biologist identifies degradation of sensitive habitat. c. Communication protocol for local law enforcement and public works representatives to immediately alert Watsonville Wetlands Watch, CDFW Reserve Representatives, and/or the assigned monitoring biologist in the event that illegal encampments or other degradation of sensitive habitats are observed. <p>For efficiency, this CMP for sensitive habitat protection could be integrated with the CMP developed to mitigate impacts to CRLF habitat and displaced wetlands (described in Mitigation Measures BIO-2 and BIO-10, respectively), such as the creation or enhancement of sensitive habitats within the CDFW Reserve or on Watsonville Slough Farm.</p>	City with qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to, during and after construction activities
BIO-8	<p>Wetlands Protection Measures during Construction. The City, in coordination with the construction contractor and qualified biologist, will implement the following wetlands protection measures during construction near Struve Slough:</p> <ul style="list-style-type: none"> a. Avoid or minimize disturbance to palustrine emergent wetlands (seasonal wetland, seep, and freshwater marsh), and aquatic habitats by having a qualified biologist identify fencing limits for the work, staging, and access areas; and restrict all activity to within this footprint. b. Where feasible, avoid grubbing and construction within 100 feet of the edge of wetlands and other waters per the County's Sensitive Habitat Protection and Riparian Corridor and Wetlands Protection ordinances (SCCC 16.30 and 16.32). Restrict access roads into Struve Slough and minimize access roads to the greatest extent feasible. 	City with construction supervisor and qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities
BIO-9	<p>Wetland Replacement. The City in coordination with a qualified biologist will replace and/or enhance displaced wetlands (seasonal wetland and freshwater marsh) at a ratio to be determined in consultation with regulatory agencies. Typical mitigation ratios vary between 2:1 and 4:1 depending on the quality of the displaced habitat. The size and location of the wetland would be developed in the Conceptual Mitigation Plan (refer to Mitigation Measure BIO-11). On site mitigation (i.e., within the CDFW Reserve and along channelized Watsonville Slough) would be the</p>	City with qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and	Within one year of completion of construction

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>preferred location for the mitigation wetland(s). The Land Trust of Santa Cruz County also proposed Watsonville Slough Farm (located adjacent to the CDFW Reserve on the west side of Lee Road) as an alternate wetland mitigation site. A memo developed by Watsonville Wetlands Watch, identifying potential mitigation sites is included in Appendix H of the Biotic Report, which is Attachment D of the IS/MND. This memo outlines several viable areas for wetland creation and enhancement, including with the CDFW Reserve. Site reconnaissance and advanced planning for these locations indicate these area would meet the objectives for long-term benefits to wetland resources and wildlife within the Watsonville Sloughs system.</p>		<p>Construction supervisor or qualified consultant representative assigned to overall construction monitoring.</p>	
<p>BIO-10</p>	<p>Conceptual Mitigation Plan for Wetlands Habitat. The City will retain a qualified biologist to develop a conceptual mitigation plan (CMP) for wetlands habitat. The details of the CMP will be developed in consultation with USFWS, CDFW, Regional Water Quality Control Board, and Watsonville Wetlands Watch and include the following components:</p> <ul style="list-style-type: none"> a. Description of the Lee Road Trail Project including acreage of temporary and permanent impacts to palustrine emergent wetland, arroyo willow riparian, freshwater marsh, and aquatic habitat (Struve Slough and Watsonville Slough), as identified in the formal delineation of jurisdictional wetlands and other Waters of the U.S. b. Goals of compensatory mitigation project including types and areas of wetland and aquatic habitat to be created, restored, and/or enhanced, and mitigation ratios (created/restored/enhanced : impacted). c. Location and acreage of wetland and riparian mitigation areas including size and ownership status (refer to Appendix H of the Biotic Report, which is Attachment D of the IS/MND). d. Detailed construction and planting techniques. e. Replacement in kind of fresh water marsh vegetation that is temporarily or permanently lost. Replacement vegetation for temporary loss will occur by natural recruitment (which occurs if roots remain near freshwater marsh) or, where necessary, by replacement planting. Replacement vegetation for permanent loss will occur through replacement or enhancement. f. Replacement of all non-native tree and shrub vegetation with native, locally-sourced vegetation. The non-native tree to be removed for trail construction (at southern Struve Slough Bridge approach) will be replaced with native trees. Any permanent disturbance to coastal scrub or riparian habitat will be mitigated through in kind replacement and/or enhancement. g. Description and design of habitat requirements for special-status wildlife, including CRLF, occupying wetland and aquatic habitats. h. Maintenance activities during the monitoring period, including replanting native wetland and riparian vegetation and weed removal, that will not result in take of CRLF. i. Strategies for protecting the habitat values of the CDFW Reserve, Struve Slough, and Watsonville Slough, including wildlife movement. j. Long-term quantitative and qualitative monitoring and reporting, documenting ability to meet or surpass performance criteria. k. Adaptive management strategies to ensure long-term viability of mitigation areas. <p>For efficiency, this CMP for displaced wetlands could be integrated with the CMP developed to</p>	<p>City with qualified biologist</p>	<p>Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.</p>	<p>Prior to, during and after construction activities</p>

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	mitigate impacts to CRLF and sensitive habitats (described in Mitigation Measures BIO-2 and BIO-7, respectively).			
BIO-11	<p>Replacement Tree(s) and Native Vegetation for Significant Tree Removal. The City will ensure the following measures are implemented:</p> <ul style="list-style-type: none"> a. The southern Struve Slough Bridge approach will be revegetated with native vegetation suitable to the location such as: blue elderberry (<i>Sambucus nigrum</i>), coffeeberry (<i>Frangula californica</i>), Indianhemp dogbane (<i>Apocynum cannabinum</i>), California blackberry (<i>Rubus ursinus</i>), and wild rose (<i>Rosa californica</i>). Although these species are not tree species, this palette is more suitable than trees to the natural landscape in this location. b. To fulfill the condition of approval to replace Significant Trees within the County Coastal Zone, and to mitigate for impacts elsewhere along the trail, Native tree(s) will be planted as a component of Mitigation BIO-7: Conceptual Mitigation Plan for Sensitive Habitat (#2 above). The mitigation location for tree replacement and selection of tree species will be determined by a qualified biologist in conjunction with the County, CDFW, and Watsonville Wetlands Watch. Native tree(s) suitable to the proposed mitigation location for mitigation and the planting plan will be approved at replacement ratio determined by the County prior to implementation. 	City with qualified biologist	Compliance monitored by qualified agency-approved biologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Within one year of completion of construction
Cultural Resources				
CR-1	<p>Conditions of Approval to Minimize Impacts to Cultural Resources and Tribal Cultural Resources. Prior to and during construction, the City of Watsonville will implement the following measures:</p> <ul style="list-style-type: none"> a. Prior to any site disturbance, a pre-construction meeting shall be conducted. The purpose of the meeting will be to ensure that the conditions set forth in the proposed project description and permit requirements are communicated to the various parties responsible for constructing the project. The meeting shall involve all relevant parties including the project proponent, construction supervisor, the project Archaeologist, and the Native American Monitor. b. A California trained Archaeologist and qualified trained Native American Monitor shall be on site during all ground-disturbing activities in the vicinity of CA-SCR-107 and any other areas where monitoring is determined necessary through Native American Consultation and pre-construction testing. Both monitors shall have the authority to stop construction to implement the Archaeological Treatment Plan if necessary. c. A Construction Monitoring Plan for Cultural Resources and Human Remains shall be prepared by a qualified Archaeologist. This formal monitoring plan shall be intended to provide a detailed outline for targeted archaeological monitoring of construction in the project area. The monitoring plan shall be a standalone document prepared in conjunction with the Archaeological Treatment Plan. d. In consultation with Native American Tribes and the County, an Archaeological Treatment Plan shall be prepared by a qualified archaeologist for implementation during all ground disturbance associated with the project (including archaeological testing activities). The Archaeological Treatment Plan shall outline the treatment of archaeological resources encountered during ground disturbance and shall include the following at minimum: 	City with construction supervisor, project archaeologist, and Native American monitor.	Compliance monitored by qualified archaeologist with oversight by the City and Construction supervisor or qualified consultant representative assigned to overall construction monitoring.	Prior to and during construction activities

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<ul style="list-style-type: none"> • Background information that summarizes the sensitivity of the project area for archaeological resources and significant Native American Cultural Sites. • Description of the specific locations and methods of pre-construction archaeological testing activities for the two different construction phases as outlined below: <ul style="list-style-type: none"> ○ Testing shall be undertaken to the maximum depth of planned project impacts with a Native American monitor present at all times. ○ The goal of this testing shall be to determine if intact archaeological deposits or ancestral human remains survive in these locations, assess the nature of these deposits, and recommend any additional protective measures to be implemented. ○ Archaeological testing for Phase 1 on the north side of Struve Slough shall be comprised of clearing/mowing of vegetation along the trail alignment, additional surface surveys to identify any necessary testing locations, and excavation of a series of shovel probes to be determined in coordination with a Native American representative. ○ Archaeological testing for Phase 2 on the south side of Struve Slough shall be undertaken on both sides of Lee Road, using hand and/or mechanical excavation methods, in locations determined in coordination with a Native American representative. Specific care and instructions should be directed to where the previously recorded Costanoan-Ohlone Cemetery Site (CA-SCR-107) intersects with proposed ground disturbing project activities. • Avoidance and preservation in place is the preferred method of treatment. Archaeological resources shall be avoided and preserved in place as much as feasible. Reasonable efforts shall be made to preserve archaeological resources in place or leave in an undisturbed state. • Describe the methods for identification, evaluation, and treatment of any discoveries (e.g., leave in place and cap based on Native American recommendations). • Outline the notification procedures given in SCCC Chapter 16.40 for discovery of archaeological resources and human remains. • If disturbance is unavoidable, the preferred method of treatment would be to record any data necessary to adequately document the scientifically consequential information from and about the disturbed historical resource, and then return all artifacts as close to their original location as possible before capping or covering with soil. e. All construction personnel working on the project shall receive cultural sensitivity training conducted by a California trained Archaeological monitor and qualified trained Native American Monitor. Cultural sensitivity training shall occur before a person is authorized to work at the project site. f. Pursuant to section 16.40.040 of the SCCC, if archaeological resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the following notification procedures given in SCCC Chapter 16.40. <ul style="list-style-type: none"> • Pursuant to section 16.40.040 of the SCCC, and California Health and Safety Code sections 7050.5-7054, if at any time during site preparation, excavation, or other ground disturbance associated with this project, human remains are discovered, the responsible 			

No.	Mitigation Measures	Responsibility for Compliance	Method of Compliance	Timing of Compliance
	<p>persons will immediately cease and desist from all further site excavation and notify the Sheriff-Coroner and the Planning Director. If the coroner determines that the remains are not of recent origin, a full archaeological report will be prepared, and representatives of local Native American Indian groups shall be contacted. If it is determined that the remains are Native American, the Native American Heritage Commission will be notified as required by law. The Commission will designate a Most Likely Descendant who will be authorized to provide recommendations for management of the Native American human remains. Pursuant to Public Resources Code section 5097, the descendants will complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. Disturbance will not resume until the significance of the resource is determined and appropriate mitigations to preserve the resource on the site are established.</p>			

A.2 Mitigation Measures Required for Each Section of the Watsonville Lee Road Trail Project by

Mitigation Measure	Lee Road North	Struve Slough Bridge	Lee Road Middle	Watsonville Slough	Lee Road South ¹
	Phase 1	Phase 2	Phase 2	Phase 2	Phase 3
BIO-1: CRLF Protection Measures during Construction	X	X	X	X	X
BIO-2: Conceptual Mitigation Plan for California Red Legged Frog and Other Sensitive Resources	X	X	X	X	X
BIO-3: Nesting Bird Protection Measures	X	X	X	X	X
BIO-4: San Francisco Dusky-Footed Woodrat Protection Measures	X	X	X	X	X
BIO-5: Roosting Bat Protection Measures	X	X	X	X	X
BIO-6: Sensitive Habitat Protection Measures during Construction	X	X	X	X	X
BIO-7: Conceptual Mitigation Plan for Sensitive Habitat	X	X	X	X	X
BIO-8: Wetlands Protection Measures during Construction	X	X		X	X
BIO-9: Wetland Replacement	X	X		X	X
BIO-10: Conceptual Mitigation Plan for Wetlands Habitat	X	X		X	X
BIO-11: Replacement and Native Vegetation for Significant Tree Removal ²		X	X		
CR-1: Conditions of Approval to Minimize Impacts to Cultural Resources and Tribal Cultural Resources	X	X	X	X	X

¹ The Watsonville Slough culvert (under Lee Road) replacement is part of the Lee Road South section.

²This mitigation is for removal of the existing 72-inch DBH eucalyptus tree, which is on the border of the Struve Slough Bridge and Lee Road Middle sections

Initial Study

(Initial Study and Attachments available online at: www.sccoplanning.com)

Application Number 201188 Zoning Administrator Hearing

Project Plans

(Project Plans available online at: www.sccoplanning.com)

Application Number 201188 Zoning Administrator Hearing

Parcel Information

Services Information

Urban/Rural Services Line: ___ Inside X Outside
Water Supply: N/A
Sewage Disposal: N/A
Fire District: CalFire (County Fire Department)
Drainage District: Zone 7 Flood Control District

Parcel Information

Parcel Size: 75 acres (APN 052-091-41) + public right of way
Existing Land Use - Parcel: Transportation improvements & wildlife habitat
Existing Land Use - Surrounding: Commercial agriculture & Struve Slough
Project Access: Lee Road & Harkins Slough Road
Planning Area: San Andreas
Land Use Designation: O-C (Open Space - Resource Conservation)
Zone District: PR-W-AIA (Parks, Recreation & Open Space -
 Watsonville Utility Prohibition & Airport Combining
 District)
Coastal Zone: X Inside ___ Outside
Appealable to Calif. Coastal
Comm. X Yes ___ No

Technical Reviews: Biotic Report Review, Soils Report Review, Archaeological Report Review

Environmental Information

An Initial Study has been prepared (Exhibit D) that addresses the environmental review associated with this application.



County of Santa Cruz

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October 19, 2020

Subject: Lee Road Trail Project Cultural Resources Report Review and Conditioned Approval
APN: Road Rights of Way Santa Cruz County and City of Watsonville; APN 052-091-41
Application #s: REV201061; 201188

Attachment 1. Phase I Archaeological Investigation (Confidential Report)

Dear Ms. Gibberson,

The Planning Department received and reviewed a Phase I Archaeological Investigation dated September 2020, prepared by Douglas Ross, Ph.D., RPA of Albion Environmental, Inc. for the Lee Road Trail Project. Archaeological Report Review was required because of the potential for disturbance of significant Native American cultural sites in the proposed project disturbance area where grading, installation of a concrete path, construction of a bridge, and other development activities are proposed. The Phase I Archaeological report is included as Attachment 1 for reference. This report may include sensitive information that should not be circulated for public review.

Project Description

Portions of the proposed project are located within the jurisdiction of the City of Watsonville, and the remainder of the project is in unincorporated Santa Cruz County within the Coastal Zone.

The proposed project involves creation of 1.43-miles of pedestrian/bicycle access between Pajaro Valley High School and the City of Watsonville's existing and proposed trail systems to the south including the Land Trust of Santa Cruz County's Watsonville Slough Farm west of Lee Road, the Manabe-Ow Trail and Lower Watsonville Slough Trail east of Highway 1, and the Monterey Bay Sanctuary Scenic Trail Network (MBSST Rail Trail) at the south end of the proposed project. There is currently no through access on Lee Road because a portion of the Road is submerged under the waters of Struve Slough.

The proposed project would install approximately 0.72-mile of new concrete pedestrian/bicycle path and construct a new 940-foot-long pedestrian/bicycle bridge over Struve Slough. The proposed project also includes installation of new sidewalks along Harkins Slough Road and Lee Road, restriping portions of Harkins Slough Road and Lee Road to add new crosswalks and bicycle lanes, pavement widening of a portion of Lee Road (south of Struve Slough) to accommodate bicycle lanes, replacement of the existing culvert where Lee Road crosses a channelized portion of Watsonville Slough, and installation of Educational/interpretive signage and fencing along the east side of Lee Road (north of Struve Slough) where the new pedestrian/bicycle path is proposed along the edge of the California Department of Fish and Wildlife (CDFW) Watsonville Slough Ecological Reserve.

Lee Road Trail Project Cultural Report Review

EXHIBIT G

The new pedestrian/bicycle paths would be constructed of 8-foot-wide pervious concrete with 2-foot-wide unpaved shoulders, and would be installed in two separate locations along the project alignment: Approximately 0.60-mile of trail would occur parallel to, and along the east side, of Lee Road about 5 feet from the existing pavement. Another 0.12-mile of new path would be installed on the alignment of an existing dirt trail parallel to Watsonville Slough that extends perpendicularly east from Lee Road under Highway 1 to the convergence with the existing Manabe-Ow Trail.

Through traffic along Lee Road is restricted on both sides of Struve Slough by chain link gates. Between these gates, approximately 500 feet of pavement occurs before the existing paved original grade of Lee Road is submerged under the waters of Struve Slough. At each gate, the trail alignment would transition onto the existing pavement. Both gates would be modified as part of the trail project with improvements to allow pedestrian and bicycle access while still restricting public vehicular access. A new 12-foot-wide, 940-foot-long pedestrian/bicycle bridge over Struve Slough would be constructed to connect the two sides. The bridge would be constructed with abutments on each end and up to 4 piers within Struve Slough. Installation of a water diversion system in Struve Slough will be required to install the new bridge. Access for installation of the bridge piers is proposed to occur on the existing paved road surface that occurs below the OHWM of the Slough once the area is dewatered.

South of Struve Slough, Lee Road would be widened on both sides to accommodate bicycle lanes. Installation of a sidewalk is proposed along the west side of the roadway beyond the gate. An existing storm drainage ditch along the east side of the road, south of the slough would be filled in and replaced with a storm drain pipe to accommodate the road widening to the east. This pipe would outfall into Watsonville Slough.

Grading will occur at a maximum depth of 18 inches for trail construction and up to 125 feet deep for excavation of the bridge piers and abutments.

Two separate portions of the project area will be constructed in different phases of project implementation: Phase 1 of project implementation includes the portion of Lee Road North of Struve Slough, which is located between Harkins Slough Road and the Struve Slough Bridge. Phase 2 of project implementation includes the portion between the Struve Slough Bridge and Watsonville Slough.

Analysis

In order to comply with County Ordinances (SCCC Chapter 16.40), the California Environmental Quality Act (CEQA), and Section 106 of the National Historic Preservation Act (NHPA), Albion completed the following tasks: 1) Background historical research and a records search at the Northwest Information Center (NWIC); 2) Initial outreach with the Native American Heritage Commission and local Native American Tribes on behalf of the lead agency, to determine if there are any Tribal or other cultural resources in the APE of significance to these communities; 3) Pedestrian field survey of the entire APE; and 4) Cultural resources report.

A search of records at NWIC indicated that the following three cultural resources had been previously recorded within the Project APE: A Costanoan-Ohlone Cemetery Site (CA-SCR-107), the Santa Cruz Branch of the Southern Pacific Railroad (P-44-000377), and Highway 1 (CA-SCR-334H).

Harris & Associates contacted the California Native American Heritage Commission in August 2020 for information from the Commission's Sacred Lands File and a list of stakeholders. The Commission found no information in their files and forwarded the names of six Tribal representatives. Harris & Associates contacted each of these representatives by letter, and follow-up emails and phone calls, describing the project and asking for information or comments. Five representatives provided responses as outlined in detail in the attached Report. Recommendations made by Tribal representatives during these outreach efforts have been incorporated into the conditions of approval below.

Albion's Phase I Archaeological Investigation concludes that there is an archaeological site (the Costanoan-Ohlone Cemetery Site) within the APE that qualifies as a historical resource under CEQA and as an historic property under the NHPA. Ground disturbing project activities have the potential to cause adverse effects to this resource. In addition, given the presence of multiple known precontact and historic period sites in and within a half-mile of the APE, there is a possibility that additional subsurface archaeological resources exist that are not visible on the surface or on available historic imagery, and therefore not identified during field studies.

The Phase I Archaeological Investigation report recommends that the Project hire a trained archaeologist to design and implement a cultural resources Treatment Plan to undertake pre-construction archaeological testing of CA-SCR-107 where it intersects with proposed ground disturbing Project activities, and any other sensitive locations within the APE identified by the archaeologist or Native American representatives. The goal of the testing is to determine if intact archaeological deposits or ancestral human remains survive in these locations, assess the nature of these deposits if present, and recommend any additional protective measures. Albion's report also recommends the Project hire a trained archaeologist to develop and implement a formal monitoring plan to undertake targeted archaeological and Native American monitoring of construction within the APE, and includes recommendations for cultural resource awareness training for all construction crews and archaeological and Tribal monitoring of ground disturbing construction activities.

Conclusion

There are constraints associated with sensitive archaeological, historic, and Tribal cultural resources on the project site that must be considered prior to and during project implementation. The impact area for the proposed new pedestrian/bicycle paths and sidewalks is largely located within or directly adjacent to prior disturbed areas including the developed footprint of roadways, ruderal road shoulders, and previously developed areas.

Albion's Phase I Archaeological Investigation concludes that there is an archaeological site (the Costanoan-Ohlone Cemetery Site) within the APE that qualifies as a historical resource under CEQA and as an historic property under the NHPA. Ground disturbing activities associated with the proposed project have the potential to result in significant impacts to this resource. In addition, given the presence of multiple known precontact and historic period sites in, and within a half-mile of the APE, there is a possibility that additional buried sites exist that are not visible on the surface or on available historic imagery, and therefore not identified during field studies.

Recommendations made by Albion in their Phase I Archaeological Investigation and Tribal representatives during Tribal outreach efforts have been incorporated into the conditions of approval below to ensure that impacts to Cultural Resources and Tribal Cultural Resources will be *less than significant*. The Conditions of Approval below shall be incorporated into all phases of development for this project as applicable.

Conditions of Approval

To conduct development activities for the Lee Road Trail Project and minimize impacts to Cultural Resources and Tribal Cultural Resources to less than significant, the following conditions shall be adhered to:

- I. Prior to any site disturbance, a pre-construction meeting shall be conducted. The purpose of the meeting will be to ensure that the conditions set forth in the proposed project description and permit requirements are communicated to the various parties responsible for constructing the project. The meeting shall involve all relevant parties including the project proponent, construction supervisor, the project Archaeologist, and the Native American Monitor.
- II. A California trained Archaeologist and qualified trained Native American Monitor shall be on site during all ground-disturbing activities in the vicinity of CA-SCR-107 and any other areas where monitoring is determined necessary through Native American Consultation and pre-construction testing. Both monitors shall have the authority to stop construction to implement the Archaeological Treatment Plan if necessary.
- III. A Construction Monitoring Plan for Cultural Resources and Human Remains shall be prepared by a qualified Archaeologist. This formal monitoring plan shall be intended to provide a detailed outline for targeted archaeological monitoring of construction in the project area. The monitoring plan shall be a standalone document prepared in conjunction with the Archaeological Treatment Plan.
- IV. In consultation with Native American Tribes and the County an Archaeological Treatment Plan shall be prepared by a qualified archaeologist for implementation during all ground disturbance associated with the project (including archaeological testing activities). The Archaeological Treatment Plan shall outline the treatment of archaeological resources encountered during ground disturbance and shall include the following at minimum:
 - Background information that summarizes the sensitivity of the project area for archaeological resources and significant Native American Cultural Sites.
 - Describe the specific locations and methods of pre-construction archaeological testing activities for the two different construction phases as outlined below.
 - Testing shall be undertaken to the maximum depth of planned project impacts with a Native American monitor present at all times.
 - The goal of this testing shall be to determine if intact archaeological deposits or ancestral human remains survive in these locations, assess the nature of these deposits, and recommend any additional protective measures to be implemented.
 - Archaeological testing for Phase 1 on the north side of Struve Slough shall be comprised of clearing/mowing of vegetation along the trail alignment, additional surface surveys to identify any necessary testing locations, and excavation of a series of shovel probes to be determined in coordination with a Native American representative.
 - Archaeological testing for Phase 2 on the south side of Struve Slough shall be undertaken on both sides of Lee Road, using hand and/or mechanical excavation methods, in locations determined in coordination with a Native American representative. Specific care and instructions should be directed to where the previously recorded Costanoan-Ohlone Cemetery Site (CA-SCR-107) intersects with proposed ground disturbing project activities.
 - Avoidance and preservation in place is the preferred method of treatment. Archaeological resources shall be avoided and preserved in place as much as feasible. Reasonable efforts shall be made to preserve archaeological resources in place or leave in an undisturbed state.

- Describe the methods for identification, evaluation, and treatment of any discoveries (e.g., leave in place and cap based on Native American recommendations).
 - Outline the notification procedures given in SCCC Chapter 16.40 for discovery of archaeological resources and human remains.
 - If disturbance is unavoidable, the preferred method of treatment would be to record any data necessary to adequately document the scientifically consequential information from and about the disturbed historical resource, and then return all artifacts as close to their original location as possible before capping or covering with soil.
- V. All construction personnel working on the project shall receive cultural sensitivity training conducted by a California trained Archaeological monitor and qualified trained Native American Monitor. Cultural sensitivity training shall occur before a person is authorized to work at the project site.
- VI. Pursuant to section 16.40.040 of the SCCC, if archaeological resources are uncovered during construction, the responsible persons shall immediately cease and desist from all further site excavation and comply with the notification procedures given in SCCC Chapter 16.40.

These conditions should be incorporated as mitigation into the CEQA document prior to public circulation. By complying with these conditions, the project will result in *no significant impacts* to Cultural Resources or Tribal Cultural Resources.

A copy of this approval should be submitted with any future permit applications.

If you have any questions regarding this letter, please feel free to contact me by email or telephone at Juliette.Robinson@santacruzcounty.us or 831-454-3156.

Sincerely,



Juliette Robinson
Resource Planner IV

CC: Leah MacCarter, Area Resource Planner
Matt Johnston, Environmental Coordinator
Randall Adams, Project Planner



County of Santa Cruz

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November 5, 2020

Subject: Lee Road Trail Project Biotic Report Review and Conditioned Biotic Approval
APN: Road Rights of Way Santa Cruz County and City of Watsonville; APN 052-091-41
Application #s: REV201053; 201188

Attachment 1. Biotic Assessment
Attachment 2. Aquatic Resources Delineation

Dear Ms. Giberson,

The Planning Department received and reviewed a Biotic Assessment Report, dated October 10, 2020, and an Aquatic Resources Delineation Report, dated May 2020, prepared by Ecosystems West Consulting Group (Ecosystems West) for the Lee Road Trail Project. Copies of the reports are included as Attachments 1 and 2. The Biotic Report Review was required because of the potential for sensitive habitats and protected species in the disturbance area for this project where grading, installation of a concrete path, construction of a bridge, and other development activities are proposed. Portions of the proposed project are located within the jurisdiction of the City of Watsonville, and the remainder of the project is in unincorporated Santa Cruz County within the Coastal Zone.

Project Description

The proposed project involves creation of 1.4-miles of pedestrian/bicycle access along Harkins Slough Road and Lee Road between Pajaro Valley High School and the City of Watsonville's existing and proposed trail systems to the south including the Land Trust of Santa Cruz County's Watsonville Slough Farm west of Lee Road, the Manabe-Ow Trail and Lower Watsonville Slough Trail east of Highway 1, and the Monterey Bay Sanctuary Scenic Trail Network (MBSST Rail Trail) at the south end of the proposed project. There is currently no through access on Lee Road because a portion of the Road is submerged under the waters of Struve Slough. The trail components are described further below and summarized in Table 1 of the attached Biotic Assessment.

The 1.4-mile-long proposed project would install approximately 0.68-mile of new pervious concrete pedestrian/bicycle path, construct a new 940-foot-long (0.17 mile) pedestrian/bicycle bridge over Struve Slough, and add chip seal to the existing 0.12-mile unpaved spur trail along Watsonville Slough. The proposed project also includes installation of new sidewalks along Harkins Slough Road (0.10 mile) and Lee Road (0.33 mile), restriping portions of Harkins Slough Road and Lee Road to add new crosswalks and bicycle lanes, pavement widening of a portion of Lee Road (south of Struve Slough) to accommodate bicycle lanes, replacement of the existing culvert where Lee Road crosses a channelized portion of Watsonville Slough, and installation of Educational/interpretive signage and fencing along the east side of Lee Road (north of Struve Slough) where the new pedestrian/bicycle path is proposed along the edge of the California Department of Fish and Wildlife (CDFW) Watsonville Slough Ecological Reserve.

The new pedestrian/bicycle paths would be 8-foot-wide with 2-foot-wide unpaved shoulders, and would be installed in two separate locations along the project alignment: 1) Approximately 0.68-mile of trail would occur parallel to, and along the east side, of Lee Road about 5 feet from the existing pavement, and would be constructed of pervious concrete. 2) Another 0.12-mile of new path would be installed on the alignment of an existing dirt trail parallel to Watsonville Slough that extends perpendicularly east from Lee Road under Highway 1 to the convergence with the existing Manabe-Ow Trail, and would be constructed of impervious chip seal.

Through traffic along Lee Road is restricted on both sides of Struve Slough by ranch swing gates. Between these gates, approximately 500 feet of pavement occurs before the existing paved original grade of Lee Road is submerged under the waters of Struve Slough. At each gate, the trail alignment would transition onto the existing pavement. Both gates would be modified as part of the trail project with improvements to allow pedestrian and bicycle access while still restricting public vehicular access. A new 12-foot-wide, 940-foot-long pedestrian/bicycle bridge over Struve Slough would be constructed to connect the two sides. The bridge would be constructed with abutments on each end and up to 4 piers within Struve Slough. Installation of a water diversion system in Struve Slough will be required to install the new bridge. Access for installation of the bridge piers is proposed to occur on the existing paved road surface that occurs below the OHWM of the Slough once the area is dewatered.

South of Struve Slough, Lee Road would be widened on both sides to accommodate bicycle lanes. Installation of a sidewalk is proposed along the west side of the roadway beyond the gate. An existing storm drainage ditch along the east side of the road, south of the Watsonville Slough channel would be filled in and replaced with a storm drain pipe to accommodate the road widening to the east. This pipe would outfall into Watsonville Slough.

The culvert that carries Watsonville Slough under Lee Road (south of Struve Slough) must be replaced to accommodate the new sidewalk and roadway improvements. The existing culvert, made up of two deteriorating 60" corrugated metal pipes, would be replaced with a flat bottom box culvert. The replacement culvert will be longer than the existing pipes, but would be designed so the invert and elevation of the roadway are consistent with the existing conditions. Installation of a water diversion system in Watsonville Slough will be required to replace this culvert.

As described in further detail in the attached Biotic Assessment, the project will be constructed in three phases of project implementation: Phase 1 of project implementation includes the portion of Lee Road North of Struve Slough, which is located between Harkins Slough Road and the Struve Slough Bridge. Phase 2 of project implementation includes the portion between the Struve Slough Bridge and Watsonville Slough, as well as the Watsonville Slough spur trail. Phase 3 of project implementation includes the portion of Lee Road South of the Watsonville Slough channel.

Baseline Environmental Conditions

The approximately 54.2-acre linear Biological Study Area includes the Project Impact Area of the proposed 1.4-mile project, and an approximately 150-foot buffer. The Study Area is generally flat to gently sloping and occurs mostly along the alignment of existing roadways.

The Biotic Assessment (Attachment 1) identifies eleven habitat types occurring within the Study Area: non-native grassland, coastal scrub, freshwater marsh, seasonal wetlands, seep wetland, arroyo willow riparian, aquatic (Struve Slough), agricultural fields, non-native forest, ruderal, and developed/landscaped. Figure 4 on page 29 of the Biotic Assessment shows habitat types and plant communities identified in the Study Area. The Biotic Assessment also identifies a large 72-inch diameter (DBH) eucalyptus tree located south of Struve Slough along the eastern edge of Lee Road.

The portions of the Study Area dominated by ruderal vegetation, non-native grasslands, existing agricultural fields, and previously developed areas occur along the existing asphalt roadways of Harkins Slough Road and Lee Road.

Struve Slough is a perennial, non-tidal freshwater slough that passes through the Study Area where construction of the new pedestrian/bicycle bridge is proposed. Freshwater marsh and arroyo willow riparian habitats occur along the banks of Struve Slough within the Study Area.

Watsonville Slough is a perennial slough that has been channelized in the Study Area and is carried under Lee Road through a culvert comprised of two 60" corrugated metal pipes. The bed and banks of Watsonville Slough are dominated by freshwater marsh on both sides of Lee Road. No OHWM or open-water habitat was identified during field surveys. The non-native forest habitat is comprised of a hedgerow of eucalyptus and non-native pine trees located along the top of Watsonville Slough on its north bank where a portion of new trail is proposed.

A small seasonal wetland (0.07-acre) was identified near the southeast corner of the Harkins Slough Road/Lee Road intersection. This roadside feature is located in an area of high foot traffic near the entrance to the CDFW Reserve and is dominated by weedy annual vegetation. A 0.01-acre wetland seep dominated by Santa Barbara sedge is located along the eastern embankment of Lee Road immediately north of where the road becomes submerged beneath Struve Slough. While these two features meet the three parameters that define a wetland, according to the analysis in the Biotic Assessment, in their current condition these features provide only marginal value for wildlife or water quality.

An additional 0.26 acre recently restored seasonal wetland is located northeast of the CDFW gate along Harkins Slough Road directly across from the driveway to the Pajaro Valley High School. This feature is outside of the impact area of the project.

An area dominated by coastal scrub begins just above the fringe of emergent freshwater marsh of Struve Slough and extends up the hillside. Coastal Scrub also occurs along the margins of the CDFW Reserve east of the proposed trail.

Struve Slough and Watsonville Slough are associated with a larger connected complex of freshwater sloughs known as the Watsonville Slough System. This system also includes Harkins Slough, Hanson Slough, and Gilligan Slough. These interconnected sloughs, their associated riparian areas, emergent wetlands, and surrounding agricultural lands create a rich mosaic of aquatic, wetland, and upland habitats in and around the project impact area.

Analysis

Coastal Scrub, Arroyo Willow Riparian, wetlands, and perennial drainages are considered sensitive under Santa Cruz County's Sensitive Habitat Protection and Riparian Corridor and Wetlands Protection ordinances (Chapters 16.30 and 16.32). Riparian Corridors, as defined by Santa Cruz County Code (SCCC) Section 16.30.030 are granted special protections. Lands extending 100 feet (measured horizontally) from the high-water mark of a lake, wetland, estuary, lagoon or natural body of standing water, lands extending 30 feet (measured horizontally) out from each side of an intermittent stream, lands extending 50 feet (measured horizontally) out from each side of a perennial stream, and lands containing a riparian woodland are considered Riparian Corridors. Development activities are prohibited within Riparian Corridors unless Riparian Exception Findings (SCCC 16.30.060) are met and a Riparian Exception is authorized. SCCC Section 13.20.130(B)(2) includes requirements for minimizing site disturbance associated with grading, earth moving, and removal of major vegetation in the Coastal Zone. Pursuant to SCCC 13.20, mature trees in the Coastal Zone should be retained when possible.

Wetlands, ponds, and drainages on the property may be regulated under the Clean Water Act Section 404 by the U.S. Army Corps of Engineers (USACE), and Section 401 by the Regional Water Quality Control Board (RWQCB). These features and associated banks of the drainages may be subject to regulation under the Porter-Cologne Water Quality Act as "Waters of the State", and under California Fish and Game Code Section 1602.

Biological Resources including special-status species and their habitats, riparian habitats, federally protected wetlands, migration corridors for wildlife, and other sensitive natural communities as identified by local policies, CDFW, or USFWS are also protected under the California Environmental Quality Act (CEQA). Additionally, the Coastal Scrub, Arroyo Willow Riparian Scrub, wetlands, and habitat for special-status species are also offered special protections under the California Coastal Act as Environmentally Sensitive Habitat Areas (ESHA).

Sensitive plant species are not expected to occur in the project Impact Area, and no impacts to sensitive plant species are anticipated to result from the proposed Project.

The project site and surrounding areas provide habitat for a variety of terrestrial and aquatic wildlife species including special-status species protected under Federal, State, and Local regulations.

The project site contains breeding habitat and upland habitat for Federal Threatened California red-legged frog (*Rana draytonii*; CRLF) and is partially located within Federally designated Critical Habitat for this species (northern portion up to the southern embankment of Struve Slough). Potential habitat is also present for State Endangered bald eagle (*Haliaeetus leucocephalus*), State Threatened tricolored blackbird (*Agelaius tricolor*, TCBB), State Fully Protected white-tailed kite (*Elanus leucurus*), and the following State Species of Special Concern: western pond turtle (*Emys marmorata*), northern harrier (*Circus hudsonius*), western burrowing owl (*Athene cunicularia*), grasshopper sparrow (*Ammodramus savannarum*), and San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). Based on a USFWS protocol site assessment, long-toed salamander and California tiger salamander are not expected to occur with the Study Area.

CRLF are known to occur in Struve Slough, the channelized portion of Watsonville Slough, and surrounding areas. WPT are also known to occur in Struve Slough. The bald eagle is known to nest in lower Harkins Slough and may forage over the sloughs and grasslands within the Study Area. Offspring may nest in the vicinity. TCBB historically nested in Struve Slough and Hanson Slough, and the emergent wetlands in the study area provide potential nesting habitat for this species. Willow Riparian and Coastal Scrub provide potential habitat for San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*; SSC).

Common bat species protected under Fish and Game Code may also utilize the Study Area for breeding and foraging. Large trees, shrublands, and grasslands in the study area also provide potential nesting and foraging habitat for birds of prey and migratory birds. Birds of prey and migratory birds are offered protection under the California Fish and Game Code, and the Federal Migratory Bird Treaty Act (MBTA). Under the MBTA, it is “unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill” a migratory bird unless and except as permitted by regulations.

The Impact Figure included as Appendix G of the attached Biotic Assessment shows the project footprint in relation to specific habitats on site. Impacts to sensitive habitats are included in Table ES-1 of the Biotic Assessment. These impacts are summarized in the table and text below. The project will be required to restore all temporarily impacted areas to pre-project contours and conditions, or better where possible, upon project completion. Compensatory mitigation is required for unavoidable permanent impacts to sensitive habitats. Measures requiring habitat restoration and compensatory mitigation have been included in the conditions of approval below.

Habitat Type	Permanent Impacts (acres)	Temporary Impacts (acres)
Struve Slough (Aquatic)	0.003	0.497
Freshwater Marsh	0.017	0.121
Arroyo Willow Riparian	0.017	0.031
Seasonal Wetlands	0.005	0.009
Seep Wetland	0.010	--
Coastal Scrub	0.077	0.028

Impacts to Struve Slough

Installation of bridge piers would result in approximately 0.003 acre of permanent impact below the OHWM of Struve Slough. Temporary impacts below the OHWM of Struve Slough would result from installation of the water diversion system, and equipment access during bridge construction.

Impacts to Freshwater Marsh

Approximately 0.017 acre of permanent impact to freshwater marsh will result from construction of the new bridge (approach, bridge deck, abutments) over Struve Slough and replacement of the culvert in Watsonville Slough. Temporary impacts to freshwater marsh will result from construction access for installing the water diversion systems and construction activities within both sloughs.

Impacts to Arroyo Willow Riparian

Construction of the new bridge (approach, bridge deck, abutments) will result in approximately 0.017 acre of permanent impact to Arroyo Willow Riparian habitat that occurs along the banks of Struve Slough. Temporary impacts to arroyo willow riparian would result from equipment access during bridge construction.

Impacts to Seasonal Wetlands

Construction of the new bicycle/pedestrian path would result in approximately 0.005 acre of permanent impact to the weedy seasonal wetland near the southeast corner of the Harkins Slough Road/Lee Road intersection.

Impacts to Seep Wetland

Construction of the new bicycle/pedestrian path will require cutting into the existing hillslope and installing drainage improvements where the seep wetland occurs. It is assumed this will result in permanent displacement of this feature in the amount of 0.010 acre of permanent impact.

Impacts to Coastal Scrub Habitat

Construction of the new bicycle/pedestrian path will require cutting into the existing hillslope east of Lee Road just north of Struve Slough which will result in 0.077 acre of permanent impact to Coastal Scrub.

Impacts to Mature Trees

One large (72-inch DBH) eucalyptus tree is proposed for removal to allow installation of the proposed southern Struve Slough Bridge approach.

Impacts to Special-Status Species

The impacts listed above to sensitive habitats also have the potential to result in direct and/or indirect impacts to special-status species that occur within those habitats. Project construction activities in aquatic habitats and upland areas including grubbing and vegetation removal, removal of mature trees, grading, and equipment and vehicle access could result in direct injury or mortality to special-status species such as nesting birds, roosting bats, CRLF, and WPT; and could cause harassment and nest abandonment through increased noise levels, vibrational, and visual disturbances, and barriers to movement and dispersal.

Construction activities would temporarily reduce available upland, aquatic, and dispersal habitat for CRLF and other species. These activities could interfere with important life events, including movement to breeding habitat, breeding, foraging, dispersal, and movement to aquatic non-breeding habitats.

Conclusion

The impact area for the proposed new pedestrian/bicycle paths and sidewalks is largely located within or adjacent to the developed footprint of roadways and ruderal road shoulders that are dominated by non-native grasslands, existing agricultural fields, and previously developed areas. The completed project is not expected to create any permanent impediments to dispersal of CRLF, WPT, or other species. Construction related activities could result in indirect impacts, and direct injury or mortality, to special-status species.

Conditions have been included below to avoid and minimize these impacts to the maximum extent possible. Conditions are also included that are intended to minimize operational impacts that might result from increased human activity due to trail use. Best Management Practices (BMPs) have been included in the project design to avoid and minimize potential impacts to sensitive biological resources. Detailed descriptions of proposed construction activities and methods of avoidance and minimization are included in the attached documents.

Replacement of the culvert in Watsonville Slough is expected to improve existing conditions, including habitat for CRLF, by replacing two deteriorating metal pipes with a flat bottom box culvert.

All temporarily impacted areas must be restored to pre-project contours and conditions, or better where possible, upon project completion. Conditions for habitat restoration and compensatory mitigation for unavoidable permanent impacts have been included below. Habitat restoration activities associated with the project will result in a net increase in wetland and riparian habitat.

There are sensitive habitat constraints on the project site associated with wetlands, riparian habitat, special-status species, and habitat for nesting birds that must be considered prior to and during project implementation. Conditions have been included below to ensure that impacts to special-status species, their habitats, and other sensitive habitats will be *less than significant*.

The Conditions of Approval below shall be incorporated into all phases of development for this project as applicable.

Conditions of Approval

In order to conduct development activities for the Lee Road Trail Project, the following conditions shall be adhered to:

1. No work shall occur within a County defined Riparian Corridor unless the Riparian Exception Findings are met, and a Riparian Exception is authorized.
2. The project proponent is responsible for obtaining all necessary approvals and permits from the appropriate regulatory agencies including the County of Santa Cruz, the United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), and the United States Fish and Wildlife Service (USFWS).
 - a. Endangered Species Act Consultation with USFWS for potential effects on California red-legged frog shall be completed.
 - b. Permit approvals shall be submitted to Environmental Planning Staff prior to commencement of construction.
 - c. All measures and conditions included in permit approvals shall be adhered to.
3. Prior to any site disturbance, a pre-construction meeting shall be conducted. The purpose of the meeting will be to ensure that the conditions set forth in the proposed project description and permit requirements are communicated to the various parties responsible for constructing the project. The meeting shall involve all relevant parties including the project proponent, construction supervisor, Environmental Planning Staff, and the project biologist.
4. To minimize impacts to sensitive habitats and special-status species the following conditions shall be adhered to:
 - a. Every individual working on the Project must attend biological awareness training prior to working on the job site. The training shall be delivered by a USFWS approved biologist and shall include at minimum information regarding the following:
 - i. Location and identification of sensitive habitats and all special-status species with potential to occur in the project area including information specific to identifying California red-legged frog (*Rana draytonii*; CRLF) and its habitat, and the measures being implemented to protect CRLF for the current project.
 - ii. The importance of avoiding impacts to special-status species and their habitat, and the steps necessary if any special-status species is encountered at any time.
 - iii. Best management practices to be implemented, identification of the limits of work, and project-specific avoidance measures and permit conditions that must be followed.
 - b. The location of sensitive habitats and all areas to be protected with exclusion fencing shall be included on the final project plans and must be approved by Environmental Planning Staff prior to final plan approval.
 - c. Prior to commencement of construction, high visibility fencing and/or flagging shall be installed, with the assistance of a qualified biologist, to indicate the limits of work and the boundaries of sensitive habitat areas to be avoided.
 - i. Environmentally sensitive areas intended for protection during construction shall be clearly marked.
 - ii. No work-related activity including equipment staging, vehicular access, grading and/or vegetation removal shall be allowed outside the designated limits of work.
 - iii. The fencing shall be inspected and maintained daily until project completion.

- d. Erosion and sediment control measures must be in place, and best management practices adhered to during construction. All disturbed soils shall be stabilized to prevent siltation and reduce sediment and chemical-laden runoff into any drainages or water courses within the project vicinity.
 - e. All refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from aquatic or riparian habitat and not in a location from where a spill would drain directly toward aquatic habitat. A spill response plan shall be in place for such an event.
 - f. One large (72-inch DBH) eucalyptus tree is proposed for removal. Pursuant to SCCC Section 13.20.130(B)(2) removal of this tree should be avoided if possible. If avoidance is not possible, adequate compensation for the loss of habitat associated with removal of a tree this size, shall be included in the project Habitat Mitigation and Monitoring Plan as outlined in the Biotic Assessment and Condition 9 below.
5. To avoid/minimize impacts to CRLF, WPT, and other special-status species, the following shall be adhered to unless otherwise advised or authorized by USFWS or CDFW:
- a. The Project proponent shall implement all measures required by the USFWS as part of project-specific Endangered Species Act Consultation for California red-legged frog (*Rana draytonii*).
 - b. Capturing and handling CRLF is not permitted unless a project-specific Take Permit has been obtained from USFWS. Only USFWS-approved biologists shall participate in activities associated with capturing and handling of CRLF. The agency-approved biologist(s) shall be onsite during all activities that may result in take of CRLF.
 - c. Ground-disturbing activities in upland areas including clearing, grubbing, and grading shall not occur between November 1 and March 31 because that is the time period when California red-legged frogs are most likely to be moving through upland areas. Construction activities shall not take place at night or during rain events. Consult weather forecasts from the National Weather Service at least 72 hours prior to performing work.
 - d. Within 48 hours prior to commencement of development related site disturbance (including clearing and grubbing) a qualified biologist shall survey the project disturbance area to identify the presence of any special status species. If any individual special-status species are found and these individuals are likely to be injured or killed by work activities the qualified biologist shall be allowed enough time to move them from the site before work activities begin.
 - e. If a western pond turtle egg clutch is discovered during pre-construction surveys, or at any time during construction, work in the vicinity of the egg clutch shall be halted immediately. Unless otherwise advised by CDFW, the nest location shall be surrounded with high visibility fencing under the guidance of a qualified biologist and shall be avoided until the biologist determines that the clutch has hatched and individuals are no longer likely to be injured by work activities.
 - f. Prior to initiation of construction activities, exclusion fencing (solid silt fencing) shall be installed, with the assistance of the agency-approved biologist, in areas along locations determined in conjunction with USFWS and CDFW. Fences should be 2.0 feet below grade and 3.0 feet above grade, with wooden stakes at intervals of not more than 5.0 feet. The fence shall be inspected daily and maintained in working order for the duration of construction activities.

- g. If a special-status species is identified at any time prior to or during construction, work shall cease immediately in the vicinity of the individual. The animal shall either be allowed to move out of harm's way on its own or the project biologist or agency-approved construction monitor shall move the animal out of harm's way to a safe relocation site.
 - h. During construction within the active channels of Struve Slough and Watsonville Slough (i.e. installation of water diversion systems) the agency-approved biologist shall be present to relocate CRLF and WPT out of harm's way as needed. The qualified biologist shall oversee the installation of the diversion/dewatering system to divert stream flow around the active construction area. Construction activity other than installation of water diversion/dewatering systems shall occur only within dry or dewatered areas.
 - i. Once water diversion systems are in place and work areas are dewatered, an alternate construction monitor may be designated for execution of daily monitoring activities if approved by USFWS and CDFW.
 - j. The approved biologist or agency-approved construction monitor shall be present during initial clearing, grubbing, and grading for work along the boundary of the CDFW Reserve.
 - k. The approved biologist and agency-approved construction monitor shall have the authority to stop work that may result in the "take" of a special-status species and shall be given enough time to ensure that animals have been properly moved out of harm's way to a designated relocation site.
 - l. Daily monitoring by the project biologist or agency-approved construction monitor shall occur for the duration of project construction within all areas identified as "sensitive habitat" in the study area (including aquatic and upland habitat for CRLF). Daily monitoring activities shall include the following at minimum:
 - i. Monitoring the work area for the presence of special-status species and ensuring that individuals are properly relocated out of harm's way as needed.
 - ii. Monitoring the ESA fences and exclusionary fences at the project site to ensure good working condition and prevent wildlife entrapment.
 - iii. Checking under all equipment for wildlife before use.
 - iv. Ensuring that at the end of each workday, all excavations shall be secured with a cover, or a ramp installed to prevent wildlife entrapment.
 - v. All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
6. To protect San Francisco dusky-footed woodrat, a qualified biologist shall implement the following protection measures:
- a. Within two weeks prior to commencement of development activities (including clearing and grubbing) a qualified biologist shall survey the project disturbance area to identify any woodrat nest locations that may be affected by the proposed development. All woodrat houses within the construction impact area and immediate surroundings shall be clearly flagged.
 - b. If no woodrat nests are found during the survey, no further avoidance and minimization measures for this species are necessary.

- c. If woodrat houses are found, the construction contractor shall avoid the houses to the extent feasible by installing a 25-foot buffer with protective fencing or other material that shall prohibit encroachment. A reduction in the size of this buffer, or encroachment into this buffer, may be allowed if the biologist determines that microhabitat conditions such as shade, cover and adjacent food sources can be retained.
- d. If avoidance of woodrat houses is not possible, a qualified biologist shall develop and implement a Woodrat Relocation Plan to be implemented prior to the commencement of construction. The plan shall be developed in consultation with CDFW and shall include the following:
 - a. Trapping and relocation activities shall be conducted during the months of August – September when the species is active and young are able to disperse on their own. Trapping efforts shall not take place during low night temperatures (below 40 degrees Fahrenheit), inclement or extreme weather conditions.
 - b. If no San Francisco dusky-footed woodrats are captured at a given house, it shall be dismantled by hand to ground level, and the woody debris spread to reduce rebuilding.
 - c. For occupied houses, the existing woodrat house shall be dismantled and the woody debris, including cached food and nesting material, carried to the nearest suitable relocation site outside the Project footprint and used to build an artificial shelter.
 - d. Sites for artificial shelters shall be located as near as possible to the original house location and no closer than 20 feet from existing woodrat houses and other artificial shelters. Choose the best available microhabitat, ideally in a location with sun and shade and if possible under the same species of tree or shrub as was present at the original house location. Relocation sites shall contain biologically-suitable habitat features (e.g. stands of poison oak, coast live oaks, and dense native brush).
 - e. When releasing woodrats, the occupied live-trap shall be placed against the entrance to the artificial shelter, opened, and the woodrat allowed to enter, ideally on its own accord. After the individual enters, the entrance shall be loosely but completely plugged with dirt and leaf duff to encourage it to stay, at least for the short-term.
 - f. If occupied houses were relocated, monitoring shall be conducted for 30 days after relocation is completed and include infrared and motion activated cameras and an occupancy assessment. A report on San Francisco dusky-footed woodrat nest monitoring shall be provided to CDFW and County Environmental Planning within 30 days following the end of the monitoring period and shall include the methods and results of trapping and relocation, occupancy determinations, and discussion of any remedies that may be needed.

7. To avoid/minimize impacts to nesting birds the following measures shall be adhered:
 - a. If removal of vegetation, grading activity, or other use of heavy equipment begins outside of the February 1 to August 31 breeding season, there will be no need to conduct a preconstruction survey for active nests.
 - b. Trees intended for removal shall be removed during the period of September 1st through January 31st, in order to avoid the nesting season.
 - c. If removal of vegetation, grading activity, or other use of heavy equipment is to commence between February 1st and August 31st, a survey for active bird nests shall be conducted by a qualified biologist within two weeks prior to the start of such activity. The survey area shall include the project area, and a survey radius around the project area of 50 feet for MBTA birds and 250 feet for birds of prey.
 - d. If no active nest of a bird of prey or MBTA bird is found, then no further avoidance and minimization measures are necessary.
 - e. If active nest(s) of tricolored blackbird or western burrowing owl are found in the survey area, the project proponent shall contact CDFW immediately to determine the appropriate course of action and potential conservation measures to implement.
 - f. If active nest(s) of MBTA birds or birds of prey are found in the survey area, the following avoidance buffers shall be adhered to unless otherwise advised by CDFW or USFWS: Avoidance buffer of 50 feet for MBTA birds and 250 feet for birds of prey shall be established around the active nest(s). The biologist shall monitor the nest and advise the applicant when all young have fledged the nest. Removal of vegetation, grading activity, or other use of heavy equipment may begin after fledging is complete.
 - g. If the biologist determines that a smaller avoidance buffer will provide adequate protection for nesting birds, a proposal for alternative avoidance/protective measures, potentially including a smaller avoidance buffer and construction monitoring, may be submitted to USFWS and CDFW for review and approval prior to removal of vegetation, grading activity, or other use of heavy equipment.
 - h. If removal of vegetation, grading activity, or other use of heavy equipment stops for more than two weeks during the nesting season (February 1st - August 31st) a new survey shall be conducted prior to re-commencement of construction.
8. To avoid/minimize impacts to special-status bats the following measures shall be adhered to:
 - a. Conduct limbing/tree removal operations between September 15 and November 1 to avoid bat maternity roosts and winter hibernacula.
 - b. Prior to commencement of construction related activities including tree trimming and removal, a qualified biologist shall conduct a pre-construction survey for bats as follows:
 - i. The biologist shall determine if bats are utilizing the site for roosting. For any trees/snags/buildings that could provide roosting space for cavity or foliage-roosting bats, potential bat roost features shall be thoroughly evaluated to determine if bats are present. Visual inspection and/or acoustic surveys shall be utilized as initial techniques.
 - ii. If roosting bats are found, the biologist shall develop and implement acceptable passive exclusion methods in coordination with or based on CDFW

- recommendations. If feasible, exclusion shall take place during the appropriate windows (September 15 and November 1) to avoid harming bat maternity roosts and/or winter hibernacula. (Authorization from CDFW is required to evict winter hibernacula for bats).
- iii. If established maternity colonies are found, in coordination with CDFW, a buffer shall be established around the colony to protect pre-volant young from construction disturbances until the young can fly; or implement other measures acceptable to CDFW.
 - iv. If a tree is determined not to be an active roost site for roosting bats, it may be immediately limbed or removed as follows:
 - If foliage roosting bats are determined to be present, limbs shall be lowered, inspected for bats by a bat biologist, and chipped immediately or moved to a dump site.
 - Alternately, limbs may be lowered and left on the ground until the following day, when they can be chipped or moved to a dump site. No logs or tree sections shall be dropped on downed limbs or limb piles that have not been in place since the previous day.
9. To compensate for disturbance of sensitive habitats, and to comply with the Santa Cruz County General Plan Policy 5.1.12, restoration of degraded sensitive habitat shall be required. A site-specific Conceptual Mitigation Plan (CMP) shall be developed for compensation of impacts to Struve Slough (Aquatic), Freshwater Marsh, Arroyo Willow Riparian, Wetlands, Coastal Scrub, and mature trees. The CMP shall be prepared by a qualified biologist or restoration professional, and shall include the following minimum elements:
- a. Identification of areas on site where temporary disturbance and re-establishment of native habitat shall occur. All areas temporarily disturbed as a result of the project shall be restored to pre-project contours to the maximum extent possible and re-vegetated with native plant species appropriate to the habitat disturbed.
 - b. Identification of on-site or off-site restoration areas to compensate for permanently impacted sensitive habitats. All sensitive habitats permanently impacted as a result of the project shall be compensated for at a minimum 2:1 ratio through restoration or establishment of in-kind habitat at designated restoration areas on site, or at off-site locations on nearby properties identified through coordination with Watsonville Wetland's Watch and/or CDFW.
 - i. Riparian and wetland restoration areas may be identified along previously disturbed portions of Struve Slough or Watsonville Slough where these habitats are degraded and/or not currently present.
 - ii. Restoration, establishment, or enhancement of in-kind habitat at designated restoration sites on nearby properties may be identified in consultation with Watsonville Wetland's Watch.
 - c. A site-specific planting plan intended to inform the re-vegetation efforts. Local plant stock shall be used whenever possible. The plant pallet should include native species common to the surrounding native habitats that are being restored.
 - i. Species, size, and locations of all restoration plantings should be included in the planting plan and this plan must be included in the final project plans.

- ii. Native plantings shall occur at sizes and ratios determined by the restoration specialist to adequately restore native habitat while maximizing plant health and survivability of individual trees and shrubs.
 - iii. In areas designated for emergent wetland or seasonal wetland restoration, wetland plantings of native hydrophytic plant species and native erosion seed mix specific to wetlands shall be installed.
 - d. Information regarding the methods of irrigation for restoration plantings.
 - e. Plan for removal of non-native species and a management strategy to control re-establishment of invasive non-native species within the project impact area.
 - f. 5-year management plan for maintenance and monitoring of restored areas to maintain 100% survival of installed container stock in year 1, 90% survival in years 2-3, and at least 80% survival in years 4-5. Replacement plants shall be installed as needed during the monitoring period to meet survival rates. Annual habitat monitoring reports shall be submitted to the County Planning Department by December 31 of each monitoring year.
 - g. The project proponent shall be responsible for execution of the 5-year management plan for maintenance and monitoring of restored areas. If responsibility is transferred legally to another entity, County Environmental Planning Staff shall be informed of any such transfer of responsibility.
 - h. Establishment and planting of all restoration and mitigation area(s) as outlined in the final approved Restoration Planting Plan shall be inspected and approved by Environmental Planning staff prior to final project approval.
10. To minimize impacts to CRLF and degradation of its habitat during trail operation, a qualified biologist shall develop a post construction monitoring program for CRLF. The monitoring program shall be a standalone document prepared and implemented in conjunction with the CMP. The details of the CRLF monitoring program shall be developed in consultation with USFWS and CDFW and shall include the following.
- a. An agency-approved biologist shall identify and map occupied and potential CRLF aquatic (breeding and non-breeding), upland, refuge, movement, and dispersal habitat within and adjacent to the CDFW Reserve, proposed Struve Slough Bridge crossing, and channelized Watsonville Slough.
 - b. Strategies to protect these areas from take of individual CRLF or degradation associated with trail operation.
 - c. To ensure degradation of habitat is not occurring, the approved biologist shall conduct monitoring of CRLF habitat (at a frequency to be determined in consultation with the agencies) for a total of 5 years unless otherwise advised or authorized by USFWS or CDFW.
 - d. The monitor will confirm that all required protective measures are being implemented, and in the event that the monitoring biologist identifies degradation of CRLF habitat, the biologist shall develop provisions for adaptive management to modify and/or supplement existing protective measures.

- e. Results of the CRLF post construction monitoring program and recommendations for supplemental protective measures shall be presented annually in conjunction with the project's annual CMP report submitted to the County Planning Department by December 31 of each monitoring year.

These conditions should be incorporated as mitigation measures into the CEQA document prior to public circulation. By complying with these conditions, the project will result in *no significant impacts* to special status species and sensitive habitats and will improve habitat features present on site.

A copy of this biotic approval, including attachments, should be submitted with any future permit applications.

If you have any questions regarding this letter, please feel free to contact me by email or telephone at Juliette.Robinson@santacruzcounty.us or 831-454-3156.

Sincerely,

A handwritten signature in blue ink, appearing to be 'JR' with a flourish.

Juliette Robinson
Resource Planner IV, Biologist

CC: Leah MacCarter, Area Resource Planner
Matt Johnston, Environmental Coordinator
Randall Adams, Project Planner



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT
701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123
KATHLEEN MOLLOY, PLANNING DIRECTOR

16 December 2020

Attn: Kate Giberson
450 Lincoln Street, Suite 103
Salinas, CA 93901

Subject: Review of the Geotechnical Investigation – Design Phase for Lee Road Trail, Watsonville, California/APN 052-091-41 revised 4 September 2020 by Pacific Crest Engineering Inc. - Project No. 1922-SZ81-C41

Project Site: Lee Road Trail
APN 052-091-41
Application No. REV201060

Dear Applicant:

The purpose of this letter is to inform you that the Planning Department has accepted the subject report for the Development Permit Application phase of the project. The subject report provides preliminary geotechnical engineering design criteria to facilitate preparation of the 65% Complete Design project plan set. Prior to the submittal of Building Permit Application for the project, the following items shall be required:

1. The project includes a pedestrian bridge crossing the approximate 700 feet wide Struve Slough. We understand four abutments are proposed within the slough. Lee Road paralleling the proposed pedestrian bridge alignment has been underwater year around for roughly the last decade due to ground subsidence and/or sediment buildup. As outlined in the subject report, supplemental cone penetrometer (CPT) soundings are recommended at the proposed pile locations within the slough in order to more fully characterize the subsurface conditions and liquefaction potential across the bridge site. Overwater equipment will be needed to complete the required supplemental subsurface exploration;
2. As outlined in the subject report, the Basin Deposits underlying the proposed bridge site are liquefiable, resulting in a Site Class F designation. With the fundamental period of vibration for the proposed bridge structure expected to exceed 0.5 seconds, a site-specific ground motion response analysis is required to determine spectral acceleration values for the bridge structure. Please request your geotechnical engineer provide seismic design values for the proposed bridge structure; and
3. The liquefaction analysis presented in the subject report is based upon a mean peak ground acceleration of 0.63g. Using the ASCE 7 Hazard Tool, County staff determined a peak ground acceleration without adjustment for site soil class of 0.95g is applicable for the project site.

Review of the Geotechnical Investigation – Design Phase for Lee Road Trail, Watsonville, California/APN 052-091-41 revised 4 September 2020 by Pacific Crest Engineering Inc.

REV201060

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16 December 2020

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Please request your geotechnical engineer address the discrepancy between the aforementioned acceleration values and to confirm the Maximum Considered Earthquake Geometric Mean (MCE_g) peak ground acceleration has been utilized for project site seismic analyses.

Please note that this determination may be appealed within 14 calendar days of the date of service. Additional information regarding the appeals process may be found online at:

<http://www.sccoplanning.com/PlanningHome/ZoningDevelopment/Appeals.aspx>

If we can be of any further assistance, please contact the undersigned at:

rick.parks@santacruzcounty.us

Sincerely,



Rick Parks, GE 2603

Civil Engineer – Environmental Planning

Cc: Pacific Crest Engineering, Inc., Attn: Elizabeth Mitchell, GE
Planning Department, Attn: Randall Adams
City of Watsonville, Attn: Murray Fontes
Mesiti-Miller Engineering, Attn: Rodney Cahill, PE