



***via electronic and US mail***

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Re: Item Th8a, Application 3-09-068 – Arana Gulch Master Plan

These comments are submitted on behalf of the Center for Biological Diversity (“Center”) on the City of Santa Cruz’s Master Plan for Arana Gulch (the “Project”). The Center urges the California Coastal Commission (“Commission”) to reject the Project as proposed until the non resource-dependent, east-west paved multi-use path through the meadow and Hagemann Gulch is removed, or reconfigured to avoid significant disruption of endangered species habitat values.

The Center applauds the City’s efforts to develop the Arana Gulch Habitat Management Plan in accordance with the “Management Program for the Santa Cruz Tarplant (*Holocarpha macradenia*) Population at Arana Gulch.” The Center also appreciates the City’s modifications to the Master Plan that reduce impacts on endangered Santa Cruz tarplant habitat. However, the Project as proposed will still result in significant destruction of endangered tarplant habitat. The Commission acknowledges that the east-west paved path will “cover a portion of the habitat area with pavement” and create “disruption of habitat values.” California Coastal Commission. 2010. Coastal Development Permit Application 3-09-068. Arana Gulch Management Plan at 44-45. (“CDP Application”).

The Commission should not approve a project with such significant impacts on tarplant habitat within the Arana Gulch Environmentally Sensitive Habitat Area (“ESHA”). Because the east-west paved path is not resource-dependent, and because it will cause significant disruption of habitat values, the Commission should not approve the Project until a less destructive alternative is proposed and favored by the City; one which accomplishes the City’s goal of improving the Arana Gulch trail system for users with various mobility methods while still protecting endangered tarplant habitat.

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## **The Endangered Santa Cruz Tarplant in Arana Gulch**

The Santa Cruz tarplant is listed as “endangered” by the State of California under the California Endangered Species Act, and “threatened” under the federal Endangered Species Act. As an endangered species, the state of California has determined that the Santa Cruz tarplant “is in serious danger of becoming extinct.” CAL. FISH & GAME CODE § 2062. The legal designation of endangered is supported by the dire factual circumstances of the few remaining Santa Cruz tarplant populations. Arana Gulch is a crucial critical habitat unit for the Santa Cruz tarplant. The Arana Gulch critical habitat unit is one of two populations in close proximity that are lowest in elevation in the northern Monterey bay area and, thus, closest to the moderating climactic influence of the Pacific Ocean.<sup>1</sup> Arana Gulch also has the third largest standing native population of tarplants, which contributes significantly to the seed bank reserve for the species and is large enough to support management activities that are necessary to maintain the population at the site.<sup>2</sup>

Active management for tarplant populations is a crucial component of maintaining the population, and the Center supports the City’s extensive plans for implementing such management. However, active management of the tarplant population does not negate significant negative impacts on other portions of the habitat caused by a paved multi-use trail through the middle of the meadow. As the Commission acknowledges, in addition to the historical areas of tarplant populations (Areas A-D), “the rest of the meadow area provides appropriate physical habitat for coastal prairie and tarplant” and as such “the whole of the meadow [is arguably] considered tarplant habitat.”<sup>3</sup> This fact makes it all the more important that the Commission reject the Project as currently proposed, since there will be significant tarplant habitat destruction due to bisection of the meadow by a paved multi-use path, thus further limiting the area in which tarplants could potentially thrive.

### **The Commission Must Not Approve Projects in EHSAs that 1.) Result in Significant Disruption of Habitat Values and 2.) Are Non-Resource-Dependent**

The Coastal Act prohibits “any significant disruption of habitat values” in “environmentally sensitive habitat areas.” PUB. RES. CODE § 30240(a). Despite the significant impacts to the Arana Gulch ESHA from the paved multi-use path, the Commission has recommended approval of the Project and erroneously asserted that, contrary to the Environmental Impact Report (“EIR”), no significant disruption of habitat would result from the Project.<sup>4</sup> The Commission cannot selectively adopt portions of the EIR while rejecting other portions of the EIR where convenient.

The Draft EIR for the Arana Gulch Master Plan recognizes that the expanded trail system, including the east-west paved multi-use path, would result in a significant and

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1 USFWS 2008 BiOp (1-8-07-F-46).

2 USFWS 2008 BiOp (1-8-07-F-46).

3 CDP Application at 28.

4 CDP Application at 45.

unavoidable impact to the Santa Cruz tarplant and its habitat.<sup>5</sup> In analyzing the impacts to the Santa Cruz tarplant and its habitat, the EIR recognized that that impacts from the Project's trail components "would remain significant and unavoidable because it cannot be fully ensured that all tarplant habitat would be protected."<sup>6</sup> The City has some recognition of the importance of avoiding tarplant habitat, as the location of the proposed paved Arana Meadow Trail was modified to avoid historic tarplant area C, and further modified to minimize damage to tarplant habitat by being situated over existing hard packed trails.<sup>7</sup> The City likewise here, should recognize that the east-west paved multi-use path through the middle of the meadow, an area where there is not currently even a hard packed trail, will result in significant destruction of tarplant habitat. A "net enhancement of tarplant habitat values"<sup>8</sup> due to tarplant management and other trail removal does not negate this significant habitat destruction. The disruption and destruction of habitat must be recognized by the Commission, and pursuant to PUB. RES. CODE § 30240(a), should not be approved by the Commission.

The Coastal Act also prohibits non-resource-dependent uses within an ESHA. PUB. RES. CODE § 30240(a). In other words "only uses dependent on those (ESHA) resources shall be allowed." PUB. RES. CODE § 30240(a). The Center supports the City's efforts to "maximize opportunities to educate, inform, and inspire" users of the Arana Gulch trail system and "provide an interpretative path system...for users for whom access to this area is currently unavailable."<sup>9</sup> However, the current location of the paved east-west path is not a condition precedent to accomplishing these goals. The City's position – that in order to enable access to such resources, a paved, multi-use path *in this particular location* must be built – is tantamount to permitting a road within a wetland ESHA as long as interpretive signage describing the filled wetlands is displayed at a roadside stop, or permitting the development of an educational institution within an ESHA as long as that institution includes some educational discussion of the resources that were destroyed to permit its development.

This type of justification must be flatly rejected. Interpretive uses can be facilitated for persons with all mobility levels without this particular transportation-oriented path. For instance, visitor platforms adjacent to Arana Gulch, or boardwalks to facilitate wheelchair accessibility while limiting surface disturbance. Even if the City finds that other proposed alternatives are not satisfactory<sup>10</sup>, due to gradient complications or other factors, it is still incumbent upon the City to develop alternatives for path systems that accomplish the City's goals, without destroying habitat for species protected under the federal and state endangered species acts. Likewise, it is

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5 City of Santa Cruz 2006, Arana Gulch Master Plan DEIR at 4.2-43.

6 City of Santa Cruz 2006, Arana Gulch Master Plan DEIR at 4.2-44. The DEIR made this determination because the Project would result in significant impacts to the environmentally sensitive tarplant habitat due to the following: "routing of trail segments through historic Santa Cruz tarplant habitat" resulting in "a direct loss of habitat for the species"; "[c]onstruction of trails... [that] would result in permanent loss of tarplant habitat within the width of the trail"; disturbance of additional tarplant habitat outside the trail footprint by pedestrians and bicyclists; and indirect effects of construction such as deposition of fill, altered hydrology, or the introduction of weeds. Master Plan DEIR at 4.2-42 to 43.

7 CDP Application at 33, 43.

8 CDP Application at 45.

9 CDP Application at 43, 53.

10 See CDP Application at 53-55 for a discussion of the California Native Plant Society alternative, which the City disfavored.

incumbent upon the Commission to not approve the Project until the City has done so.<sup>11</sup> Instead of permitting the destruction and adverse modification of tarplant habitat, the Commission should stipulate that the City adopt one of the many feasible alternatives, or develop new alternatives. The Commission's obligations to adopt reasonable and prudent alternatives to the adverse modification of critical habitat cannot be disregarded.

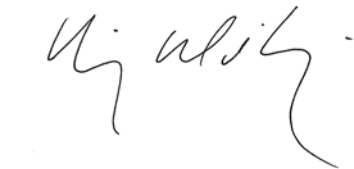
### Conclusion

The Center strongly urges the Commission to follow the requirements of the Coastal Act and not approve the Project as currently proposed. The Commission must not approve a project such as this, which is not resource-dependant, and which will result in significant disruption of endangered tarplant habitat values. PUB. RES. CODE § 30240(a). There are many feasible and reasonable alternatives to avoid the significant impacts engendered by the east-west paved multi-use path on the endangered Santa Cruz tarplant and its habitat. The Commission should not approve the Project until the City's properly protects and enhances endangered species habitat within the ESHA, while implementing its goals to improve the Arana Gulch trail system for users with various mobility methods, increase educational and informational opportunities, and facilitate east west bicycle commute options.

Sincerely,



Jonathan Evans  
Center for Biological Diversity



Nicole DiCamillo  
Law Clerk

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<sup>11</sup> The state legislature has declared that "stage agencies should not approve projects as proposed which would... result in the adverse modification of habitat essential for the continued existence of the species, if there are reasonable and prudent alternatives available" that would conserve the species essential habitat. CAL. FISH AND GAME CODE § 2053.