



via electronic and US mail

March 3, 2010

Mr. Dan Carl
Ms. Susan Craig
California Coastal Commission
725 Front Street
Santa Cruz, CA 95060

Re: Item Th7a, Application 3-09-068-Master Plan for Arana Gulch, Broadway-Brommer
Pedestrian-Bicycle Path

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 Center urges the California Coastal Commission (“Commission”) to reject the Project as proposed until the non resource dependent Broadway-Brommer bicycle path is removed or reconfigured to avoid the significant disruption of endangered species habitat values.

While 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 significant impacts of the Broadway-Brommer Pedestrian Bicycle Path on the endangered Santa Cruz tarplant must be avoided. Alternatives exist that the Commission should adopt to protect and enhance endangered species habitat within the Environmentally Sensitive Habitat Area (“ESHA”), improve the Arana Gulch trail system for users with various mobility methods, increase educational and informational opportunities, and facilitate east west bicycle commute options. Unfortunately, the Project, as proposed, avoids win-win solutions to improve the environment, education, accessibility, and non-automobile transportation.

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 and Game Code § 2062. The legal designation of endangered is supported by the dire factual circumstances of the few remaining Santa Cruz tarplant populations.

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According to the United States Fish and Wildlife Service the Santa Cruz tarplant population declined from approximately 13,000 individual plants in 1998 to approximately 350 plants in 2006.¹ This is due in large part to the limited remaining habitat for the tarplant. Under 100 acres of habitat remains for the Santa Cruz tarplant in high quality coastal prairie habitat like Arana Gulch.² As the amount of habitat has declined so has the number of populations. The Santa Cruz tarplant is currently known from a total of 20 populations.³ Most of these populations have declined substantially since the early 1990s and are threatened with extirpation.⁴ In Santa Cruz and Monterey Counties nine populations of Santa Cruz tarplant populations have been extirpated by development.⁵ All of the native San Francisco Bay region populations have been extirpated, and only experimental populations remain.⁶

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.⁷ 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 may be necessary to maintain the population at the site.⁸ While active management for tarplant populations is a crucial component of maintaining the population the development of a paved multi-use trail through critical habitat for the tarplant would result in significant negative impacts on tarplant habitat.

Significant Impacts of the Broadway-Brommer bike path on the Santa Cruz tarplant and Environmentally Sensitive Habitat Areas

The Broadway-Brommer bike path component of the Master Plan for Arana Gulch is recognized as one of the key threats to tarplant populations—loss of habitat from recreational development. Similarly, construction of the paved path could alter subsurface water flow, impacting the hydrologic processes that maintain the seasonally saturated soil characteristics of Santa Cruz tarplant habitat. It is undisputed that the entirety of the Project area has been designated as critical habitat for the Santa Cruz tarplant and that the Project would result in destruction of critical habitat and alteration of hydrology through the development of a paved multi-use pathway.

The Coastal Act prohibits “any significant disruption of habitat values” in “environmentally sensitive habitat areas” (ESHAs). Pub. Res. Code § 30240(a). Despite the significant impacts in ESHAs Commission staff has recommended approval of the Project and

1 USFWS 2008, Biological Opinion for the Broadway-Brommer Pedestrian-Bicycle Path, Santa Cruz County, California (1-8-07-F-46).

2 Of the 1,977 acres of high quality coastal prairie remaining, less than 5% is Santa Cruz tarplant habitat. USFWS 2008 BiOp (1-8-07-F-46).

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

4 City of Santa Cruz 2006, Arana Gulch Master Plan Draft Environmental Impact Report, at 4.2-28

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

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

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

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

erroneously asserted that, contrary to the Environmental Impact Report (“EIR”), no significant habitat impacts would result from the Project. 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 Broadway-Brommer bike path, would result in a significant and unavoidable impact to the Santa Cruz tarplant and its habitat.⁹ 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.”¹⁰ 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.¹¹ Thus, the significant disruption of habitat from the Broadway-Brommer bike path must be recognized by the Commission and cannot be dismissed.

The Coastal Act also prohibits non-resource dependent uses within an ESHA. In other words “only uses dependent on those (ESHA) resources shall be allowed.” Pub. Res. Code § 30240(a). In the present case the staff report attempts to assert that a transportation project—developing an east-west bicycle corridor—is a resource dependent use because portions of the bike path “function as an interpretive path.” Simply including interpretive signage does not convert a transportation project to a “resource dependent” use. This 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 all mobility levels without this non-resource dependent transportation oriented path.

The Commission Should Adopt Alternatives to the Broadway-Brommer Bike Path that Avoid Significant Disruption of Habitat

The Commission should reject the Broadway-Brommer bike path in favor of less environmentally destructive alternative. 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. The Broadway-Brommer bike path component of the Project would destroy critical habitat for the Santa Cruz tarplant —essential for the continued existence of the species.

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

10 City of Santa Cruz 2006, Arana Gulch Master Plan DEIR at 4.2-44.

11 City of Santa Cruz, Arana Gulch Master Plan DEIR at 4.2-42 to 43.

Instead of permitting the destruction and adverse modification of tarplant habitat the Commission should adopt one of the many feasible alternatives to the Broadway-Brommer bike path.

The Commission staff report clearly recognizes that there are alternatives to facilitate bicycle transportation that avoid the significant impacts of the Broadway-Brommer bike path, “[t]here is little doubt that such projects, alone or together, could facilitate such cross-town connectivity, and could do it without paved paths in Arana Gulch.” The Commission staff report recognizes no less than six alternatives to increase connectivity via bicycle routes. These alternatives should be adopted. Additionally, the Commission should require a Project that provides for increased access for disabled visitors compliant with the Americans with Disabilities Act requirements that avoids modification of tarplant habitat. Such options include visitor platforms adjacent to Arana Gulch, or boardwalks to facilitate wheelchair accessibility while limiting surface disturbance. The Commission’s obligations to adopt reasonable and prudent alternatives to the adverse modification of critical habitat cannot be disregarded.

Conclusion

The Commission must follow the requirements to avoid the significant impacts of the Broadway-Brommer Pedestrian Bicycle Path on the endangered Santa Cruz tarplant. There are many feasible and reasonable alternatives that the Commission should adopt to protect and enhance endangered species habitat within the ESHA, 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,

A handwritten signature in black ink that reads "Jonathan Evans". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Jonathan Evans
Center for Biological Diversity