

## ITEM 5.0 ORAL AND WRITTEN COMMUNICATION

Received from Becky Steinbruner, MGA Board Meeting, March 21, 2024



### **SANTA CRUZ COUNTY GROUP**

**Of The Ventana Chapter**

**P.O. Box 604, Santa Cruz, CA 95061**

**<https://www.sierraclub.org/ventana/santa-cruz>**

**email: [sierraclubsantacruz@gmail.com](mailto:sierraclubsantacruz@gmail.com)**

Soquel Creek Water District  
5180 Soquel Drive  
Soquel, CA 95073  
[bod@soquelcreekwater.org](mailto:bod@soquelcreekwater.org)

**Re: Laurel St. Bridge/Pure Water Soquel Conveyance Project Habitat Impact**

March 4, 2024

Dear Soquel Creek Water District Board Members,

The Sierra Club is contacting you to share our concerns regarding impacts of the Pure Water Soquel Conveyance Project on the breeding habitat of migratory insectivorous cliff swallows beneath the ledge of the Laurel St. bridge. This area is a long documented breeding habitat for up to 50 migratory cliff swallow nests, and it appears that the current installation of the architectural covers will prevent access for future nest building by the swallows. Further, observation of the cliff swallow population since the PWS Project began strongly indicates that impacts of the project have been more severe than those anticipated in the 2018 EIR, and that additional mitigations are now necessary and should be undertaken to prevent subsequent losses.

It has been brought to our attention that community members repeatedly voiced concerns to CDFW and the Soquel Creek Water District about the Project's disturbance of the nesting site in 2022 and 2023. Both agencies' responses left open questions. The Santa Cruz Bird Club has contacted numerous personnel connected with the project in 2023 about the concerns noted below and has received responses from Skyler Murphy, Water Resources Planner with your district. However, although we appreciate the responses given, we believe it is incumbent upon the Water District to begin researching appropriate mitigations to address the observed changes in breeding habitat and effects on the cliff swallows displaced from their nesting sites.

Although correspondence dated 10/31/23 with the Project lead states that "The PWS Project elements do not restrict cliff swallows from nesting on the bridge and abundant nesting opportunities on the bridge remain," our observation (see photo, and that of the Santa Cruz Bird Club, indicates that the current installation of the project's pipe covers *does* eliminate access for the location-faithful cliff swallows. Observation indicates a steep drop in swallow nests beneath the Laurel St. bridge since the Pure Water Soquel installation work began, from an annual average of 50 nests to approximately 15 after implementation of the PWS Project.





In reference to 10/31/23 Project input, we point out that any relocation of the Laurel St. bridge breeding population is hindered by the occupation of other location-faithful cliff swallows at the other potential sites, blocking those sites from use by displaced birds. Additionally, the swallows' nest building requires particular material, which is only available in specific river areas.

As it now appears clear that the 2018 EIR did not adequately assess either the project scope or long-term disturbances to the cliff swallows, we are interested in what mitigations are in place for the loss of the cliff swallows' breeding location, and what future mitigations may be desirable to allow and encourage the return of the displaced population.

The mitigations should factor in that:

- (1) the riparian corridor of the San Lorenzo River is in the protected Pacific Flyway of migratory birds, whose population is steeply declining;
- (2) restoration and protection of riparian corridors is a key aspect of federal and state directives, due to the 90% loss of those corridors;
- (3) mitigations should address cumulative impacts that extend beyond the duration of construction;



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- (4) the 2018 Project EIR Biological Resources (Section 4.4) acknowledges that 'project construction could disrupt breeding and foraging habitat for nesting birds, raptors and bats, and disrupt overwintering habitat for monarch butterflies';
- (5) Section 30240 of the 1976 California Coastal Act governs development in environmentally sensitive habitat areas: "(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (6) (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas."
- (7) the 2018 Project EIR does not include site specific evaluation of the Laurel St. bridge;
- (8) the Laurel St. bridge pipeline construction specifications should contain a Best Management Plan (BMP) for the protected cliff swallows breeding habitat that includes the 9/21/21 restored Migratory Bird Treaty Act and CA Assembly Bill 454, as well as integrating the 2003 San Lorenzo Urban River Plan (SLURP), Santa Cruz City Parks & Recreation Master Plan, e-bird records and the Lower San Lorenzo River 2015 Fall Migration Bird Surveys, thus incorporating bird species now omitted from the Project's EIR (Cooper's hawk, great blue heron, osprey).

In view of these concerns, we strongly urge your Board to research and implement more extensive mitigations of the Pure Water Soquel Project to return more complete use of this fragile and valuable urban habitat to the cliff swallows, a protected species under the 1918 Migratory Bird Treaty Act (restored to full enforcement in 2021). Use of appropriate mitigations would help to restore the significantly degraded 5% to 10% riparian corridor remaining in California.

Thank you for your consideration of these concerns; we would welcome an opportunity for you to discuss these issues and potential solutions with both Sierra Club and Santa Cruz Bird Club members, and we look forward to productive conversations on how to best protect, restore and conserve the San Lorenzo River riparian corridor, as an extraordinary and critical natural resource.



Michael Guth,  
Executive Committee Chair  
Sierra Club, Santa Cruz County Group



## ITEM 5.0 ORAL AND WRITTEN COMMUNICATION

**From:** Emma Western  
**Sent:** Thursday, March 14, 2024 12:33 PM  
**To:** Kristen Sandel; bod  
**Cc:** Steve Bakaley; sierraclubsantacruz@gmail.com  
**Subject:** RE: Sierra Club comments re: Laurel St. bridge/Pure Water Soquel Conveyance Project Habitat Impact

Dear Mr. Guth,

On behalf of the Soquel Creek Water District Board of Directors, we want to acknowledge receipt of your letter dated March 4, 2024, concerning the Pure Water Soquel Conveyance Project. We have read your letter with careful consideration, and we appreciate you sharing your input regarding cliff swallow activity at the Laurel Street Bridge. Environmental stewardship remains a core value for the Soquel Creek Water District, so we appreciate your intentions, and thank you for your letter.

Sincerely,

**Emma Western** (she/her) | Executive Assistant/Board Clerk  
Soquel Creek Water District | 5180 Soquel Dr., Soquel CA 95073 | [www.soquelcreekwater.org](http://www.soquelcreekwater.org)  
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**From:** Kristen Sandel <[krsandel@gmail.com](mailto:krsandel@gmail.com)>  
**Sent:** Monday, March 4, 2024 9:56 AM  
**To:** bod <[bod@soquelcreekwater.org](mailto:bod@soquelcreekwater.org)>  
**Cc:** Steve Bakaley <[slbakaley@gmail.com](mailto:slbakaley@gmail.com)>; Kristen Sandel <[krsandel@gmail.com](mailto:krsandel@gmail.com)>  
**Subject:** Sierra Club comments re: Laurel St. bridge/Pure Water Soquel Conveyance Project Habitat Impact

Good morning, attached please find Sierra Club comments regarding the Laurel St. bridge/Pure Water Soquel Project. Please confirm receipt of this email. Thank you!

Kristen Sandel  
Conservation Committee  
Sierra Club Santa Cruz County Group