

CALIFORNIA COASTAL COMMISSION

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Th11a

CD-0001-21 (FHWA)

DECEMBER 16, 2021

CORRESPONDENCE

Received after December 10, 2021 at 5 p.m.



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

December 14, 2021

The Honorable Steve Padilla, Chairman
California Coastal Commission
455 Market St, Suite 223
San Francisco, California 94105-2219

Dear Chairman Padilla,

I write in support of the North Coast Rail Trail Project for which the Santa Cruz County Regional Transportation Commission (SCCRTC) and Federal Highway Administration (FHWA) are seeking the Commission's approval of the project's federal consistency determination.

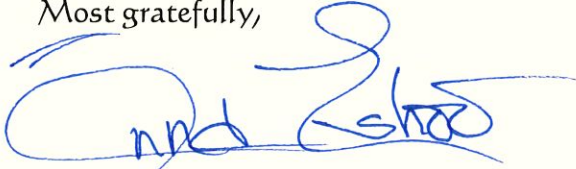
The North Coast Rail Trail Project will build a 7.5-mile bicycle and pedestrian trail from Davenport to Wilder Ranch State Park in my Congressional District. The trail will be located on the coast side of the Santa Cruz Branch Rail Line, providing access to beaches and stunning coastal views. However, I remain concerned by two conditions proposed by Commission staff that would threaten the feasibility of the project.

Condition 3 prohibits the SCCRTC and FHWA from closing the trail at night which I'm concerned would limit their ability to deter illegal activity such as vandalism, trespassing and other criminal activity, and public nuisances that often occur at North Coast beaches.

Condition 4 prohibits the proposed armoring of Davenport bluffs to minimize the impact of trail construction. The Commission's staff report states that the FHWA did not sufficiently demonstrate that there is not a feasible alternative to armoring. However, I'm aware that the SCCRTC and FHWA have provided documentation that alternative trail designs are not feasible because they require two new rail crossings that would conflict with the policy of the California Public Utilities Commission to oppose new crossings. If Condition 4 is adopted, it is likely the project sponsors will be unable to construct the trail in the area near Davenport, cutting the community off from the new trail.

I urge you to give these concerns your fullest and fair consideration in accordance with all applicable laws and regulations, and I thank you in advance for your consideration of my request.

Most gratefully,

A handwritten signature in blue ink, appearing to read "Anna C. Eshoo", with a large, stylized flourish above the name.

Anna C. Eshoo
Member of Congress

cc: Members, California Coastal Commission
Mr. John Ainsworth, Executive Director, California Coastal Commission



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Sarah Newkirk

13 December 2021

California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Re: Consistency Determination CD-0001-21
7.5-mile, Multi-use Bike and Pedestrian Trail from Wilder Ranch State
Park to Davenport in Santa Cruz County

Hearing Date: 16 December 2021

Agenda Item: TH11a

Dear Commissioners:

Thank you for the opportunity to comment on item Th11a – a consistency determination for the development of a 7.5-mile, multi-use bicycle and pedestrian trail that would extend along a railroad corridor from Wilder Ranch State Park north to Davenport in unincorporated Santa Cruz County.

The Land Trust of Santa Cruz County (Land Trust) has supported the proposed 32-mile Coastal Trail alignment (the Rail-Trail project) since its inception. We have raised substantial private funds to complete this project. We envision a time when all members of our community, including those in our underserved south county area, will be able to access the Rail Trail and the many contiguous trail systems, providing opportunities to recreate on over 100 mile of multi-use trails. The Land Trust currently holds an access easement over the area near the proposed parking lot and visitor facilities. The access easement area, referred to as “Davenport Bluffs” sees thousands of visitors per year. We are proud that we can serve our community by managing this area for the good of the public.

The Land Trust encourages your concurrence with the Federal Highway Administration’s (FHWA’s) consistency determination. We specifically request that you reject proposed Condition 4, relating to the proposed armoring at Davenport Bluffs, because Condition 4 would have the perverse effect of obstructing a much-needed coastal access project, and alternative trail alignments and designs have already been evaluated – with your staff – and found to be unsuitable. Please note that the Land Trust submitted a separate support letter related to Condition 3, dated 8 December 2021.

As you know, the bluff in question is not natural. When the rail line was constructed in the early 1900s, a wooden trestle was constructed across

San Vicente Creek to support the line, and was subsequently stabilized with non-engineered fill. According to the staff report, the coastal armoring project that is the subject of Condition 4 would “rebuild the slope in the same footprint as now occupied by the embankment” (Staff Report, page 16).

It is unclear why staff is evaluating the permissibility of this stabilization project under the “new development” standard, per Coastal Act section 30253, without discussion. The question of whether the project is properly characterized as the construction of a brand new trail or the formalization of an existing trail alignment parallel to an existing rail line seems – at best – an open one.

In any event, the Coastal Act’s limitations relating to coastal armoring were never intended to cause a massive re-routing of a transportation project in an effort to preserve the natural erosion of an artificial structure. One of the rationales for the limitations on coastal armoring is the preservation of the public trust (“The public trust doctrine thus provides an important basis to prohibit or otherwise regulate armoring structures that would disrupt ecosystem function and/or encroach on public access or use of the tidelands or coastal waters.” (Melius, et al. 2015, *Managing Coastal Armoring and Climate Change Adaptation in the 21st Century*, at 18)). Another rationale is the preservation of natural ecological functions (“Coastal armoring structures placed on eroding beaches prevent coastal ecosystems from migrating inland and cut off sand supply by preventing natural erosion processes.” (Melius et al. 2015, *Managing Coastal Armoring and Climate Change Adaptation in the 21st Century*, at 3)) Ironically, by imposing Condition 4, the Commission would neither protect ecosystem function – as no natural structure exists – nor protect the public trust – as it would be actually obstructing the larger project’s goal of providing public access to the coast.

In sum, the Land Trust strongly encourages the Commission to eliminate Condition 4 and concur with FHWA’s consistency determination. Thank you for the opportunity to comment on this item, and please don’t hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sarah Newkirk". The signature is fluid and cursive, with the first name "Sarah" and last name "Newkirk" clearly distinguishable.

Sarah Newkirk
Executive Director

COMMUNITY TRAFFIC SAFETY COALITION

of SANTA CRUZ COUNTY



www.sctrafficsafety.org ♦ www.facebook.com/sctrafficsafety ♦ CTSC@santacruzcounty.us ♦ (831) 454-7551

December 9, 2021

California Coastal Commission
455 Market St., Suite 223
San Francisco, CA 94105-2219
eorfc@coastal.ca.gov

RE: Support for Approval of the California Coastal Commission Federal Consistency Determination for the North Coast Rail Trail Between Wilder Ranch and Davenport

Dear California Coastal Commissioners:

I'm writing on behalf of the Community Traffic Safety Coalition (CTSC) and am pleased to share our enthusiastic support for the Santa Cruz County Regional Transportation Commission's **North Coast Rail Trail project** and the project's proposed alignment on the coast side of the Santa Cruz Branch Rail Line to provide access to coastal bluffs, vistas, and beaches.

The CTSC's mission is to prevent traffic-related injuries and fatalities for all road users, with a focus on people bicycling and walking. The CTSC envisions safe, accessible, and equitable transportation for all using a Vision Zero strategy and goal of reducing traffic-related deaths and serious injuries to zero. In line with our vision and mission, this project will develop an American with Disabilities Act (ADA) accessible multi-use bicycle and pedestrian trail providing access for visitors of all ages and abilities to the stunning north coast of Santa Cruz County.

The 7.5-mile North Coast Rail Trail segment is an important piece of the 32-mile Coastal Rail Trail and will help Santa Cruz County advance the state and local sustainability measures of improved access, mobility, environment, safety, economic vitality and health as well as reduce green house gas emissions. The North Coast Rail Trail project will offer one of the most stellar active transportation networks in the county to provide both locals and visitors to Santa Cruz County an incredible recreational opportunity to bike, run, roll, skate, or walk along this trail. The trail system will transform transportation in Santa Cruz County by offering safer, greener, and healthier options for bicycling and walking.

All ages and abilities should be provided the opportunity for recreation along the multi-use trail from multiple vantage points and experience the spectacular views of the Monterey Bay Marine Sanctuary. The CTSC is pleased to offer our support of this valuable project to improve public access and mobility along the coast and encourage approval of the Federal Consistency Determination for the North Coast Rail Trail project by the California Coastal Commission.

Sincerely,

Leo Jed, Co-Chair
Community Traffic Safety Coalition of Santa Cruz County

From: Greg McPheeters <greg@movedbybikes.com>
Sent: Friday, December 10, 2021 7:53 PM
To: Energy@Coastal
Cc: gdykaar@sccrtc.org
Subject: Support for North Coast Rail Trail

Dear Commissioners -

As a West Side Santa Cruz resident, I am beyond eager for completion of the North Coast Trail Segment between Wilder and Ranch and Davenport. I am writing to ask that you please approve the Federal Consistency Determination for this segment at your December 16th meeting. This project will be an incredible asset to all residents of CA, providing safe and enjoyable coastal access for cyclists and pedestrians. I can't wait to ride and walk on this new trail segment, and it will be particularly great for kids to access the North Coast.

I specifically hope that the trail can be run on the West (Ocean) side of the Rail Alignment, as this would provide the best access to the coastal bluffs, vistas, and beaches, as well as taking advantage of and formalizing the existing pathways along this segment.

I hope you will approve the Federal Consistency Determination for the North Coast Rail Trail Segment, this project will provide an incredible benefit to the residents of California.

Thank You -

Greg McPheeters

Santa Cruz, CA 95060



SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

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California Coastal Commission
455 Market St, Suite 223
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eorfc@coastal.ca.gov

December 15, 2021

**Re: CD-0001-21- California Coastal Commission December 16, 2021 Item 11a
North Coast Rail Trail/Monterey Bay Sanctuary Scenic Trail Federal Consistency
Determination- Remove Condition #3 & #4, Request Substitute Condition #4**

Dear California Coastal Commissioners:

The Santa Cruz County Regional Transportation Commission (RTC) is owner of the Santa Cruz Branch Rail Line in the North Coast Rail Trail project area and is coordinating with the Federal Highway Administration Central Federal Lands Division (FHWA) to construct the North Coast Rail Trail in Santa Cruz County. The North Coast Rail Trail will extend 7.5 miles from Wilder Ranch to Davenport on the coastal side of the Santa Cruz Branch Rail Line and is part of the 32-mile Coastal Rail Trail in Santa Cruz County. The North Coast Rail Trail is aligned on the coast side of the Santa Cruz Branch Rail Line to maximize coastal access and provide a continuous trail alignment along an active rail line. The California Coastal Commission will consider FHWA and RTC **North Coast Rail Trail/Monterey Bay Sanctuary Scenic Trail Project federal consistency determination on December 16, 2021 as Item 11a (CD-0001-21).**

Request to Remove Condition #4 and Approve Substitute Project Condition

The RTC respectfully requests that the Coastal Commission remove Condition #4 from the federal consistency approval. Condition #4 requires FHWA to revise the project to remove the proposed armoring at the Davenport rail embankment. FHWA and RTC would also like to clarify that the proposed stabilization would be located on the rail embankment and not on a coastal bluff. FHWA and RTC have evaluated alternative alignments and determined that there are no feasible alternative alignments in this area at this time. FHWA and RTC have also evaluated alternative soil stabilization methods and determined that the proposed soil stabilization method minimizes potential impacts. Condition #4 proposed by Coastal Commission staff would not allow FHWA and RTC to construct the trail in the area near Davenport and therefore would make the project infeasible. Furthermore, the public access to the existing informal trail on the coast side of the rail embankment above Davenport Beach will disappear with further erosion under a no project alternative and without the proposed slope stabilization. The North Coast Rail Trail will formalize and improve the existing informal trail

on the coast side of the Santa Cruz Branch Rail above Davenport Beach and continue the 50+ year old coastal public access point.

RTC offers a substitute condition to Condition #4 that enables the project to be constructed as proposed and to adapt to potential impacts or changing conditions. **The substitute condition includes a commitment to a longer-term solution to address climate adaptability and ultimately remove the armoring as part of a larger restoration effort. The substitute condition also provides annual structure and beach monitoring, and an alternate reassessment plan, should beach impacts occur sooner, as result of the project construction or if the rail line is no longer being preserved for rail service to Davenport.** The adaptable design mitigates adverse impacts to the local shoreline by way of both long-term planning and by monitoring and removal. Therefore this substitute conditions allows for the project to be consistent with Coastal Act Policy. The complete substitute condition text is enclosed with this letter.

Passenger Rail Service to Davenport

The Santa Cruz Branch Rail is an active federal freight rail line, and passenger rail service in the form of recreation or excursion service is viable on the Santa Cruz Branch Line and specifically in the project area. The rail line extends 32 miles from Watsonville/Pajaro to Davenport and connects to a network of rail facilities throughout California as described by the State Rail Plan. The Coastal Rail Trail, including this section on the north coast of Santa Cruz County, is part of a larger rail and trail multi-modal system that will provide both locals and the many visitors to the Santa Cruz area a sustainable transportation option to accessing some of the most stunning beaches, shorelines, coastal terraces, hills, redwood forests, and other resource areas in the state, and connect the more densely urbanized stretches to open spaces. This section of coastline has experienced traffic and parking congestion and RTC is interested in maintaining the line for future recreational rail service to increase coastal access adjacent to the trail.

Removal of Condition #3

Also, RTC respectfully request that the Coastal Commission remove Condition #3 from the federal consistency approval, which prohibits FHWA and RTC from closing the trail during nighttime hours. The North Coast Rail Trail is located adjacent to active agricultural operations that use pesticides for agricultural operations. Closure of the trail at night would support existing agriculture adjacent to the trail and would reduce the public's exposure to pesticides. Also, closing of the trail and parking lots is also expected to reduce the amount of criminal activity within the project corridor such as vandalism, illegal camping, and trespassing. Many of the beaches on the North Coast have long been used for partying, camping, and engagement in illegal and dangerous activities. Closing the trail and parking areas at night is expected to decrease criminal activity within the Project area, alleviate public concerns, and reduce impacts to coastal resources that result for nuisance behaviors.

Request for Project Approval without Condition 3# & #4

The RTC, in coordination with FHWA, is pleased to bring this valuable public access project that advances federal state and local sustainability goals to the public. RTC urges the Coastal Commission to approve the Federal Consistency Determination for the North Coast Rail Trail project without Condition #3 and #4 proposed by California Coastal Commission staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "Guy Preston". The signature is fluid and cursive, with the first name "Guy" and last name "Preston" clearly distinguishable.

Guy Preston
Executive Director

Enclosure: **RTC Requested Substitute Project Condition 4**

Santa Cruz County Regional Transportation Commission
Requested Substitute Condition 4

1. The Santa Cruz County Regional Transportation Commission (RTC) will execute a Memorandum of Understanding (MOU) with the California Coastal Commission (CCC) acknowledging that coastal armoring is not a long-term solution to coastal resiliency at Davenport Beach. RTC will include a broader Davenport coastal resiliency project in its Regional Transportation Plan (RTP). RTC will work with the CCC, the Department of Transportation (Caltrans), and other stakeholders to seek funding and cooperation for a future project that would address the impacts of the existing railroad embankment on the natural environment. The future project will be designed to address climate change, including sea-level rise. The future project will include the removal of the coastal armoring permitted by this project and reconstruction of the rail and trail facilities adjacent to Davenport Beach, as part of a broader restorative effort.
2. FHWA will submit for review to the Executive Director all final designs for the proposed slope armoring in the northern portion of Davenport rail embankment. Any substantial change to the design (as currently proposed in site plans titled “Davenport Reinforced Soil Slope Shotcrete Slope” received November 19, 2021) that results in additional impacts to coastal resources may be subject to future review (either through a supplemental consistency determination or negative determination).
 - a. **As-built Plans:** Within 2 months of completion of the shore protection, FHWA shall submit As-Built plans, in substantial conformance with the site plans (November 19, 2021).
 - b. **Monitoring:** On an annual basis, at the end of the winter (between February and March), the embankment toe protection structure and beach profile, fronting the structure will be monitored. Five transect locations (one upcoast of the shore protection, one downcoast of the shore protection and three evenly spaced along the shore protection) shall be established and used for annual monitoring by a surveyor or licensed civil engineer. Monitoring shall be initiated prior to construction activities to provide end of winter baseline conditions from which to monitor future shoreline change. If more than one end of winter monitoring period occurs before construction of the shoreline protection, the results of both surveys can be averaged to develop the baseline condition. Additionally, the structure will be inspected following significant storms. At a minimum, the following will be performed during the annual monitoring:
 - i. Measurements to determine any settlement and significant deviations from As-Built design.

- ii. Evaluation of the existing condition and performance of the structure.
- iii. Recommendations for any maintenance and repairs, and/or modifications to ensure the structure's continued functionality.
- iv. Identification and quantification of changes in the beach profile fronting the structure, with comparison to baseline conditions and baseline beach width.
- v. Examination of information related to storms and waves over the prior year to identify whether wave energy could have caused significant short-term beach erosion.
- vi. If the early winter survey demonstrates that the fronting beach width, established as the distance from the embankment toe of the shore protection to the Mean High Tide Line has retreated by more than 50 percent from the pre-project baseline at two or more transects, the permittee shall perform a secondary beach profile survey between the months of August-September to determine whether the beach width remains more than 50% of the pre-project baseline width.
- vii. Submit a report summarizing the results of the inspection, beach monitoring survey(s) and wave conditions.

c. Reporting: An annual monitoring report shall be submitted on or before September 30th of each year, summarizing the results of the structure inspection, beach monitoring survey(s) and wave conditions. If the annual inspection of the structure indicates maintenance, repairs or modifications are needed, a separate report on the structure may be submitted to ensure such work can be reviewed in a time efficient manner. If the annual and secondary surveys both demonstrate that the fronting beach profile has not sufficiently recovered (I.e. the beach has retreated by more than 50% from the pre-project baseline), the permittee shall complete and submit an Alternative Reassessment Plan as described below.

d. Alternative Reassessment Plan: RTC shall submit an Alternative Reassessment Plan to the Executive Director within 6 (six) months of a triggering event, defined as either (1) the rail line is no longer being preserved for rail service to Davenport or (2) annual monitoring indicates that the beach has retreated more than 50% from the baseline beach width as described above. The Alternative Reassessment Plan shall identify and assess the feasibility of trail relocation or shoreline protection alternatives that, if implemented, would facilitate partial or full removal of the shoreline armoring at Davenport beach. More specifically, the Alternative Reassessment Plan should include a discussion about the operational status of the railway, a detailed description and feasibility assessment for each identified alternative, and a recommendation of a preferred alternative. If a feasible alternative is identified that would facilitate full or partial removal of the shoreline armoring RTC will seek to implement this alternative as soon as is practicable, including removal of the shoreline armoring at Davenport beach.



**Jim Hart
Sheriff – Coroner
County of Santa Cruz**

December 10th, 2021

California Coastal Commission
455 Market St, Suite 223
San Francisco, CA 94105-2219
eorfc@coastal.ca.gov

RE: Santa Cruz County North Coast Parking: Item 11a, Federal Consistency Determination for North Coast Rail Trail and parking improvements and Request for Modification of Condition #3 to allow for parking lot closing hours at night

Dear California Coastal Commissioners:

My name is Jim Hart and I am the Sheriff-Coroner of Santa Cruz County. I am writing to request a modification to condition #3 in the staff report. Condition #3 requires the trail and parking lot be open 24 hours per day. The Sheriff's Office has had many years of experience on the North Coast responding to and documenting illegal activities on Davenport Beach and along the coast. Allowing the parking areas to be open all night will exacerbate an already challenging situation with illegal behavior and activities currently present on the North Coast.

I respectfully request that the Commission revise Condition #3 to allow for the parking lot to be closed during the night from 10pm to 6am.

My staff frequently responds to calls for service and enforces against illegal activities but with a limited number of deputies that must respond to calls throughout the County, it is impossible to cover all areas of the County. I respectfully call on the Commission to assist my department and the Santa Cruz community by requiring reasonable closing hours for the parking areas. Closing these areas at night, consistent with the other County beaches and State Parks on the North Coast, will help to keep the community and visitors safe.

Thank you for your consideration.

Sincerely,

Jim Hart
Sheriff-Coroner