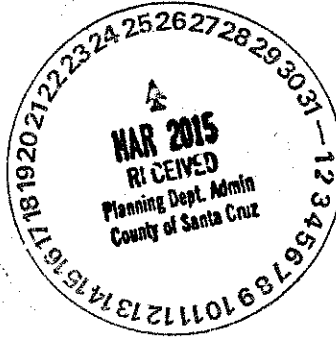
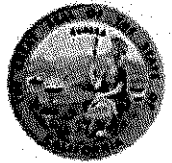




Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov



March 23, 2015

Mr. Todd Sexauer
Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz, CA 95060

Dear Mr. Sexauer:

Subject: Proposed Davenport Recycled Water Project, Initial Study/Mitigated Negative Declaration, SCH #2015022075, Santa Cruz County

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) for the Proposed Davenport Recycled Water Project (Project).

CDFW is submitting comments on the IS/MND as a means to inform the County of Santa Cruz Planning Department (County), as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the proposed Project.

CDFW is a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) § 15386 with responsibility under CEQA for commenting on projects that could affect biological resources. As Trustee for the state's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat for the benefit and use by the people of California. CDFW also acts as a Responsible Agency based on its discretionary authority regarding Project activities that impact streams and lakes (Fish and Game Code §§ 1600 – 1616), or result in the "take" of any species listed as candidate, threatened, or endangered pursuant to the California Endangered Species Act (CESA, Fish and Game Code, § 2050 et seq.).

Project Location and Description

The Project is located in the unsectioned portion of the Arroyo de la Laguna Rancheria in the south central portion of the Davenport 7.5-minute topographic quadrangle, within Township 10 South and Range 3 West; within the Town of Davenport in Santa Cruz County, California; Assessor's Parcel Numbers 058-021 -03 and -07, 058-022-11, 058-071 -04, and 058-072-01. The proposed Project includes treatment plant upgrades consisting of the following: 1) dredging the treatment lagoon of accumulated solids; 2) installing alarms for the filtration and disinfection processes; and 3) adding redundancy for coagulant and hypochlorite dosing. The Project also includes: 4) construction of a storage pond within the Coast Dairies Agricultural Parcel Two located to the northwest of New Town Davenport to store treated water; 5) construction of a pump station and truck fill station constructed adjacent to the storage pond; 6) distribution piping constructed to provide recycled water to two irrigation ponds on the seaward side of Highway 1 across from the treatment plant.

The IS/MND does not provide a clear description on the sources of water coming into the existing waste water treatment plant. There exists a drinking water treatment plant on the same parcel as the proposed Project that obtains its water from a surface water diversion on San

Vicente Creek, a stream identified for focused recovery of Central California Coast coho salmon (*Oncorhynchus kisutch*), listed as endangered under both the federal Endangered Species Act (ESA) and CESA (National Marine Fisheries Service 2012) and currently serves as habitat for coho salmon, steelhead (*Oncorhynchus mykiss*, listed as threatened under the ESA and a State Species of Special Concern) and California red-legged frog (*Rana draytonii*, listed as threatened under the ESA and a State Species of Special Concern).

The IS/MND states that the proposed Project would not directly or indirectly impact any essential habitat for the coho salmon, that the Project may affect, but is not likely to adversely affect, steelhead or California red-legged frog, and that no impacts to San Vicente Creek, Agua Puera Creek or Stream 102 would occur. However, the IS/MND does not include sufficient information to determine whether water originating from the surface water diversion on San Vicente Creek is incorporated in any manner into the Project which could create potentially significantly impacts to sensitive stream resources. In written (email) correspondence with CDFW, the Lead Agency has stated that it was possible water was being passed from a lined pond at the drinking water treatment plant or the CEMEX facility to the wastewater treatment plant. CDFW recommends that additional information be incorporated into the Project Description of the MND for clarification on incoming sources of water used by the Project and a description of their pathways and conduits in order to evaluate any potential impacts of the Project on coho salmon and other special-status aquatic species in San Vicente Creek and their habitats.

CDFW also recommends that the Lead Agency provide information in the MND to clarify whether raw or treated water from the water treatment plant or CEMEX facility will be diverted or incorporated into the wastewater treatment plant in any form. If the Lead Agency has determined that water used for the Project originates from the surface water diversion on San Vicente Creek, then the MND should be revised to analyze potential impacts to the environment from the diversion and the increase or potential increase of surface water use.

CDFW appreciates the opportunity to provide comments on the IS/MND for the subject Project. If you have any questions, please contact Ms. Melissa Farinha, Environmental Scientist, at (707) 944-5579; or Ms. Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541.

Sincerely,



Scott Wilson
Regional Manager
Bay Delta Region

cc: State Clearinghouse
Chad Mitcham, United States Fish and Wildlife Service
National Marine Fisheries Service, Santa Rosa Office

Reference:

National Marine Fisheries Service. 2012. Final Recovery Plan for Central California Coast Coho Salmon Evolutionarily Significant Unit. National Marine Fisheries Service, Southwest Region, Santa Rosa, California

Todd Sexauer

From: Rachel Lather
Sent: Thursday, March 19, 2015 11:32 AM
To: Farinha, Melissa@Wildlife; Todd Sexauer
Subject: RE: Davenport Recycled Water Project

Over the past 4 years we have received about 900 HCF per year of sewage from CEMEX. The water pond they use receives 90,000 HCF per year.

-----Original Message-----

From: Farinha, Melissa@Wildlife [<mailto:Melissa.Farinha@wildlife.ca.gov>]
Sent: Saturday, March 14, 2015 8:41 AM
To: Rachel Lather; Todd Sexauer
Subject: RE: Davenport Recycled Water Project

Hello Rachel and Todd,
Do we have any new information from the water plant operator?

Best,

Melissa A. Farinha
California Department of Fish and Wildlife Environmental Scientist - Santa Cruz County
7329 Silverado Trail
Napa, CA 94558
(707) 944-5579

-----Original Message-----

From: Farinha, Melissa@Wildlife
Sent: Thursday, March 05, 2015 4:08 PM
To: Rachel Lather; Todd Sexauer
Subject: RE: Davenport Recycled Water Project

Hi Rachel,
Yes. That would get at what my concern is. I believe the over flow from the surface water diversion goes to the lined pond there at the drinking water treatment plant and just wanted to make sure that wasn't incorporated in any way into the project. My understanding is that to keep the vacuum to the surface diversion going is that it is constantly on.

Thank You,

Melissa Farinha
CDFW Environmental Scientist Santa Cruz County
7329 Silverado Trail
Napa, CA 94558
(707) 944-5579

From: Rachel Lather [Rachel.Lather@santacruzcounty.us]
Sent: Thursday, March 05, 2015 2:56 PM
To: Farinha, Melissa@Wildlife; Todd Sexauer
Subject: RE: Davenport Recycled Water Project

We are continuing to receive sewage from the CEMEX property but I cannot verify where it is coming from. It is possible that they are passing the water in the lined pond they have through their system and then to our wastewater treatment plant. Is that where you are going with this question? I have asked our water plant operator to give me the total water going to CEMEX from the sandbox and the inflow from CEMEX for the same months. I will let you know if it looks comparable. Otherwise, we have no intent to mix raw water in the treatment process.

From: Farinha, Melissa@Wildlife [<mailto:Melissa.Farinha@wildlife.ca.gov>]
Sent: Wednesday, March 04, 2015 2:13 PM
To: Todd Sexauer
Cc: Rachel Lather
Subject: Davenport Recycled Water Project

Afternoon Todd and Rachel,

I was hoping either of you could answer a question regarding the project which is: does any part of the wastewater treatment process involve the use of raw water or treated drinking water including any inputs to the collection system or aerated lagoon?

Best,

Melissa A. Farinha
California Department of Fish and Wildlife Environmental Scientist - Santa Cruz County
7329 Silverado Trail
Napa, CA 94558
(707) 944-5579

Todd Sexauer

From: Farinha, Melissa@Wildlife [Melissa.Farinha@wildlife.ca.gov]
Sent: Wednesday, March 25, 2015 11:50 AM
To: Rachel Lather
Cc: Todd Sexauer; Ana Maria Rebelo; John Swenson
Subject: RE: Water From CEMEX

Good Morning Rachel,

Yes I did receive your response on March 19th. Please understand that the process for issuing a CEQA comment letter at CDFW involves coordinating five different staff members for multiple reviews and processing. Unfortunately there wasn't enough time left before the public comment period ended to edit the letter based on your response and reiterating the process. I believe the same recommendations for including the additional information in the MND are still valid though. As a note, it is less taxing on CDFW staff resources to consult on a project before the CEQA documents are circulated than to write a comment letter.

Please feel free to call me at any time to discuss future projects.

Melissa A. Farinha
California Department of Fish and Wildlife
Environmental Scientist - Santa Cruz County
7329 Silverado Trail
Napa, CA 94558
(707) 944-5579

From: Rachel Lather [<mailto:Rachel.Lather@santacruzcounty.us>]
Sent: Tuesday, March 24, 2015 1:21 PM
To: Farinha, Melissa@Wildlife
Cc: Todd Sexauer; Ana Maria Rebelo; John Swenson
Subject: Water From CEMEX

Melissa, I thought I had responded to your inquiry regarding the sewage from CEMEX but I cannot find it in my files. I received information from our operations manager regarding the flow to the Sandbox that is located at our water treatment plant. According to him, approximately 187,000 gallons per day flow into the pond that CEMEX uses for their water source. We receive around 2000 gpd from CEMEX at our treatment pond.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



March 18, 2015

Todd Sexauer
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

**Subject: Davenport Recycled Water Project
Coastal Commission Comments on Draft Initial Study/Proposed MND**

Dear Mr. Sexauer:

Thank you for providing the opportunity to review and comment on the Initial Study/Mitigated Negative Declaration (MND) pertaining to the Davenport Recycled Water Project (Project). The Project proposes to install treatment plant upgrades to an existing wastewater treatment plant located on the Cemex property, as well as new construction of a storage pond, pump station and truck filling station on the Coast Dairies "Agricultural Parcel Two" located to the northwest of New Town Davenport on the inland side of Highway 1. Piping would also be installed to connect the existing plant with the new storage pond as well as distribution piping to provide recycled water to two irrigation ponds on the seaward side of Highway 1 across from the treatment plant. The Project is located within the Coastal Zone and will therefore require a Coastal Development Permit (CDP) consistent with the County's certified Local Coastal Program (LCP). Additionally, the proposed development on the Coast Dairies property is required to be consistent with the conditions of Coastal Development Permit 3-11-035, which provided for the subdivision of the Coast Dairies property and includes restrictions on uses on the agricultural portions of the subdivided property.

Commission staff is highly supportive of projects to reuse treated wastewater, especially for coastal priority uses such as agriculture. Our comments below are primarily intended to ensure that the appropriate location for the various project components is chosen with respect to visual and agricultural impacts.

Comment 1: Incomplete Alternatives Analysis

The Biological Resources Assessment prepared for the MND identifies four potential project alternatives. Alternatives 1, 2 and 3 envision construction of the storage pond and related facilities immediately adjacent to the existing wastewater treatment plant (i.e. on Cemex property as opposed to Coast Dairies Agricultural Parcel Two) and provide different options and levels for wastewater reuse. Alternative 4 is the proposed project and envisions the new storage pond and facilities located on the Coast Dairies Agricultural Parcel Two. However, the MND does not appear to analyze why the proposed project is preferred over the alternatives that would site the

new development directly adjacent to the existing wastewater treatment facility, which appears possibly better suited to avoid impacts to protected coastal resources.

Comment 2: Aesthetic and Visual Resources – Coastal Viewsheds

The MND notes that the proposed project has the potential to impact scenic resources, as designated in the County's Local Coastal Program. Highway 1 is designated as a scenic road under Section 5.10.10 of the LCP. In addition, Section 5.10 of the LCP establishes numerous additional policies and standards that govern development at this location, including, for example, 5.10.2 (development within visual resources areas), 5.10.3 (protection of public vistas), 5.10.5 (preserving agricultural vistas), 5.10.11 (development visible from rural scenic road), and 5.10.13 (landscaping requirements). Any proposed development at this location is required to be consistent with these policies.

New Storage Pond: The project description states that the pond would be constructed by excavating to a depth of about eight feet, and constructing a perimeter levee from the excavated material to create a two-acre pond with a usable water depth of 12 feet. It appears that an approximately four-foot-high berm would surround the storage pond. The MND notes that views from Highway 1 and Cement Plant Road could be significantly impacted due to the height of the proposed earthen berm supporting the storage pond, and proposes to mitigate such impacts by vegetating the north, south and west facing sides of the storage pond with Monterey pines. This visual impact could be substantially avoided by placing the pond on the inland Cemex property.

New Pump Station & power pole: The project description (and Figure 3) identifies a new pump station adjacent to the pond on the Coast Dairies Agricultural Parcel Two, and also identifies the need for a new power pole location off of Cement Road (which is visible from Highway 1) to provide electricity to the new pump station. However, the potential visual impacts of this development do not appear to be addressed in the aesthetic and visual resource section of the MND. **Section 5.10.24 of the LCP requires that all new utility transmission lines within views from scenic roads be placed underground.** In addition to the LCP, other State laws require the undergrounding of communication distribution facilities located along scenic highways whenever feasible. (See, e.g. Public Utilities Code Section 320.)

New Filling Station: Similarly, the project description (and Figure 3) identifies a new filling station on Coast Dairies Agricultural Parcel Two. Moreover, it would appear that the new filling station would require construction of a road to provide vehicular access. However the potential visual impacts of this road development are not addressed in the aesthetic and visual resources section of the MND.

New Distribution Pipes: The project description identifies development activities related to new distribution pipes. Based on Figure 2, piping will also be required to connect the existing wastewater facility plant to the new storage pond. The visual resource section of the MND notes that "all distribution lines would be buried." However, the project description notes that the pipe installed on the west side of Highway 1 "would have laterals rising above grade and topping over

the edge of the existing irrigation ponds.” However, the potential visual impacts of this pipe were not evaluated in the MND.

Based on the above, we do not believe that the potential visual resource impacts of the proposed project have been adequately identified, analyzed, avoided and/or mitigated at the current planning stage. At a minimum, we believe that a visual simulation of each of these project components would be necessary to adequately assess such impacts. Moreover, we believe that there may be alternatives to the proposed development identified above that could potentially avoid potential visual impacts; for example, by reducing the size of the storage pond berm, undergrounding the proposed utilities (including the pump station), and minimizing (or eliminating) the new filling station. Moreover, as identified in Comment #1, it appears that many of the potential visual resource impacts could be avoided by siting the proposed new development on the Cemex property adjacent to the existing wastewater facility plant.

Comment 3: Agricultural Resources. The MND identifies Coast Dairies Agricultural Parcel Two as Commercial Agriculture Preserve (AC) (Preserve) and as containing “Prime Farmland” as shown on the Maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Natural Resources Agency. Accordingly, the Project is required to be consistent with the coastal agricultural resource protection policies set forth in Section 5.13 of the LCP. Relevant policies include: 5.13.5 (Principal Permitted uses on Commercial Agricultural (CA) zoned land), 5.13.6 (conditional uses on Commercial Agricultural (CA) zoned lands), 5.13.7 (agriculturally oriented structures), 5.13.8 (location of agricultural support facilities), 5.13.10 (water and sewer lines in the Coastal Zone), 5.13.27 (siting to minimize conflicts).

The project proposes new development on Coastal Dairies Agricultural Parcel Two that includes a new two-acre storage pond, pump station (and associated above-ground utilities) and filling station (and presumably a road to provide vehicular access to these project components). While the proposed facilities are intended ultimately allow for the use of recycled wastewater for agricultural use, the main driver behind the proposed Project appears to be Title 22 water quality violations identified by the May 25, 2011 staff inspection by the Central Coast Region Water Quality Control Board, including: “1) the discharge of thousands of gallons of treated wastewater to the Pacific Ocean by runoff from disposal fields, 2) less than the required two feet of freeboard level in the treatment pond; 3) failure to post signage in areas of water reclamation use, etc.; and 4) failure to investigate and submit a spill response report within five days of the discovered spill.” Thus, in at least some respects, the Project can be seen as an industrial wastewater treatment plant upgrade, inconsistent with the current CA zoning and LCP requirements for that zoning.

Additionally, we would note that the Coastal Development Permit for the Coast Dairies Property includes Special Conditions limited development on the Agricultural Parcels, including Special Condition 4.a set forth below:

Agricultural use in perpetuity. Agricultural Parcels 1, 2, and 3 shall remain in agricultural use for the production of food, fiber, or other animal or plant products

by preserving and protecting in perpetuity its agricultural values, use and utility, and preventing any use of the property that would materially impair or interfere with its agricultural values, use or utility. *The only exceptions to this perpetual agricultural use requirement are* [emphasis added] that: (1) should agricultural use become infeasible in whole or in part on these parcels, then such area shall be protected, used, and managed only for open space and public recreational access uses and development in a manner consistent with the protection and preservation of coastal resources; (2) habitat restoration and enhancement shall also be allowed (e.g., restoration/enhancement of creeks/riparian corridors that are located on the Agricultural Parcels); and (3) reclamation and restoration activities that support and facilitate agricultural (or in the alternative per (1) above, open space and public recreational access) uses and development (including by allowing areas to be so used and developed in these ways) are allowed.

Based on the above, and to ensure project consistency with the visual and agricultural policies of the LCP as well as with the use restrictions of CDP 3-11-035, Commission staff strongly suggests that the MND be revised to select an alternative that does not locate the new facilities on Coast Dairies Agricultural Parcel Two, but instead locates these facilities adjacent to the existing wastewater treatment plant on Cemex property.

Comment 4: Biological Resources. The Biological Resources Assessment accompanying the MND identifies extensive biological resources located on and adjacent to the proposed development, including numerous special status species potentially affected by the project. It also sets forth a series of mitigation measures to reduce or eliminate impacts to these resources. The project is required to conform to the biological resource objectives, policies and standards set forth in Sections 5.1 and 5.2 of the LCP. Unfortunately, given the time constraints, the Commission's ecological expert staff has not had an opportunity to review the project materials. However, we would preliminarily note the following:

Alternatives Analysis: The Biological Report identifies four project alternatives but does not appear to analyze these alternatives in terms of their relative potential impacts to biological resources. Such an analysis would be extremely useful.

No focused surveys: Moreover, the Biological Report indicates that "no focused surveys for this Biological Resources Assessment were conducted" and therefore "a lack of finding of a species in a particular area may not be the result of no occupancy but rather the result of no focused surveys." The lack of focused surveys is problematic because without such surveys it is not possible to adequately assess the project's potential biological impacts on sensitive species that might be present on the project site.

Wetland habitat on Agricultural Parcel Two. According to the Biological Resources Assessment, the Coast Dairies property has two constructed wetland ditches: "one cuts across the southern portion of the parcel and one that occurs in the extreme southeastern portion of the property." These wetlands also appear to be depicted on Figure 7 of the Biological Resources Assessment.

However, it is unclear how the proposed development activity would impact these resources. Please refer to LCP Policy 5.1.3 (Environmentally Sensitive Habitats), 5.1.6 (Development within Sensitive Habitats), 5.1.7 (Site Design and Use Regulations), 5.1.10 (Species Protection); 5.2.3 (Activities Within Riparian Corridors and Wetlands), (5.2.5 Setbacks From Wetlands); 5.2.8 (Environmental Review for Riparian Corridor and Wetland Protection), 5.2.9 (Management Plans for Wetland Protection.)

Comment 5: Water Quality. The MND indicates that a May 25, 2011 staff inspection by the Central Coast Region Water Quality Control Board that identified numerous "Title 22" Water Quality violations, including: "1) the discharge of thousands of gallons of treated wastewater to the Pacific Ocean by runoff from disposal fields, 2) less than the required two feet of freeboard level in the treatment pond; 3) failure to post signage in areas of water reclamation use, etc.; and 4) failure to investigate and submit a spill response report within five days of the discovered spill." This project proposes infrastructure improvements to the existing facilities to avoid future violations. The Project is required to be consistent with Sections 5.4 (Monterey Bay and Coastal Water Quality), and 5.5 (Water Resources), and 5.7 (Surface Water Quality Protection) of the LCP.

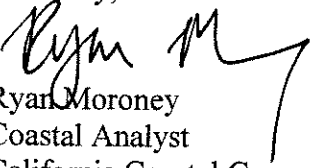
Dredging the treatment lagoon of accumulated solids. The MND states that the Project includes dredging the treatment lagoon of accumulated solids. However, it does not identify what will be done with the accumulated solids that are dredged from the treatment lagoon, nor does it appear that this material has been tested for potential pollutants.

Chemical treatment of wastewater. The MND indicates that the wastewater is currently treated with "coagulant and hyperchlorite," a chlorine contact chamber, and sodium bisulphate. The proposed project would include adding "redundancy for coagulant and hyperchlorite" dosing. Ultimately, the treated wastewater would be sent to irrigation ponds west of Highway 1 and used for agriculture, eventually running off into Monterey Bay and Pacific Ocean. The MND does not explain the potential impacts of these chemical treatment processes on the environment, particularly in light of the fact that the wastewater will be used for agricultural purposes west of Highway 1, and potentially run off into the Pacific Ocean. Section 5.4 of the LCP establishes strict requirements for wastewater discharge, including full disclosure of chemical and biological characteristics. (See, e.g. Policies 5.4.3, 5.4.4, 5.4.5, and 5.4.6.) Moreover, the MND does not appear to explain why this chemically intensive treatment is necessary and whether there are alternatives to such intensive chemical treatment.

Thank you for the opportunity to comment on the MND. We look forward to continuing to work with the County as this project moves through the local review process. If you would like to discuss the project, please do not hesitate to contact me at the address and phone number listed above.

Todd Sexauer
Comments on Davenport Wastewater Recycling Facility
March 18, 2015
Page 6

Sincerely,



Ryan Moroney
Coastal Analyst
California Coastal Commission



MEMORANDUM

Date: March 26, 2015

To: Sheila McDaniel

From: Todd Sexauer

Re: Responses to the Davenport Recycled Water Project Coastal Commission Comments on the Draft IS/MND

Comment 1: Incomplete Alternatives Analysis

An alternatives analysis is not required for an Initial Study/Mitigated Negative Declaration (CEQA §15071). An alternatives analysis is required when preparing an Environmental Impact Report (CEQA §15126.6). The contents of a Negative Declaration circulated for public review includes: a) A brief description of the project, including a commonly used name for the project, if any; b) The location of the project, preferably shown on a map, and the name of the project proponent; c) A proposed finding that the project will not have a significant effect on the environment; d) An attached copy of the Initial Study documenting reasons to support the finding; and e) Mitigation measures, if any, included in the project to avoid potentially significant effects. As stated in the Initial Study Project Description, "The new storage pond location is being proposed on the Coast Dairies Agricultural Parcel Two (058-022-11)." Although analyzed in various technical studies, the proposed storage pond is not proposed to be located on the Cemex parcel (APN 058-071-04) due to the inability of the Davenport Sanitation District to reach an agreement with Cemex to do so.

Comment 2: Aesthetic and Visual Resources – Coastal Viewsheds

New Storage Pond: See response to comment 1. The placement of the storage pond on the Cemex property (APN 058-071-04) is not a viable option; and therefore, has not been proposed.

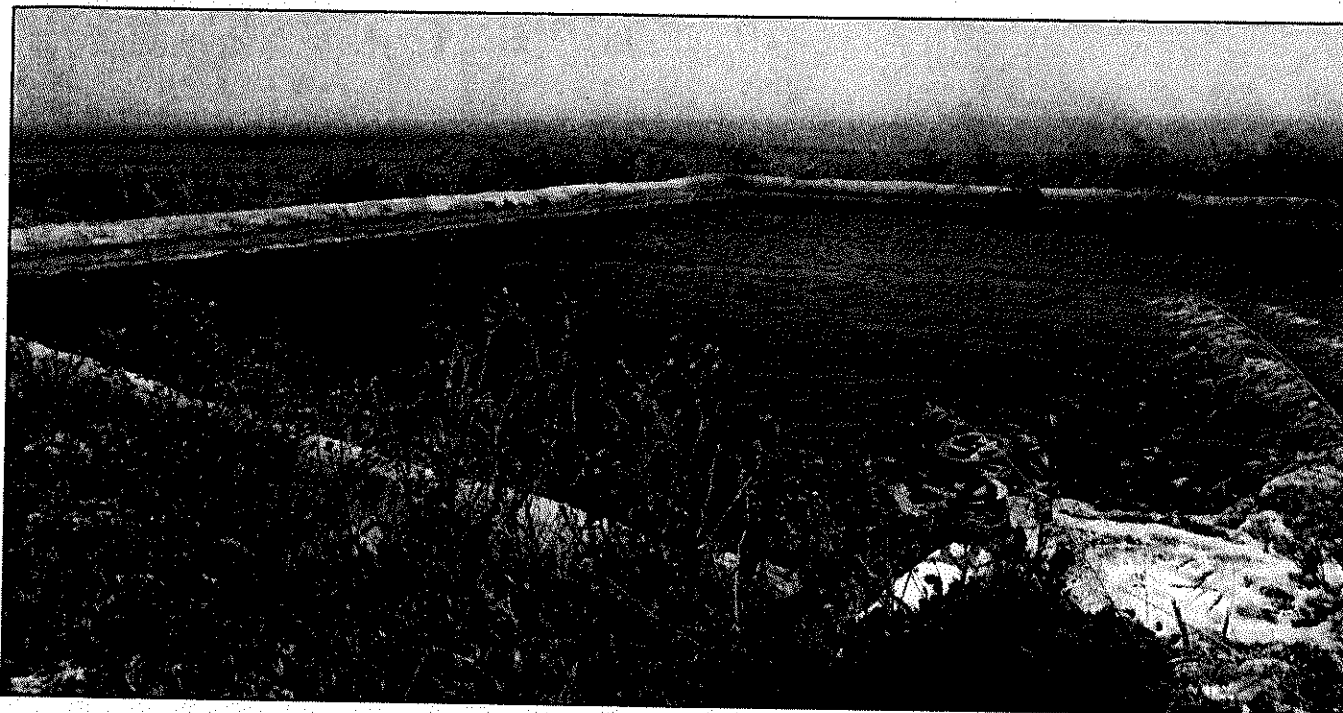
New Pump Station & Power Pole: The pump station would be constructed adjacent to the storage pond, and would be shielded from view by the placement of Monterey pines strategically located around the perimeter of the storage pond site. No significant visual impact would occur due to the construction of the pump station. General Plan Policy 5.10.24 Utility Service Lines, requires underground placement of all new or supplementary transmission lines within views from scenic roads where it is technically feasible, unless it can be shown that other alternatives are less environmentally damaging or would have unavoidable adverse impacts on agricultural operations. In order to comply with this Policy, the project has been conditioned to provide underground electrical service from the power pole to the pump station.

New Filling Station: The preliminary location of the truck fill station was located in front of the proposed storage pond. However, after further design, the location would be located at the existing Davenport Wastewater Treatment Plant site. The truck fill station would be located on existing pavement behind the existing screening of trees that surround the existing plant site.

New Distribution Pipes: The proposed fill pipes would be located at the existing storage ponds on the west side of Highway 1. The ponds currently have fill pipes that are not easily visible from Highway 1 due to their small size and amount of existing vegetation around the ponds (see photo below). No significant impact to visual resources would occur due to the installation of fill pipes at the existing storage ponds.

Comment 3: Agricultural Resources

The preliminary location of the truck fill station was located in front of the proposed storage pond. However, after further design, the location would be located at the existing Davenport Wastewater Treatment Plant site. The truck fill station would be located on existing pavement behind the existing screening of trees that surround the existing plant site.



Fill pipe located at agricultural pond located adjacent to Highway 1 on APN 058-021-03.

An alternatives analysis is not required for an Initial Study/Mitigated Negative Declaration (CEQA §15071). "The new storage pond location is being proposed on the Coast Dairies Agricultural Parcel Two (058-022-11)." Although analyzed in various technical studies, the proposed storage pond is not proposed to be located on the Cemex parcel (APN 058-071-04) due to the inability of the Davenport Sanitation District to reach an agreement with Cemex to do so.

Comment 4: Biological Resources

Alternatives Analysis: An alternatives analysis is not required for an Initial Study/Mitigated Negative Declaration (CEQA §15071). "The new storage pond location is being proposed on the Coast Dairies Agricultural Parcel Two (058-022-11)." Although analyzed in various technical studies, the proposed storage pond is not proposed to be located on the Cemex parcel (APN 058-071-04) due to the inability of the Davenport Sanitation District to reach an agreement with Cemex to do so.

No Focused Surveys: A literature search and focused surveys of the proposed project site were conducted as follows:

Literature Search: Information on special-status plant species was compiled through a review of the literature and database search. Database searches for known occurrences of special-status species focused on the Davenport and Santa Cruz U.S. Geologic Service 7.5-minute topographic quadrangles, which provided a 4.8 km (3 mi) radius around the proposed project area. The following sources were reviewed to determine which special-status plant and wildlife species have been documented in the vicinity of the project site:

- U.S. Fish and Wildlife Service (USFWS) quadrangle species lists (USFWS 2014)
- USFWS list of special-status animals for Sonoma County (USFWS 2014)
- California Natural Diversity Database records (CNDDDB) (CNDDDB 2014)
- California Department of Fish and Wildlife's (CDFW) Special Animals List (CDFW 2014),
- State and Federally Listed Endangered and Threatened Animals of California (CDFW 2014)
- California Native Plant Society (CNPS) Electronic Inventory records (CNPS 2014)
- Santa Cruz County General Plan Update 1994)
- CDFG publication "California's Wildlife, Volumes I-III" (Zeiner et al., 1990)

The U.S. Fish and Wildlife Service (USFWS) electronic list of Endangered and Threatened Species was queried electronically (www.fws.gov/sacramento/es_spp_lists-overview.htm). We also reviewed the CalFish IMAPS Viewer (www.calfish.org/DataandMaps/CalFishGeographicData), developed by CDFW Biogeographic Branch for analysis of fisheries.

The CDFW BIOS website and the California Essential Habitat Connectivity Project: A strategy for conserving a connected California (Spencer, et al., 2010) were reviewed for wildlife movement information. The CDFW BIOS website and the CNDDDB were review for documented nursery sites.

Other sources of information regarding reported occurrences include locations previously reported to the U.C Berkeley Museum of Vertebrate Zoology and the California Academy of Sciences.

Personnel and Survey Dates: Trish Tatarian, wildlife biologist of Wildlife Research Associates, and Jane Valerius, botanist and wetland specialist of Jane Valerius Environmental Consulting, conducted an initial daytime survey of the project site on March 18, 2014, from 1030 to 1345 and on October 22, 2014 from 1130 to 1315. Trish analyzed the on-site habitats for suitability for California red-legged frog (CRLF). No access to the Cemex Plant was allowed at the time of the survey. As a result, the water treatment plant, and the proposed disposal area were not surveyed or evaluated for this report.

Analysis of aerial photographs was conducted of adjacent habitat that could provide terrestrial habitat for CRLF, and ponds and water bodies that could provide potential breeding habitat for CRLF but from which have not been reported in the CNDDDB. Habitats within 1.6 km were evaluated for their potential to provide connectivity between sites for CRLF. Jane evaluated the onsite vegetation communities for their potential to support special status plants and/or wetland communities.

Wetland habitat on Agricultural Parcel Two:

As stated in the Biological Resources Assessment, trenching for the pipelines that goes from the proposed storage pond south along Cement Plant Road to the treatment pond could potentially impact wetland ditches located both along the eastern edge of the Coast Dairy property and the willow wetland area on the west side of Cement Plant Road across from the Coastal Dairy property. These wetlands could be avoided if the trench was constructed within the roadway. As stated on page 15 of the Initial Study project description, "Pipe installed along Cement Plant Road would be constructed in trenches within the concrete road to avoid potential sensitive resources."

Page 42 of the Initial Study/MND under Wetlands and Waters states, "Trenching for the distribution pipelines connecting the treatment pond on the Cemex property with the proposed storage pond on the Coast Dairies property could potentially impact agricultural wetland ditches located both along the eastern edge of the Coast Dairy property and the willow shrubland located on the west side of Cement Plant Road across from the Coast Dairies property. However, these wetlands would be avoided by trenching for the distribution pipeline within Cement Plant Road. Agricultural wetland ditches located on the western side of Highway 1 could be avoided by trenching within the existing compacted agricultural road."

Page 45 of the Initial Study/MND requires the following mitigation measure to reduce potentially significant impacts to a less than significant level.

BIO-20 A formal jurisdictional delineation of wetlands and waters of the U.S. shall be conducted within project area stream crossings and ditches prior to implementation of the project. The project will be designed to avoid impacts to all jurisdictional areas. The proposed project will comply with the Santa Cruz County General Plan Chapter 5 Objective 5.2 and Section 16.30 of the County Code which covers Riparian Corridors and Wetlands.

Potential wetland and riparian impacts would be avoided.

Comment 5: Water Quality

Dredging the treatment lagoon of accumulated solids: A mobile (truck mounted) belt filter press would be used to remove water from the accumulated solids removed from the treatment lagoon to produce a non-liquid material for disposal in an authorized landfill. The water removed from the accumulated solids would be returned to the treatment lagoon. Belt filter presses can be used to dewater most biosolids generated at municipal wastewater treatment plants and are a common type of mechanical dewatering equipment.

Chemical treatment of wastewater: The comment suggests that tertiary treated water from the treatment plant is wastewater. Tertiary treated water is not wastewater and can be used for irrigation of food crops including all edible

root crops where the recycled water comes into contact with the edible portion of the crop; parks and playgrounds, school yards, residential landscaping, unrestricted access golf courses, ornamental nursery stock, etc. Irrigation water would be applied to crops sparingly and would not runoff into the Pacific Ocean. General Plan Policies 5.4.3, 5.4.4, 5.4.5, and 4.4.6 apply specifically to wastewater and not recycled water. The State Water Resources Control Board Recycled Water Policy adopted in 2009 finds that "...the use of recycled water in accordance with this Policy, that is, which supports the sustainable use of groundwater and/or surface water, which is sufficiently treated so as not to adversely impact public health or the environment and which ideally substitutes for use of potable water, is presumed to have a beneficial impact." The tertiary treated recycled water would be treated to a high level that meets Title 22 requirements.



MBUAPCD

Monterey Bay Unified Air Pollution Control District
Serving Monterey, San Benito, and Santa Cruz Counties

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March 24, 2015

Todd Sexauer, Project Planner
County of Santa Cruz, Department of Public Works
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Todd.Sexauer@santacruzcounty.us

Re: Davenport Recycled Water Project Initial Study/Mitigated Negative Declaration (IS/MND), App # 151029

Dear Mr. Sexauer:

Thank you for providing the Monterey Bay Unified Air Pollution Control District (Air District) with the opportunity to comment on the above-referenced document. The Air District has reviewed the document and has the following comments:

- The evaluation does not support the conclusion of whether the project will have a significant effect on air quality. The lead agency determines that potential construction and operational air quality impacts would be less than significant without actually estimating project emissions to support its findings. The final MND should include an analysis of the potential air quality impacts compared to the significance thresholds as identified in the Air District's 2008 CEQA Guidelines (The guidelines are available to download at: <http://mbuapcd.org/programs-resources/planning/ceqa>). For example, indicate the size of the area that will be graded on a daily basis during construction for comparison with the 2.2 acre/day significance threshold for PM₁₀. The California Emission Estimator Model (CalEEMod) is a helpful tool for evaluating emissions from projects and can be downloaded at: <http://www.caleemod.com/>.
- The discussion under Section C.5. of the Environmental Review Checklist does not identify the potential odors from dredging the treatment lagoon. It is important to disclose the potential for odors and consider options to address odors prior to the start of construction in order to avoid impacts on the local population and to avoid operating in violation of Air District Rule 407, Public Nuisance. As the community of New Town Davenport is located 0.1 mile NW of the project and Old Town Davenport is roughly 0.5 mile to the SE, it is possible that objectionable odors released during the dredging process could affect a substantial number of people and cause a public nuisance. Possible approaches to mitigate the odors could be: 1) only dredge during favorable winds that direct odors away from the local communities and 2) immediately haul dredged material off-site. The measures implemented to mitigate the potential odors should be included in the final MND.
- Please verify that surfaces intended for vehicle use once the project is constructed will be paved to limit operational fugitive dust emissions and potential dust impacts on nearby residents. If the roads will be unpaved, please specify measures that will be implemented to minimize fugitive dust.
- The project proposes modifications to the facility that constitute a change in equipment operating under Air District Permit to Operate #12231 for the Wastewater Treatment Lagoon. Please submit an application to the Air District to modify the permit prior to the start of project construction. The Air

District's Engineering Division can be contacted at 647-9411 if you have questions about the permitting process.

- The Air District recommends including a quantitative analysis of potential greenhouse gas (GHG) emissions from the project. GHG emissions can be estimated using CalEEMod referenced above.
- The text states that the County adopted a Climate Action Plan but does not specify whether any measures from the plan will be implemented with the project. For example, in order to address increased GHG emissions due to the project's energy consumption, consider installing solar or wind energy generation to make progress towards meeting the County of Santa Cruz's ongoing Climate Action Strategy as itemized in strategy E-4.10 – "Increase renewable energy generation on other County facilities, as feasible."
- On page 52, please note that the California Air Resources Board regulates off-road equipment such as construction equipment, rather than a Regional Air Quality Control Board.

Please provide the Air District with written responses to all comments prior to adoption of the Final MND. Air District staff is available to work with the Lead Agency to address these issues and any other questions that may arise.

Best Regards,



Amy Clymo
Supervising Air Quality Planner
(831) 647-9418 ext. 227 or aclymo@mbuapcd.org

cc: David Frisbey, MBUAPCD Air Quality Planner

MEMORANDUM

Date: March 26, 2015

To: Sheila McDaniel

From: Todd Sexauer

Re: Responses to the Davenport Recycled Water Project MBUAPCD Comments on the Draft IS/MND

Comment 1:

No significant air quality impact would occur from ozone precursors and PM10. The entire site consists of approximately 2 acres of grading and excavation. No import of export of materials are proposed. As a result, the 2.2 acre per day threshold established by the MBUAPCD would not be exceeded. CalEEMod was not run for this reason.

Comment 2

Dredging of the treatment lagoon would have the potential to cause some odors. However, it is located away from sensitive receptors. In addition, sufficient coastal breezes are present in Davenport to mitigate any potential odor that may occur during the temporary operation of dredging. Impacts are not expected to be significant.

Comment 3

All road surfaces would be paved to reduce fugitive dust.

Comment 4

Comment noted.

Comment 5

CalEEMod would quantify the emissions generated during the construction and operational phases of the project. However, the MBUAPCD 2008 CEQA Guidelines currently do not provide a threshold of significance for greenhouse gas emissions. As a result, a qualitative analysis was provided.

Comment 6

The Climate Action Strategy was approved as a guidance document only. The current grant through the SWRCB does not provide for installing solar or wind energy generation facilities at the plant. When funding becomes available, the County would elect to do this. However, it is not currently part of this proposal.

Comment 7

Comment noted.

Todd Sexauer

From: Jude Todd [todd@ucsc.edu]
Sent: Monday, March 23, 2015 10:00 AM
To: Todd Sexauer
Cc: Sheila McDaniel; John Leopold; Zach Friend; Ryan Coonerty; Greg Caput; Bruce McPherson
Subject: Davenport Recycled Water Project, Mitigated Negative Declaration
Attachments: J. Todd Davenport MND comments 3.23.15.pdf; Statement re recycled ww reuse.pdf; Becerra-Castro soil 2015.pdf

Dear Mr. Sexauer,

I am attaching three documents: my comments regarding the Davenport Recycled Water Project's MND, my paper entitled "Statement Regarding Use of Recycled Municipal Wastewater in Santa Cruz," and a recent review study by Cristina Becerra-Castro et al. entitled "Wastewater Reuse in Irrigation: A Microbial Perspective on Implications of Soil Fertility and Human and Environmental Health."

Please acknowledge receipt.

Thank you very much.

Jude Todd, PhD
2655 Brommer St. #18
Santa Cruz, CA 95062

2655 Brommer St. #18
Santa Cruz, CA 95062
March 23, 2015

Todd Sexauer, Environmental Coordinator
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

Subject: Davenport Recycled Water Project, Mitigated Negative Declaration

Dear Mr. Sexauer:

I appreciate the opportunity to comment on the Initial Study/Mitigated Negative Declaration (MND) pertaining to the Davenport Recycled Water Project. I have reviewed the MND and find that I have several concerns about the proposed project.

***Comment 1:** The MND asserts that "The proposed project is designed to provide recycled water to farmlands on the north coast in an effort to increase their productivity" (MND, p. 21). (However, as I read the descriptions of the four project alternatives, that statement pertains to Alternatives 2, 3, and 4, but not to Alternative 1.)*

To the extent that the statement quoted above (from p. 21) does accurately describe the proposed project, the following conclusion affirmed in the MND is unwarranted: "on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) ... there is no substantial evidence that the project as revised will have a significant effect on the environment" (MND, p. 2).

I do not believe that the "whole record" adequately supports that conclusion. In addition to subsequent comments on some specific portions of the MND below, I would call your attention to two attachments that provide substantial scientific evidence that discharge of tertiary-treated wastewater onto soils can negatively impact those soils and, in particular, using such treated wastewater to irrigate food crops can endanger both the soil microbiome and human health.

The first attachment, "Statement Regarding Use of Recycled Municipal Wastewater in Santa Cruz" (Todd 2015), a literature review and analysis that I completed just this month, provides extensive scientific evidence that contaminants of emerging concern (CECs) in tertiary-treated wastewater pose health hazards to people and to the environment. I refer you, in particular, to Section II, pp. 3-10, which discusses the following:

-- endocrine disruptors (EDs) and their characteristics, such as nonmonotonicity and lack of a threshold dose and their particularly worrisome capacity to disrupt normal development for fetuses, infants, and children;

-- health problems from transgenerational epigenetic effects of contact with EDs and other contaminants;

-- problems due to mixture effects (a serious problem in sewer water, where thousands of chemicals may contact one another in the course of transit and treatment);