

Dear Friends of Wildlife,

Boating enthusiasts are pushing hard to get the City of Santa Cruz to approve a second Pilot Project on Recreational Boating on the San Lorenzo River. Last year boaters persuaded the city staff to let them conduct a 'Pilot Project' from April through September, prime time for breeding and migratory birds. Now, sobered by pressure from residents outraged by the threat to wildlife, and by information made available to the city by a professional biologist contracted by the city, city staff will present to the Council a new, severely trimmed proposal for another Pilot Project in September and October. This Pilot Project, unlike the first, is designed primarily to explore whether boating will negatively affect bird life of the river.

**If you are looking for a chance to help the birds and other wildlife of Santa Cruz, please think about turning up this Tuesday afternoon, June 23rd at 2:30 at the City council chambers. Or write the Council at [citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)**

**Here are a few points you might consider in addressing the City Council:**

#### **Many are Surprised by the Richness of Bird Life on the San Lorenzo River**

According to a recent report by local bird expert, Steve Gerow, the urban stretch of the river from Highway 1 to the mouth supports **122 bird species** that regularly utilize the river for food and breeding. (This is a conservative number that does not include rarities, vagrants or birds that live primarily on the nearby ocean or beach.) People who attended the recent series of bird walks sponsored by the Museum of Natural History were often heard to say things like "I never knew how many birds lived on the this river" and "How could I have lived here this long and not known that the river is a great place to see birds."

#### **45 Local and Wintering Birds Would Be Most Affected by Boating**

Among the 122 birds species named by Gerow are **45 species that feed directly in the water or on the river banks in the estuarine stretch below Laurel - exactly the same stretch of river where boating would be allowed.** These birds include well-known species like the **Great Blue Heron, Great Egret, Green Heron, Black-crowned Night Heron, Snowy Egret, Common Merganser, Pied-billed Grebe, American Coot, Wood Duck, various Sandpipers, Kingfisher, Double-crested Cormorant, Kingfisher, Mallard, Eared Grebe, Common Goldeneye, and Bufflehead.** These birds are present during the August 15 to November 1 period when boating would be allowed. Why does the staff report to the City Council suggest that during these months birds would be safe from boaters? Do we need a pilot project that would harm birds to prove that boating harms birds?

#### **Harm to Birds Has Been Amply Documented During First Pilot Project**

In 2014, boating enthusiasts, led by Greg Pepping of the Coastal Watershed Council, managed to get the permission from city staff to carry out a Pilot Program for boating on the San Lorenzo River. The Project, originally planned to last from April to September, was summarily cancelled by boaters after the August paddling event was shown to cause several bird deaths. The cancellation was a response to a group of local birders that were outraged by the harm to wildlife that they were documenting on their own initiative. Their observations provided a rather chilling account of the damage that boaters can inflict on birds

### **The Boating Enthusiasts Try Again**

Undaunted by the sobering results of the first Pilot Project, the boating enthusiasts pushed to get a second Pilot Project approved by the City. The City Council, taking into account the strong feelings and documented reports of local birders, appointed a six-member Advisory Group in March 10 to consider whether a pilot project was feasible, given wildlife considerations. They hired a respected biologist, Gary Kittleson, as one member of the Group. After six meetings between the Advisory Group and several city staff members, the assistant city manager, Scott Collins, submitted a majority report recommending that the Pilot Project be approved. The two members selected for their work as bird advocates, Jane Mio and Lisa Sheridan were not persuaded that the new proposal resolved the wildlife considerations. They both voted to oppose the recommendation from the staff. The City Council will consider this recommendation on June 23.

### **A Second Time Around: 2015 Pilot Project Shrinks Dramatically in Scope, Takes More Scientific Approach**

With the input of a biologist helping to develop the recommendation for a second Pilot Project, the proposed Project has become severely limited in scope, due to wildlife concerns. Unlike the first Pilot Project, which was designed mostly as a pleasurable boating event rather than a serious study, the second attempt is designed primarily to study whether boating negatively affects bird life on the river. The guidelines, recommended by the city staff include

- Only 2.5 months of boating between August 15 to November 1, boating on Wednesdays, Saturdays and Sundays only.
- Boating only between Laurel St. and the mouth of the river
- Access to boating only at Mike Fox Park and at a point near the mouth of the river.
- Boating will be closed if the sand bar at the river mouth is breached.
- Boaters must stay 100 feet away from all wildlife
- For purposes of studying the potential negative impact, the Pilot Project expands the scope of the first project by opening the river to paddling from 9 to 5 for an unlimited number of paddlers.

This represents a definite improvement over the First Pilot Project. But it has serious flaws.

### **Sidestepping CEQA**

The staff report claims that the Pilot Program is not 'discretionary' but is 'ministerial' in nature, thus not requiring a CEQA review. In CEQA'sese 'ministerial' means that it "involves little or no personal judgment by the public official as to the wisdom or manner of carrying out the project." 'Ministerial' is typically reserved for such public actions as issuance of marriage or dog licenses. As local environmental lawyer, Celia Scott pointed out in her letter to the City Council, "Clearly the Pilot Paddling Project involves at the outset a discretionary decision by the City Council, since Council action is necessary to move the project forward, and the Council is presented with a number of choices for action, which involve exercise of its discretion."

### **Evaluation Process Vague**

Lisa Sheridan, Conservation Chair of the local Santa Cruz Bird Club, has raised questions about the plan for measuring the effect of boaters on birds of the river. She points out that

the document submitted to the City Council called Bird Survey Methodology does not make clear the exact process for counting bird populations. Will there be a preliminary bird count before the paddling, a post count after the paddling? She points out that because this count takes place in the beginning of migration season, the numbers of birds coming into the river are going up daily. She points out that a standard procedure for measuring bird populations would be a full year baseline study before the pilot project was initiated. This would also hold up to a CEQA review.

### **Tidewater Gobey? New Zealand Mud Snail? Who Are They?**

Kittleson has also raised concerns about the Tidewater Gobey fish which is an officially 'endangered species', lives in the proposed boating area, burrows in the sand along the estuarine stretch of the river, and is subject to trampling as boats enter and leave the two entrance locations. On the other end of the spectrum of desirability is the invasive mud snail which attaches itself to boat bottoms and easily infests rivers and lakes. The mud snail supposedly cannot survive in saline water and thus any boating on the San Lorenzo River must be limited to the estuarine reach below Laurel. Are recent reports of mud snails below Laurel reliable? Will the City go to the trouble and expense of setting up a Pilot Project that will ultimately be brought down by a small fish and a mud snail?

### **There Are Great Alternative Locations for Canoeing, Paddleboarding, Kayaking**

A CEQA review often requires petitioners to show the lack of alternatives. A lack of alternatives is not a problem in Santa Cruz County. We have excellent alternative boating sites at Loch Lomond, Elkhorn Slough, the ocean, the harbor.

### **End Run Around Parks and Recreation?**

We also wonder why the City allowed the boating proponents to do an end run around its own Department of Parks and Recreation, especially when the department is in the middle of developing a master plan for the next 15 years. In one part of a survey that Parks and Rec has circulated, interest in hiking and walking was very high, interest in boating very low. Why shouldn't Parks and Rec evaluate boating along with all the other proposed projects in terms of public interest, cost, feasibility, etc.?

### **Cost of Pilot Program and CEQA Difficult to Stomach in Time of City Belt Tightening**

When we add the cost of a pilot study as well as a CEQA review, the desirability of a boating program decreases even further. The price tag on just the 12-day proposed pilot project (282 biologist hours of monitoring both the bird life and the boater behavior) comes to \$3200. This does not include 50 hours of post event staff time. Furthermore, the staff report says clearly that if the Pilot Project is successful, it will be necessary to go through a CEQA review in order to lift the current ban on boating and implement a long-term permanent program. The cost of the pilot would pale in comparison to the CEQA review. The money for the pilot project will come out of the General Fund, a fund that is already being bled dry because of the need to raise the salaries of city workers. Why shouldn't this project come out of the budget of Parks and Recreation?

### **Are Boaters Still interested in Such A Limited Project?**

Boating enthusiasts were excited about the possibility of opening the river to boating during the spring, summer and fall months. Are they still interested in pressing their case given the

severe limitations on the program, the bureaucratic hurdles that must be jumped, the costs and the other considerations. Many boaters also love wildlife. Have they had a chance to really study, think about and consider whether they still want to press their case? Several early boating supporters who participated in the first pilot project have now become opponents of the project. Shouldn't the City slow down and find out about the level of public interest at this point?

### **Can Proposed Boating Rules on the River Be Enforced?**

If a long-term boating program were to be achieved, who would enforce the limits on the program. Given all the constraints mentioned above, how enforceable would these rules be? Already we are seeing unexplained boaters on the river. The police department has acknowledged that violations of this sort would not constitute a priority call in most cases.

### **Loss of Good Will**

The Bird Club, the Museum of Natural History, the Ebb and Flow Project, the Coastal Watershed Council have all sponsored river-related events that have built a great deal of enthusiasm for revitalizing the Riverwalk. The Riverwalk on the levee is where humans belong, not the River. We do not belong in a threatened wildlife habitat. More and more people are using the Riverwalk for transportation or a leisurely stroll. The positive energy of these events could be partially cancelled by a controversy about boating.

### **Boating Proponents are Out of Step with the Curve of Growing Environmental Consciouness**

Many cities are looking at the acclaimed work that Portland has done in advocating for and restoring small urban wildlife areas within dense urban populations. More money is being made available to cities from state and federal sources, as well as from non-profits like the Nature Conservancy. Because 80% of people live in cities, urban wildlife protection is increasingly being seen as both good for the planet and good for raising environmental consciousness, especially among the young. We would be going against the tide of a very positive national shift if we supported recreational boating on a rich natural bird habitat.

### **We Have Birds Because We Have Not Had Boating for Decades**

Part of the reason that our river has acquired regional importance as a habitat zone for local and migrating birds is because recreational boating has been banned for decades. This special habitat value should now be protected rather than diminished.

**We hope residents of our beautiful area will express strong support for keeping our river free of recreational boating.** Tuesday afternoon's vote will be a signal to our community about where our community stands on protecting our precious natural environment. Let's show the next generation that Santa Cruz values our wildlife and our natural environment force.

Council members can be reached by e-mail at [citycouncil@cityofsantacruz.com](mailto:citycouncil@cityofsantacruz.com)

For the birds,  
Barbara Riverwoman