

Screening Form
Low-Effect Incidental Take Permit Determination and
National Environmental Policy Act (NEPA)
Environmental Action Statement

I. HCP Information

A. HCP Name: Salinas River Lagoon and Sandbar Management Low Effect Habitat Conservation Plan, Monterey County, California.

B. Affected Species: Federally endangered tidewater goby (*Eucyclogobius newberryi*), federally threatened Monterey spineflower (*Chorizanthe pungens* var. *pungens*) and Pacific Coast distinct population segment (DPS) of the western snowy plover (*Charadrius nivosus nivosus*).

C. HCP Size (in stream miles and/or acres): The HCP consists of approximately 142 acres of lagoon habitat and approximately 100 feet of the of the Old Salinas River channel. This area represents the last reach of the Salinas River before it drains into Monterey Bay, approximately 3 miles southwest of the City of Castroville, California. The permit area will encompass the entire area of potential impacts.

D. Brief Project Description (including minimization and mitigation plans):

Monterey County Water Resources Agency (applicant) is seeking a 5-year incidental take permit, under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. § 1531 *et seq.*), for take of the federally endangered tidewater goby and federally threatened western snowy plover incidental to periodic sandbar management to facilitate breaching of the Salinas River Lagoon. The HCP also addresses effects to the federally threatened Monterey spineflower. The purpose of the proposed activities is to limit water levels in the Salinas River Lagoon during storm events to prevent or minimize flooding of adjacent agricultural lands and residences. Project activities would include using a bulldozer or excavator to excavate a pilot channel in the sandbar of the Salinas River Lagoon. Rising flood waters would then break through a sand plug left in the channel and connect the Salinas River to the ocean. Beach access and channel excavation would disturb 0.35 acre or less of beach for each breaching event, and each resulting lagoon breach would result in temporary losses of up to 1.0 acre of western snowy plover nesting habitat, 0.19 acre of Monterey spineflower habitat, and a small area of tidewater goby lagoon habitat. Project effects are expected to be similar those resulting from a natural lagoon breach. It is expected that sandbar management activities would occur up to once per year and up to five times total during the proposed five-year project period. Sandbar management would be conducted after other flood control options such as release of water through the Old Salinas River channel have proven insufficient.

Species Occupation and Baseline

Tidewater goby: Suitable tidewater goby habitat to support all life stages and behaviors including breeding, feeding, and sheltering occurs throughout the Salinas River Lagoon and Old Salinas River in the project area. Recent surveys have confirmed the presence of tidewater gobies in the project area, including after breaching events and as recently as May 2022. Therefore, tidewater goby is assumed to be present, and some take of the species is expected to occur.

Western snowy plover: Suitable western snowy plover habitat to support all life stages and behaviors including nesting, feeding, and predator avoidance occurs in most of the approximately 1.35 acres of coastal dune habitat in the project area. Recent surveys on the Salinas River National Wildlife Refuge and Salinas River State Beach have confirmed nesting in the project area, and historical data suggest there is some potential that facilitated breaching could occur after plover nesting has been initiated. Therefore, breeding western snowy plovers are assumed to be present, and some take of the species is expected to occur.

Monterey spineflower: Suitable Monterey spineflower habitat to support all life stages is present in approximately 1.35 acres of coastal dune habitat the project area. The species has been observed adjacent to the Salinas River Lagoon and near the route used to access the beach for sandbar maintenance activities, but its distribution across the permit area is unknown. Therefore, Monterey spineflower is assumed to be present, and effects to the species are expected.

Goals and Objectives of the HCP

Tidewater goby

Goal: Maintain currently occupied tidewater goby habitat in the permit area.

Objective: Avoid and minimize effects on existing populations of tidewater goby in the permit area. Measures to achieve this objective include the following:

- Implement measures to avoid and minimize impacts to tidewater goby during facilitated breaching activities.
- Capture and relocate any live tidewater gobies found stranded during breach events to safe areas of the lagoon.
- Develop and implement a monitoring program to assess the status of tidewater goby in the project area.
- Contribute toward the recovery of tidewater goby by conducting research to further advance the recovery of the species.

Western snowy plover

Goal: Maintain occupied and suitable western snowy plover habitat (foraging and breeding)

within the permit area.

Objective: Avoid and minimize effects on nesting western snowy plover in the permit area. Measures to achieve this objective include the following:

- Implement measures to avoid and minimize impacts to western snowy plover during facilitated breaching activities.
- Attempt to salvage any nest identified as being at risk of injury or destruction if possible.
- Contribute funding to State Parks' existing western snowy plover management and public education programs to advance recovery of the species.

Monterey spineflower

Goal: Maintain existing populations of Monterey spineflower in the permit area.

Objective 1: Maintain the distribution and abundance of Monterey spineflower populations within the permit area.

Objective 2: Avoid and minimize effects on populations in the permit area from anthropogenic factors which negatively impact Monterey spineflower, including exotic plants, unnatural disturbances, and erosion.

Measures to achieve these objectives include the following:

- Survey suitable habitat in the permit area to assess the status of existing Monterey spineflower occurrences and to identify previously unknown occurrences.
- Implement measures to avoid and minimize impacts to Monterey spineflower during facilitated breaching activities.
- In cooperation with State Parks, collect seeds from any mature plants that cannot be avoided during sandbar management activities for future transplantation into protected suitable habitat.
- Contribute funding to existing invasive species eradication plan implemented by State Parks to enhance and restore habitat for Monterey spineflower on Salinas River State Beach.

The Proposed HCP

(a) Minimization and Avoidance. For further detail and the total list of minimization and avoidance measures, refer to Section 5.2.1.5 of the HCP

1. Pre-activity surveys and monitoring - To reduce the potential for injury or mortality of individual tidewater gobies, western snowy plovers, and Monterey spineflowers, a Service-approved biologist (biological monitor) will survey the project site prior to sandbar management activities. The biologist will identify an access path and proposed pilot channel location free of Monterey spineflower and nesting snowy plovers. If any covered species are found in work areas that cannot be avoided, the biologist will implement additional measures as necessary. The biologist will remain on site throughout work to monitor for covered species and ensure all measures are implemented and will have authority to stop and correct any activity that does not comply with the measures.
2. Worker environmental awareness training - A Service-approved biologist will conduct a worker environmental awareness training for all persons employed or otherwise working on site before performing any work. The training will describe the covered species that may be on site, what to do if covered species are found, and measures to be implemented.
3. Covered species avoidance - If a covered species is encountered during project implementation, the approved biologist will stop work and coordinate with the project lead to determine if work can be adjusted to avoid the species. Adult or fledgling snowy plovers within the work area will be allowed to leave on their own. Plover nests will not be approached within 100 feet unless a closer approach is necessary due to access or safety constraints.
4. Tidewater goby relocation – Tidewater gobies found during pre-activity surveys in areas where the biologist determines they are likely to be harmed by breaching will be relocated to a location in the lagoon determined in advance of the breach to be safe from the effects of breaching. During each breach event, the biologist will monitor the pilot channel and lagoon perimeter for any gobies that become stranded in dewatered areas or shallow pools that may dry out or have an increased risk of predation and will relocate individuals to a location in the lagoon determined in advance of the breach to be safe from further effects of breaching.
5. Western snowy plover egg salvage and captive rearing – If a western snowy plover nest is determined to be at risk of injury during project activities (e.g., within the path of the flow of water through the breached sandbar), an approved biologist may capture up to 3 eggs (i.e., 1 nest) for captive rearing during the permit term. The biologist will first determine whether the nest and adults can be moved to a safe location on the beach. If this is not possible, the need for captive rearing will be determined by the biologist and will be dependent on the feasibility and safety of temporarily suspending emergency operations to facilitate recovery of the nest, and on the availability of an approved facility having the capacity to accept the eggs.
6. Directing western snowy plover broods to safety - If snowy plover chicks are determined to be at risk of injury during project activities, the biologist may slowly direct chicks and attendant adults to a safe area of the beach by slowly and carefully walking toward chicks and adults and encouraging movement in the direction of the safe area. The biologist will monitor for the presence of potential avian predators before directing broods to an area and will continue to watch to confirm that chicks and attendant adults do not re-enter the area of project activities.

(b) Mitigation Measures

The HCP's conservation strategy includes the following measures to mitigate for unavoidable take of tidewater goby and western snowy plover and adverse effects to Monterey spineflower. Each of these measures has been identified as a priority action to promote recovery in the respective species' recovery plans:

1. Conduct research to support recovery of tidewater goby - The applicant will fund two research projects designed to provide a greater understanding of the distribution and life history characteristics of goby in the Salinas River Lagoon and larger Salinas Valley region. One project will assess tidewater goby reproductive patterns in the Salinas River Lagoon to determine peak reproductive period(s) and an estimate of the resiliency of the population to stochastic events. The other project will utilize environmental DNA (eDNA) sampling to assess broader goby distribution in the Salinas River and connected waterways to evaluate occupancy and the potential presence of nearby source or refuge populations.
2. Support local western snowy plover recovery efforts – The applicant will contribute funding to California State Parks' ongoing breeding season management and public education and outreach programs at Salinas River State Beach. Funding may be used for symbolic fencing with signage around important nesting areas, interpretive signs at major trailheads, animal-proof trash receptacles at trailheads and beach access points, and/or direct public outreach (e.g., docent program).
3. Invasive species removal in Monterey spineflower habitat – The applicant will contribute funding to California State Parks' invasive species management program to enhance and restore Monterey spineflower habitat at Salinas River State Beach. To compensate for temporary impacts of up to 0.19 acre of Monterey spineflower habitat per breaching event and five expected breaching events total, the applicant will fund removal of invasive species on 1 acre of Monterey spineflower habitat.

Monitoring

Service-approved biologists will be on-site during all lagoon and sandbar management activities. Biologists will conduct compliance monitoring to minimize incidental take of tidewater goby and western snowy plover and effects to Monterey spineflower and to check for compliance with all measures of the HCP. Biologists will notify the Service immediately if a covered species is taken, trapped, injured, or found dead within the vicinity of the project. The biologists will be available on an on-call/as-needed basis with guaranteed availability for emergency response. The applicant will document compliance with avoidance and minimization measures by submitting post-breaching activity reports to the Service which will present the activities that occurred and which measures were implemented.

The applicant will conduct effectiveness monitoring to assess the outcomes of implementing conservation measures. Understanding the effects of management actions is a critical component of the monitoring and adaptive management program of the HCP. The purpose of this monitoring is to ascertain the success of conservation measures in achieving desired outcomes, and to provide information and mechanisms for altering conservation measures if necessary.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?

Yes, the effects of the project on the tidewater goby, western snowy plover, and Monterey spineflower are both minor and negligible because the effects would be temporary, affect a small number of individuals, and the covered activities have not previously been observed to harm the covered species. Each sandbar breach would cause temporary loss of some tidewater goby habitat and may strand or flush a small number of gobies from the lagoon. However, facilitated breaches are expected to be similar in effects to natural lagoon breaches to which the species is adapted and gobies have persisted in the Salinas River Lagoon after recent facilitated breaches. Each breaching event would temporarily remove up to 1.0 acre of western snowy plover nesting habitat and 0.19 acre of Monterey spineflower habitat, representing a small portion of the habitat available for each species in the project vicinity. The applicant has proposed measures to avoid and minimize effects to the covered species including pre-activity surveys, relocation of stranded tidewater gobies, salvaging of western snowy plover nests, and routing equipment access to avoid spineflowers. Thus, we expect very few individual tidewater gobies or western snowy plovers will be taken or Monterey spineflowers harmed by the project. Take of and effects to covered species will be mitigated by funding tidewater goby research, State Parks' western snowy plover recovery program, and invasive plant removal in Monterey spineflower habitat.

The project area covered by the HCP does not provide habitat for any other listed, proposed, or candidate species that fall under the regulatory authority of the Service and none are expected to occur. The project area does provide habitat and critical habitat for the Federally threatened South-Central California Coast steelhead, a species under the regulatory authority of the National Marine Fisheries Service. The HCP is expected to result in limited but likely beneficial effects to steelhead by connecting the Salinas River to the ocean during storm events when steelhead are expected to be actively migrating.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures?

Yes. The covered activities in the HCP include site access and facilitated breaching of the Salinas River Lagoon on limited areas of beach and coastal dune habitat where no existing human development is present. The covered activities in the HCP are expected to result in effects similar to natural lagoon breaching events and are intended to reduce or prevent flooding effects to adjacent agricultural and residential lands. Thus, we expect this project would also have minor or negligible effects on all other components of the human environment, including environmental values and environmental resources, that would be considered under NEPA, and is expected to result in beneficial socio-economic effects.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) *not* result, over time, in cumulative effects to the human environment (the natural and physical environment) which would be considered significant?

Yes, the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions, would *not* result, over time, in a cumulative effect to the human environment that would be considered significant. The proposed project would implement sandbar and lagoon management activities that the applicant has conducted periodically in the past. The effects of previous repeated implementation of these activities on covered species habitats have been small in extent and temporary, and no take or adverse effects to the covered species or significant effects to their critical habitats has been observed individually or cumulatively from these actions. Lands surrounding the Salinas River Lagoon include areas under agricultural and residential uses, and the Salinas River National Wildlife Refuge and Salinas River State Beach which are managed for natural resource conservation and recreational access. These land uses are expected to continue for the foreseeable future and there are no other past, present, and reasonably foreseeable future actions in the project area or vicinity expected to occur that would result in significant effects to the human environment. Therefore, when considered together with the other past and present actions, implementation of the HCP would not result in significant cumulative effects to the human environment under NEPA.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No implementation of the HCP would not have significant impacts on public health or safety. The HCP covers otherwise lawful activities. The HCP would not involve the use of hazardous materials, substances, or waste. Lagoon breaching activities in general are not known to have significant impacts on public health or safety and are typically undertaken to reduce potential health and safety risks associated with flooding of adjacent lands.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No, implementation of the HCP would not have significant impacts on such natural resources and unique geographic characteristics such as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; flood plains; national monuments; migratory

bird resources; or other ecologically significant or critical resources. The effects of the covered activities are expected to be generally similar to the effects of natural breaching of the Salinas River Lagoon and have been implemented periodically for many years without significant impacts to the adjacent Salinas River National Wildlife Refuge or Salinas River State Beach. No other natural resources or unique geographic characteristics are present or would be impacted by implementation of the HCP.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?

No. The project includes periodic facilitated breaching of the Salinas River Lagoon which has been conducted by the applicant for many years to provide flood prevention benefits on adjacent lands and would fund mitigation for effects to covered species. The project would not result in highly controversial environmental effects.

D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?

No. The covered activities have been conducted by the applicant for many years and the expected effects of these activities are generally well understood. We do not anticipate that this would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. This HCP does not establish a precedent for future actions or represent a decision in principle about future actions that will potentially cause significant environmental effects. The proposed project is not anticipated to have significant environmental effects and does not have any bearing on future actions or decisions.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No. This project does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No. A search of the National Register of Historic Places (<http://nrhp.focus.nps.gov/>) revealed no sites listed or eligible for listing within the project area.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical

Habitat for these species?

No. This project would have minor temporary effects on tidewater goby, western snowy plover, and Monterey spineflower and implement activities not previously observed to harm the species. Each facilitated breach of the sandbar would cause temporary loss of some tidewater goby lagoon habitat, up to 1.0 acre of western snowy plover nesting habitat, and up to 0.19 acre of Monterey spineflower habitat. Furthermore, we expect a very low number of individuals of the covered species could be taken as a result of the project. In addition, the applicant has proposed to mitigate the effects of the taking and other effects to the covered species by funding regional tidewater goby research, State Parks' western snowy plover management program, and invasive plant removal for Monterey spineflower on Salinas River State Beach. The project is anticipated to have a negligible effect on the long-term persistence of tidewater goby, western snowy plover, and Monterey spineflower in the project area and on their recovery overall.

The project would result in temporary loss of small areas of critical habitat for the tidewater goby and Pacific Coast DPS of the western snowy plover during each facilitated breach of the Salinas River Lagoon. The project area includes 131.7 acres of tidewater goby critical habitat unit MN-2 and 95.2 acres of western snowy plover critical habitat unit CA-22 and supports all the primary constituent elements (PCEs) of critical habitat essential to the conservation of each species. Each facilitated breach would temporarily remove a small portion of available tidewater goby aquatic habitat, sandy substrate, and aquatic vegetation (PCEs 1a-c) and affect less than 0.1 percent of tidewater goby critical habitat rangewide. Each facilitated breach would temporarily disturb up to 0.35 acre and temporarily remove up to 1.0 acre of beach supporting western snowy plover nesting, foraging, sheltering, and open beach habitat (PCEs 1-4) and affect less than 0.006 percent of western snowy plover Pacific Coast DPS critical habitat rangewide. These effects are expected to be similar to those that occur during natural breaching of the lagoon and all PCEs are expected to return to their prior extent and function after each facilitated lagoon breach.

The project area also provides habitat and critical habitat for the federally threatened South-Central California Coast steelhead, under the regulatory authority of the National Marine Fisheries Service. Implementation of the HCP is expected to result in limited and likely beneficial effects to steelhead by connecting the Salinas River to the ocean during storm events when steelhead are expected to be actively migrating.

No other listed or proposed to be listed species or critical habitats are present in the project area and none would be affected by implementation of the HCP.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No, implementation of the HCP would not violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment. The HCP and incidental take permit issuance will fulfill Federal environmental compliance. This project is subject to California Environmental Quality Act review pursuant to Monterey County implementing guidelines and other Federal, State, and local environmental laws and requirements.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No. The proposed project would have no effect on low income or minority populations. The project site encompasses only natural lagoon and coastal dune habitat, and the project is confined in scope and is not anticipated to cause effects beyond the project site itself.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No. Ceremonial or sacred sites do not occur on the proposed project site and would not be affected by implementation of the HCP.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No. The project area consists primarily of aquatic lagoon and largely unvegetated coastal dune habitat. While there is some potential for vehicles and heavy equipment to carry seeds of invasive plants into proposed work areas, these effects are expected to be negligible and the applicant implement measures to avoid and minimize this effect, including cleaning vehicles and heavy equipment driven of visible soil and organic matter prior to use and planning access routes to avoid areas where invasive species are present where feasible. The project is not expected to introduce or contribute to the spread of noxious or non-native species, and the applicant's proposed funding of invasive plant removal by California State Parks on Salinas River State Beach is expected to result in a reduction of non-native invasive species in the area.