



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: WRAFIN 24-042, **Version:** 1

Consider recommending that the Monterey County Water Resources Agency Board of Directors recommend that the Monterey County Water Resources Agency Board of Supervisors adopt the Salinas River Lagoon and Sandbar Management Low Effect Habitat Conservation Plan and associated Incidental Take Permit PER8656461 and authorize the General Manager to implement the plan.

RECOMMENDATION:

It is recommended that the Monterey County Water Resources Agency Finance Committee:

recommending that the Monterey County Water Resources Agency Board of Directors recommend that the Monterey County Water Resources Agency Board of Supervisors adopt the Salinas River Lagoon and Sandbar Management Low Effect Habitat Conservation Plan and associated Incidental Take Permit PER8656461 and authorize the General Manager to implement the plan.

SUMMARY/DISCUSSION:

Like many central California coastal river systems, the Salinas River is not hydrologically connected to the ocean for much of the year. A naturally occurring sandbar forms at the river mouth during periods of low streamflow creating the Salinas River Lagoon (Lagoon). Over the course of the year the sandbar can build up to an elevation that is significantly higher than typical dry season Lagoon stage. When winter storms once again create natural streamflow in the Salinas River, stream discharge becomes trapped behind the sandbar in the Lagoon. Because of the height of the sandbar, the Lagoon has the potential to flood low lying farmland and homes before overtopping the sandbar and flowing to the ocean.

The Agency performs sandbar management on an emergency basis to prevent flooding around the Lagoon. Sandbar management is required in most years including the winter of 2023-24. Sandbar management has the potential to result in take of federally listed species in and around the Lagoon and the Agency does not have a permit to cover incidental take of any listed species.

In 1997 the Agency developed the Salinas River Lagoon Management and Enhancement Plan. In 2018 the Agency developed the Salinas River Lagoon Sandbar Management Plan Project Description (a project description for an updated sandbar management plan that has yet to be developed) and the Salinas River Sandbar Management Monitoring and Reporting Plan to address concerns related to sandbar management activities conducted for flood prevention. The plans define criteria for managing the sandbar elevation for flood prevention and define actions to minimize the impact to sensitive species in and around the Lagoon. The existing plans provide guidance for sandbar management activities but do not constitute a current sandbar

management plan or the necessary permits to protect the Agency from incidental take under the Endangered Species Act (ESA).

The proposed Salinas River Operations Habitat Conservation Plan (SROHCP) will address these issues and serve as the basis for the Agency to apply for an incidental take permit (ITP) from the U.S. Fish and Wildlife Service (USFWS) under the ESA. Because of the multi-year timeline for development of the SROHCP, the USFWS strongly encouraged the Agency to pursue a short-term solution to obtain an ITP for sandbar management activities while the HCP is being developed.

To meet the short-term need for an ITP, Agency staff worked closely with the USFWS to develop a Low Effect HCP (LEHCP) to cover flood prevention sandbar management activities until the full HCP can be completed. Because of significant overlap between the LEHCP and the analysis that had been started for the larger SROHCP as well as reduced regulatory requirements for LEHCPs, the LEHCP was completed on a much shorter timeline and at a much lower cost than development of a full HCP.

A public draft LEHCP was submitted to the USFWS in March 2023 for review. Following their internal review process, the LEHCP will was published in the Federal Register for a 30 day public comment period beginning June 5, 2023. USFWS and Agency staff reviewed comments and made revisions the plan as needed. At the time of this report, the final draft of the LEHCP is nearing final approval by the USFWS.

The LEHCP and associated ITP will provide incidental take authorization of three covered species (tidewater goby, western snowy plover, and Monterey spineflower) from activities described in the HCP related to the management of the Salinas River Lagoon and sandbar.

Covered activities under the LEHCP include operation of the Old Salinas River slidegate for Lagoon water level management and the actions related to a facilitated breach of the sandbar at the mouth of the Salinas River Lagoon for the purpose of preventing or alleviating flooding.

To prevent or offset impacts to covered species, the LEHCP analyzes potential impacts of the covered activities to the covered species and identifies biological goals and objectives for each species. Conservation measures including avoidance and minimization measures (AMM's) are then proposed to meet the biological goals and objectives.

The LEHCP includes AMM's such as advance notification, pre-activity species surveys, biological monitoring during sandbar management activities, photo documentation and reporting, and a number of best management practices. To offset impacts that can not be avoided, the LEHCP includes mitigation measures for each species. Mitigation measures in this plan include additional monitoring of breaching effects on tidewater goby, directed

research to provide a better understanding of the local distribution and life history of goby, a contribution to support California State Parks breeding season habitat management and public outreach programs related to western snowy plover, botanical surveys, invasive plant removal on 1 acre of Monterey spineflower habitat on Salinas River State Beach, and compliance monitoring of these actions.

Development of the Salinas River Lagoon and Sandbar Management LEHCP supports Strategic Plan Goal D by pursuing a necessary permit for the core function of flood prevention through Salinas River Lagoon sandbar management; Goal B by performing analysis in conjunction with the Salinas River Habitat Conservation Plan; and Goal C by leveraging grant funding to support these actions.

OTHER AGENCY INVOLVEMENT:

Agency staff has worked closely with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service during the development of the LEHCP.

The Planning Committee has received regular updates on the status of the LEHCP during their monthly meetings including presentations in February 2022 and June 2023.

An update on the status of the LEHCP was provided to the Board of Directors in May 2023.

FINANCING:

Implementation of the LEHCP for the five-year permit term is estimated to cost approximately \$322,400. This estimate includes mitigation actions, monitoring, reporting, and plan administration by Agency staff. Funds have been identified in the proposed FY25 budget from Agency fund 116. Funding assurances for the permit term will be required through BOS adoption of the LEHCP before the ITP can be issued.

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Attachments: 1. Salinas River Lagoon and Sandbar Management LEHCP
2.USFWS Cover Letter
3.USFWS ITP: PER8656461

