

Salinas River Operations

Habitat Conservation Plan

salinasrivermanagementprogram.org





HCP Covered Activities



Developing a Covered Activities List

Step 1: Compile all potential activities

- All actions that could result in take of listed species for which permit will be applicable
 - Specific projects
 - On-going operations or maintenance
 - Include restoration, habitat enhancement, monitoring

Step 2: Apply screening criteria

- Defensible and consistent method of determining covered activities

Step 3: Draft, review, and finalize covered activities

Covered Activity Screening Criteria

- **Control or Authority.** The covered activity **must be under the direct control** of the permittee, or the permittee has the authority for direct control through their jurisdiction or regulation (e.g., a permit or authorization).
- **Location.** The covered activity will occur within the permit area.
- **Timing.** The covered activity will occur during the permit term. For now, we assume that the permit term may be 15-30 years.
- **Impact.** The covered activity has a reasonable likelihood of resulting in take as defined by the ESA of one or more covered species.
- **Project Definition.** **The location, footprint, and type of impacts** resulting from the activity **are well understood and can be evaluated** in the Plan to the satisfaction of USFWS, NMFS, and CDFW. Specifically, the impacts resulting from the activity and associated mitigation must be technically and economically feasible and can be reasonably evaluated in the plan.
- **Practicability.** The activity can be included in the Plan **without substantially increasing** the scope and cost of Plan development or implementation (e.g., adding new covered species, adding significant complexity to the analysis, or adding significant new controversy).



HCP Covered Activities Under Consideration

Water supply operations and floodwater management

- Reservoir operation
- Lagoon and sandbar management
- Minor new construction of facilities
- Retrofit and reconstruction of existing facilities

Capital projects

- Interlake tunnel
- Dam upgrades/repairs
- Groundwater sustainability projects

Facility maintenance

- Dam maintenance
- Vegetation management

Conservation actions

- Best management practices
- Restoration and creation projects
- Habitat management and monitoring



Salinas River Stream Maintenance Program Evaluation



SMP Regulatory Purview

Statutes and Regulations	Permit	Responsible Agency	Triggers
Clean Water Act Section 404 and Rivers and Harbors Act Section 10	Nationwide Permit; Regional General Permit; or Individual Permit	U.S. Army Corps of Engineers	Discharge of dredged or fill material into Waters of the U.S. (Clean Water Act); The construction of any structure in or over any navigable water of the United States (Rivers and Harbors Act)
Clean Water Act Section 401	Water Quality Certification	Regional Water Quality Control Board	Clean Water Act Section 404 permit
Endangered Species Act Section 7	Biological Opinion and Incidental Take Statement	U.S. Fish and Wildlife Service and/or National Marine Fisheries Service	Likelihood that an activity may adversely affect species listed as endangered or threatened under the Endangered Species Act where a federal nexus (authorization, funding, implementation by a federal agency) exists
Endangered Species Act Section 10	Habitat Conservation Plan and Incidental Take Permit	U.S. Fish and Wildlife Service and/or National Marine Fisheries Service	Potential “take” of species listed as threatened or endangered under the Federal Endangered Species Act where a federal nexus does not exist
California Endangered Species Act Section 2081	Incidental Take Permit	California Department of Fish and Wildlife	Potential “take” of species listed as threatened, endangered, or candidate under the California Endangered Species Act
California Fish and Game Code Section 1602	Lake or Streambed Alteration Agreement	California Department of Fish and Wildlife	Actions that would alter any river, stream, or lake in California, or their associated riparian or wetland habitats
California Coastal Act	Coastal Development Permit	California Coastal Commission	Development actions within the coastal zone boundary
Porter-Cologne Water Quality Control Act	Waste Discharge Requirement	Regional Water Quality Control Board	Point and non-point source discharges to Waters of the State not otherwise regulated under the federal Clean Water Act

Typical SMP Permit Life-Cycle

- Clean Water Act (CWA) Section 404: 5 years for a Nationwide or Regional General Permit (NWP/RGP)
- CWA Section 401/ state Waste Discharge Requirement (WDR): tied to the NWP/RGP
- Endangered Species Act (ESA) Section 7: 10-years is common
- ESA Section 10: no standard permit term
- California Fish and Game Code (CFGF) Section 1602 Routine Maintenance Agreement: typically, 10 years
- California ESA (CFGF Section 2081): typically, annual based on project-specific needs

Other SMPs in California

- Valley Water (Santa Clara County)
- Sonoma Water
- City of Livermore
- Napa County Flood Control & Water Conservation District
- San Mateo County
- Zone 7 Flood Control District (Alameda County; in prep.)

SMP Activities vs. Non-Routine Activities

SMP activities are considered *routine maintenance* by the regulatory agencies

➤ Typical SMP Activities

- Managing sediment to engineered design capacity
- Bank stabilization with bio-engineering
- Managing vegetation to a low roughness coefficient while retaining canopy
- Invasives management can serve as mitigation

➤ Non-Routine Activities

- Managing sediment without defined engineered design
- Managing large amounts of sediment (e.g., 100s to 1,000s CY)
- Extensive bank or levee reconstruction
- Bank stabilization using hardscape
- Channelization of a stream from natural to semi-natural (engineered earth) or semi-natural to hardscape

Current Program Components

- Landowners voluntarily undertake their own maintenance at varying scales
- Participation is not required
- Activities include:
 - non-native vegetation management and removal
 - trimming and control of native vegetation
 - sediment management of sandbars and constriction points on secondary channels
 - trash removal



Current Program Issues

- Volunteer approach and cost of implementation results in inconsistent treatment and ongoing program attrition
- Natural winter flows are attenuated due to water capture in the dams and current conditions may not provide sufficient sediment transport in the main channel
- Current main channel capacity is potentially lower as compared to conditions documented in 2008 report
- Giant reed (*Arundo donax*) is a significant ecological and hydrological issue, particularly for the main channel, from Soledad to the coast
- Tributaries to the Salinas and neighboring Gabilan also need channel maintenance

Questions and Comments?



Project Information:

salinasrivermanagementprogram.org

Project Team Contact:

SalinasRiverHCP@icf.com

