



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

AUG 19 2002

In Response Please Refer To:
151422SWR02SR8288:JMA

Mr. Calvin C. Fong
Chief, Regulatory Branch
Department of the Army
San Francisco District, Corps of Engineers
333 Market Street
San Francisco, California 94105-2197

Dear Mr. Fong:

This letter acknowledges the 17 June, 2002, receipt by the National Marine Fisheries Service (NOAA Fisheries) of your 13 June 2002 letter (File Number 26876S) requesting initiation of Section 7 consultation under the Endangered Species Act (ESA). The consultation concerns the possible effects of channel maintenance activities on the Lower San Lorenzo River, in the City of Santa Cruz, Santa Cruz County, California, to threatened Central California Coast (CCC) Evolutionarily Significant Unit steelhead trout (*Oncorhynchus mykiss*), threatened CCC ESU coho salmon (*Oncorhynchus kisutch*) and the Critical Habitat of CCC ESU coho salmon.

The project site is also located within an area identified as Essential Fish Habitat (EFH) for various life stages of CCC ESU coho salmon federally-managed under the Pacific Coast Salmon Fishery Management Plan. NMFS has evaluated the proposed project for potential adverse effects to EFH pursuant to Section 305(b)(2) of the Magnuson-Stevens Fisheries Act. For more information on EFH, see our website at "<http://swr.nmfs.noaa.gov>".

The City of Santa Cruz (the City) proposes, as part of a five year Corps Clean Water Act Section 404 Permit, to disk and loosen channel bottom sediments and on the lower San Lorenzo River in an effort to reduce flooding frequency by maintaining channel capacity. Disking will rip the roots of riparian vegetation on the dry in-channel sandbars. The lower San Lorenzo River is contained within recently raised levees that now provide the City with 100 year flood protection. The natural scour of the sandbars, as opposed to past dredging practices, will maintain the existing channel capacity. The City is disk dry sediment bars to a depth of approximately six inches to facilitate scour and removal during high winter flow events with a bulldozer between Highway 1 and the Water Street Bridge and a horse-drawn plow south of the Water Street Bridge. The channel ripping operation will be accomplished over a one to two week period



during late August to early October low-flow period. The channel ripping operation will cover a distance of approximately 4350 lineal feet between the Highway 1 and Soquel Avenue Bridges. Disking with the bulldozer will be confined to an area of about 150 lineal feet.

The City also proposes selective removal of riparian vegetation and to clean out storm drains flowing in the San Lorenzo River during the low flow period. Storm drain cleaning is a yearly maintenance activity for approximately $\frac{1}{3}$ to $\frac{1}{2}$ of the 18 storm drains.

The City originally proposed to install a low flow fish channel in order to provide summer rearing habitat for CCC ESU steelhead trout and other native fish. Portions of the lower San Lorenzo River are subject to braiding and form multiple shallow stream channels. During periods of lower than normal rainfall these braided channels form less than optimum habitat for native fish and potentially subject fish located in these channels to increased instream temperature and predation potential. To create the channel the City proposed to construct a log or sediment barrier upstream near the Highway 1 Bridge in order to funnel flows into a single channel. At the request of NOAA Fisheries, the City of Santa Cruz removed (documented in a letter from the City to NOAA Fisheries dated 7 August, 2002) this part of the project in order to facilitate the informal consultation process. NOAA Fisheries is concerned construction of a log or sediment barrier would lead to dewatered conditions downstream thus beaching and standing listed CCC ESU steelhead trout. The City may pursue this project separately in the future as part of a formal consultation.

Available information indicates the San Lorenzo River supports populations of CCC ESU steelhead trout, historically supported populations of CCC ESU coho salmon, and CCC ESU coho salmon Critical Habitat. To avoid or minimize impacts to this species, adverse modification of designated Critical Habitat, and; adverse impacts to EFH in the project area, the City of Santa Cruz has incorporated measures discussed above and the additional following measures into the project:

1. The work window is limited to late August and late October (15 October) during the summer low flow period (with possible time extensions to 31 October if weather permits).
2. Only dry sandbars will be ripped, no instream wetlands will be affected.
3. No refueling or equipment maintenance will be allowed within the San Lorenzo River Channel.
4. No mechanical equipment will enter the wetted channel. The bulldozer will cross the San Lorenzo River channel at one of three preselected entry sites. Two of the sites will likely be completely dry at the time of operation, if the third location is used steel plates will be used to straddle the

channel in order to act as a bridge thus maintaining the live (wetted) channel (documented in an email from Ms. Donna Meyers from the City to Mr. Jonathan Ambrose of my staff, dated 14 August, 2002).

5. A five foot vegetative buffer will be maintained between the wetted channel and the sandbar areas proposed for ripping on.
6. A ten foot vegetative buffer will be maintained on the toe of the levee slope.

Based on the information available, I concur with your determination that this project may affect but is not likely to adversely affect threatened CCC ESU steelhead trout, CCC ESU coho salmon, designated Critical Habitat, or EFH. This concludes informal consultation for the project in accordance with 50 C.F.R. Section 402.14(b)(1) and EFH consultation in accordance with 50 CFR 600.920 for the City's San Lorenzo River. However, (1) if new information becomes available indicating CCC ESU steelhead trout or CCC ESU coho salmon may be adversely affected by the project in a manner not previously considered, (2) if the take avoidance and minimization measures listed above are not followed, or (3) if the project plans change, reinitiation of consultation will be required. In addition, at the onset and completion of construction activities it will necessary to inform Mr. Jonathan Ambrose, Protected Resources Division at (707) 575-6091. **This concurrence letter does not authorize the capture, movement, harassment, handling, or any other form of "take" of CCC ESU steelhead trout or CCC ESU coho salmon in the project area.**

If you have any questions, please contact Mr. Jonathan Ambrose at the number listed above.

Sincerely,



for Rodney R. McInnis
Acting Regional Administrator

cc: Jim Lecky - NOAA Fisheries
Gordon Liu - Corps, San Francisco
Donna Meyers - City of Santa Cruz
David Johnston - CDF&G, Monterey
John Gilchrist - John Gilchrist & Assoc.