MARCH 23, 2021

# CHINOOK SALMON COASTAL RELEASE: SANTA CRUZ WHARF 2021

CEQA: INITIAL STUDY AND NEGATIVE DECLARATION

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, FISHERIES BRANCH

# Chinook Salmon Coastal Release Santa Cruz Wharf Initial Study and Negative Declaration for Fall-Run Chinook Salmon Release in Monterey Harbor

## Introduction

This document describes and evaluates the Chinook Salmon Coastal Release at Santa Cruz Wharf (Project). The Monterey Bay Salmon and Trout Project (MBSTP) is a membership-based nonprofit 501c3 organization dedicated to the recovery of native salmon and steelhead populations of the greater Monterey Bay region. Historically, MBSTP has been operating coastal salmon releases in Santa Cruz Harbor from the 1990's through 2002. MBSTP proposes to release 160,000 juvenile hatchery-origin (HO) Central Valley fall-run Chinook Salmon (CV FRCS) *Oncorhynchus tshawytscha* from Santa Cruz Wharf in 2021 and again in 2022. The 2021 and 2022 releases are the Project as described and evaluated in this Initial Study and Negative Declaration. The Project's objective is to increase the number of ocean Chinook Salmon landings in California, enhancing local sport and commercial fisheries. Released smolts would feed and grow along the coast and be available for harvest as adults in one to three years.

## The Findings

California Department of Fish and Wildlife (CDFW) finds that the Project would not have a significant effect on the environment.

The completed Initial Study, attached to this negative declaration, documents the bases for this finding, and CDFW's determination that no significant effect on the environment would occur as a result of Project implementation, and there is no substantial evidence, in light of the whole record before CDFW, that the Project may have a significant effect on the environment (see Initial Study and environmental checklist). Therefore, a Negative Declaration has been prepared pursuant to the California Environmental Quality Act, Public Resource Code, section 21080, subdivision (c)(1).

The Initial Study concluded that the Project would have less than significant impacts to biological resources, greenhouse gas emissions, and public services. The Project would have no impacts to aesthetics, agriculture and forestry, air quality, cultural resources, energy, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, recreation, transportation, tribal cultural resources, utilities/service systems, and wildfire.

## Basis of the Findings

This proposed Negative Declaration consists of the following:

- Project Description and Background Information for Fall-Run Chinook Salmon Coastal Release in Santa Cruz Wharf
- Initial Study Environmental Checklist
- Exhibit A: Statement of Work
- Exhibit B: Permits and Permit Waivers
- Exhibit C: Project Location
- Exhibit D: CNDDB Elements Location and Report

## Project Description and Background Information for Fall-Run Chinook Salmon Coastal Release in Monterey Harbor

## Introduction

The Chinook Salmon Coastal Release Project at Santa Cruz Wharf is a project within the scope of the California Environmental Quality Act (CEQA) (Public Resource Code, § 21000, et seq.). CDFW is serving as lead agency for the Project because it has discretionary approval over the Project. CDFW would provide juvenile fish (smolts) necessary for Project implementation from the Mokelumne River Hatchery (MOK) and would deliver those fish to the Santa Cruz Wharf for their release by MBSTP. Delivery is anticipated in the middle of May depending on smolt growth and logistics. Their current project would entail having smolts delivered to the Santa Cruz Wharf with direct delivery to the ocean instead of providing an acclimation period. The Commercial Salmon Trollers Advisory Committee (CSTAC) and CDFW fund and support this Project. The costs of raising, marking, and tagging, and delivery of Central Valley fall-run Chinook Salmon (CV FR) smolts to Santa Cruz Wharf would be covered by the Commercial Salmon Trollers Enhancement and Restoration Program fund and a matching share contributed by CDFW. MBSTP would provide any additional funding needed for Project implementation. This initial study and negative declaration analyze the environmental impacts that may result from the implementation of the proposed Project.

## **Project Objective**

The Project's objective is to enhance Central California's local sport and commercial fisheries. Released smolts will feed and grow along the coast and be available for harvest as adults in one to three years.

## Background

Adult returns of CV FRCS have fluctuated over the past 30 years (CDFW 2018). Record high numbers occurred between 2000 and 2003 with an estimated 872,699 returning to the Central Valley (CV) during the 2002 spawning season. In contrast, between 2003 and 2009, returns declined significantly to record low levels. During the 2009 spawning season, an estimated 53,129 adults returned to the Central Valley. Return estimates increased slowly over the next few years and reached a high of 448,021 in 2013. However, California's recent drought significantly affected survival of juvenile salmon migrating to the ocean. In 2017, only 101,975 adults returned to the CV, although returns increased in 2018 and again in 2019. In addition to the drought, other factors such as loss of habitat, poor ocean conditions, low river flows, water diversions, pollution, and predation contributed to the population declines.

In an effort to improve survival to adulthood by avoiding the hazards associated with migration, CDFW transports portions of its hatchery-produced CV FRCS downstream and releases them into net pens in the Sacramento-San Joaquin Delta or San Pablo Bay for acclimation, or directly into the Bay. It has been found that hatchery fish released into both the Delta and San Pablo Bay, as well as coastal releases, have higher survival rates and higher recovery rates in ocean fisheries (Palmer-Zwahlen, et al., 2019, Leet, W.S. et al. 1986).

The MBSTP has conducted coastal net pen releases within Monterey Bay since 1992 and nearby harbors. Smolts were released from Santa Cruz Harbor using net pens for acclimation however, returning fish brought an influx of anglers to the harbor in 2014, leading to changes to acclimation methods. Beginning in 2009, 100% of fish released were adipose fin-clipped and Coded Wire Tag (CWT) with a unique tag code. The first three years of CWT recovery data shows a consistent trend that coastal net pen releases have a higher recovery rate than in-basin (at the hatchery) releases, and this can mean better survival (Palmer-Zwahlen and Kormos 2015). Of the total California commercial harvest, Central Valley hatchery releases (including coastal releases) made up 65% of the total California commercial harvest depending on the major port area. However, in releases from net pens downstream of hatcheries, fish exhibited higher stray proportions than in-basin releases (Palmer-Zwahlen, et al. 2019).

"Homing" and "straying" are well-known behavioral traits in the ecology and life-history of Pacific Salmon (Quinn 2018). Homing may be defined as the instinctual ability of an adult Pacific Salmon to return to its natal stream to spawn. In contrast, straying may be defined as an adult migrating to a nonnatal steam of origin. Studies have shown that salmon imprint as they migrate downstream and individuals that are released further downstream may show increased straying as compared to upriver releases (Quinn 2018, 127). Adult Chinook have been observed straying into several streams along the Central Coast as well as many San Francisco Bay streams for the past two decades, although historically these streams did not have native runs of Chinook Salmon (Neillands et al. 2015). In 2014, CDFW began annual observation monitoring for straying CV FRCS into a few Central Coast streams and received adipose fin-clipped Chinook Salmon heads from cooperating agencies and NGOs throughout the San Francisco Bay streams. CWT fish released in Monterey Bay area appear to enter in relatively small numbers into coastal and San Francisco Bay streams between their release point and the Sacramento-San Joaquin Delta when streams are accessible (Neillands et al. 2015, 2016, 2018 and 2019).

## **Project Location**

The primary release method will be located at the Santa Cruz Wharf (36.958751°, -122.017397°) directly into the ocean.

If conditions or logistics prohibit release at the Santa Cruz Wharf, smolts will be released into a net barge in Santa Cruz Harbor (36.963907, -122.002198) followed by release to Monterey Bay as soon as is possible (no more than 24 hours after offload from hatchery trucks). This backup plan is not anticipated and approval from the California Coastal Commission would be required prior to implementation.

## Schedule

CDFW would deliver 160,000 MOK CV FRCS smolts to Santa Cruz Wharf in spring of 2021 and again in 2022. The target time frame is the middle of May; however, exact dates and times would be scheduled as the time draws near and are dependent on fish size, growth rates, and environmental conditions at Santa Cruz Wharf and Monterey Bay.

## **Project Description**

All Project fish would be evaluated by a CDFW Fish Health pathologist and certified to be disease-free prior to leaving the hatchery. Fish would also be marked with Coded-Wire Tags (CWT) and adipose finclipped at a 100% rate for both years of the Project (2021 and 2022) to allow for evaluation of the Project. All smolts would be transported from MOK to Santa Cruz Wharf in a single trip using 2-4 fish transport trucks. Trucks would be loaded, and fish transported according to MOK established standard operating procedures for transportation of salmon. Water in the trucks would be salted prior to adding fish at the hatchery. MBSTP, in anticipation of fish delivery from MOK to the Santa Cruz Wharf, has secured necessary equipment and developed multiple release protocols to accommodate potential changing Monterey Bay conditions. MBSTP would release smolts from the trucks directly into Monterey Bay from Santa Cruz Wharf. MBSTP would provide both staffing and logistical support to facilitate release of fish at the Project location.

No active predator deterrent for marine mammals or seabirds is planned as part of the Project. Past predation events were attributed to net pen acclimation (Ben Harris, personal communication, December 9, 2019). Past enhancement program operations in Monterey Bay using net pens for acclimation have indicated that releases timed to coincide with a large outgoing tide have produced positive results by helping smolts avoid post-release predation and mortality. Releasing directly into the ocean without the use of net pens as well as dusk or night-time releases have also been proposed as a method for reducing post-release predation, particularly by seabirds. MBSTP would adapt schedule and release timing with CDFW and CSTAC to work within these optimal tidal and timing windows.

The Project would release 160,000 fish in 2021 and an additional 160,000 fish in 2022. The two-year total release from Santa Cruz Wharf would be 320,000. Combined with other releases in Monterey Bay, the total release to Monterey Bay from two locations would be 320,000 in 2021 and 160,000 fish or 320,000 fish in 2022 if the previously approved Chinook Salmon Coastal Release Project in Monterey Harbor continues at the current release rate. The goal of the Project is to enhance the ocean fishery.

This Project is contingent upon CDFW approval after completion of CEQA. Project result data would be acquired from CDFW landings, and existing carcass surveys, and existing monitoring programs.

## Environmental Assessment

CDFW staff reviewed this project. It was determined that this Project would have less than significant impacts to Biological Resources, Greenhouse Gas Emissions, and Public Services at Santa Cruz Wharf and surrounding areas. Due to lack of net pen acclimation time, the Project does not anticipate adults to return in large numbers to Santa Cruz Wharf as has been seen in some previous coastal release projects. The Project complies with CDFW hatchery release policies. CDFW's California Natural Diversity Database (CNDDB) was reviewed to identify potential impacts to animals identified in the nine Quadrants in the surrounding area (Figure 2).

#### References

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## Initial Study Environmental Checklist: CEQA Appendix G

## **Project Title**

Chinook Salmon Coastal Release at Santa Cruz Wharf

## Lead Agency Name and Address

California Department of Fish and Wildlife Fisheries Branch P.O. Box 944209 Sacramento, CA 92444-2090

## Contact Person and Phone Number

Ryon Kurth, Fisheries Branch (916) 376-1723 Ryon.Kurth@wildlife.ca.gov

## **Project Location**

Santa Cruz County Santa Cruz Wharf (36.958751°, -122.017397°)

## Project Sponsor's Name and Address

California Department of Fish and Wildlife Fisheries Branch P.O. Box 944209 Sacramento, CA 92444-2090

## General Plan Designation

No land structures will be constructed with this project and any land use is for access only.

## Zoning

#### Coastal

## Description of Project

California Department of Fish and Wildlife's (CDFW) Mokelumne River Hatchery (MOK) would deliver 160,000 Central Valley fall-run Chinook Salmon (CV FRCS) smolts to the Project location for direct release (if possible) at the designated location on Santa Cruz Wharf in Monterey Bay in 2021 and again in 2022. MBSTP is implementing this Project. CDFW would deliver MOK CV FRCS smolts to Santa Cruz Wharf in mid-May of 2021 and 2022. Exact dates and times would be scheduled as the time draws near and are dependent on fish size, growth rates, and environmental conditions in Monterey Bay. All smolts would be transported in a single trip each year, using 2-4 fish transport trucks (dependent upon loading density/fish size). Water in transport trucks would be salted prior to on-loading fish to initiate smoltification and aid in acclimation to the marine environment. If conditions do not allow for discharge from transport trucks on Santa Cruz Wharf, smolts would be discharged into a net barge in Santa Cruz Harbor (36.963907°, -122.002198°) and be towed out and released to the ocean as soon as is safely possible, and no more than 24 hours from offload. The Project's objective is to enhance the commercial and recreational salmon ocean fishery.

## Surrounding Land Uses and Setting

Santa Cruz Wharf is located on the north west end of Monterey Bay within the City of Santa Cruz. Santa Cruz Wharf is a more than 836-meter-long wharf that houses fish companies, dining, recreation, fishing, boating, and various public events.

Monterey Bay is a 40-kilometer ocean bay which allows marine air at low levels to penetrate the interior Salinas Valley. The Santa Cruz and Gabilan mountain ranges dominate topography in the area nearest the Project site. The San Lorenzo and Pajaro Rivers as well as Scott Creek enter Monterey Bay from these mountain ranges. The San Lorenzo River flows into Monterey Bay approximately 500 meters from the release location. The Pajaro River, Elkhorn Slough and Salinas Rivers flow into Monterey Bay near Moss Landing, approximately 25 kilometers south of the Santa Cruz Wharf. The Salinas Valley and northern Santa Lucia Range are the prominent topography on the southern portion of Monterey Bay with the Salinas River as the major drainage system for this area. Monterey Bay is within the Monterey Bay National Marine Sanctuary, a federally protected marine area, established for the purpose of resource protection, research, education and public use. Commercial and recreational fishing are permitted within the sanctuary.

If conditions prohibit release at Santa Cruz Wharf, release will occur using a temporary net pen at Santa Cruz Harbor. Santa Cruz Harbor is fed by water from the Santa Cruz Mountains through the Arana Gulch and urban run off from Santa Cruz.

Ocean troll commercial salmon fishery began in Monterey Bay during the 1880s, continue through 2021, and contribute to local and state economies despite decrease in Chinook harvest in both commercial and recreational fisheries over time (California Department of Fish and Wildlife 2011; CDFG 2008; Pomeroy and Dalton 2005).

## Approvals Needed from Other Public Agencies

The California Coastal Commission (CCC) determined a Coastal Development Permit was not necessary for this Project primary release location but would be required if net pens are required for release (Colin Bowser, California Coastal Commission, personal communication, March 5, 2021).

City of Santa Cruz

## Tribal

Notification letters describing the Project were mailed to all federally recognized California tribes and California tribes specifically requesting to be notified for all CEQA projects on December 24, 2020. No tribes requested consultation.

## Initial Study CEQA Appendix G (cont.): Environmental Factors, Determination, Evaluation of Environmental Impacts and Explanations

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#### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Agriculture and Forestry Resources	Air Quality
Biological Resources	Cultural Resources	Energy
Geology /Soils	Greenhouse Gas Emissions	Hazards & Hazardous Materials
Hydrology / Water Quality	Land Use / Planning	Mineral Resources
Noise	Population / Housing	Public Services
Recreation	Transportation	Tribal Cultural Resources
Utilities / Service Systems	Wildfire	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

DocuSigned by: D168439904AD42A

3/24/2021

Date

Kevin Shaffer

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Less Than Significant Potentially Less Than with Significant Mitigation Significant No Impact **Incorporated Impact Impact** I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project: a) Have a substantial adverse effect on a scenic  $\square$ vista? b) Substantially damage scenic resources,  $\overline{\mathbf{N}}$ including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? c) In non-urbanized areas, substantially degrade  $\overline{\mathbf{V}}$ the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? d) Create a new source of substantial light or  $\overline{\mathbf{V}}$ glare which would adversely affect day or nighttime views in the area?

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	Less Than		
	Significant		
Potentially	with	Less Than	
Significant	Mitigation	Significant	No
Impact	Incorporated	Impact	Impact

#### **II. AGRICULTURE AND FORESTRY**

**RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				$\checkmark$
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				
d) Expose sensitive receptors to substantial pollutant concentrations?				$\checkmark$
e) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				$\checkmark$
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				
d) Interfere substantially with the movement of				

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife Association of Environmental Professionals 2021

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?				
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				$\checkmark$
c) Disturb any human remains, including those interred outside of formal cemeteries?				

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				$\checkmark$
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
ii) Strong seismic ground shaking?				$\checkmark$
iii) Seismic-related ground failure, including liquefaction?				$\checkmark$
iv) Landslides?				$\checkmark$
b) Result in substantial soil erosion or the loss of topsoil?				
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				$\checkmark$
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are				$\checkmark$

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
not available for the disposal of waste water?				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				
VIII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	0	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?				
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				$\checkmark$
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;				
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;				
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				
iv) impede or redirect flood flows?				$\checkmark$

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	0	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				$\checkmark$
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				$\checkmark$
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				$\checkmark$
b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
b) Generation of excessive groundborne vibration or groundborne noise levels?				
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to				

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	0	No Impact
excessive noise levels?				
<b>XIV. POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				$\checkmark$
XV. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				$\checkmark$
Police protection?				$\checkmark$
Schools?				$\checkmark$
Parks?				$\checkmark$
Other public facilities?				$\checkmark$
XVI. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the				$\checkmark$

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ORTATION. Would the				
a program, plan, ordinance or g the circulation system, roadway, bicycle and ies?				$\checkmark$
ject conflict or be inconsistent delines section 15064.3,				
ncrease hazards due to a feature (e.g., sharp curves or ections) or incompatible uses ment)?				
equate emergency access?				$\checkmark$
ultural Resources. et cause a substantial adverse nificance of a tribal cultural l in Public Resources Code either a site, feature, place, e that is geographically defined ze and scope of the landscape, object with cultural value to a e American tribe, and that is:				
ble for listing in the California rical Resources, or in a local ical resources as defined in s Code section 5020.1(k), or				
termined by the lead agency, in supported by substantial ignificant pursuant to criteria vision (c) of Public Resources				$\checkmark$

environment?

**XVII. TRANSP** project:

a) Conflict with a policy addressing including transit, pedestrian faciliti

b) Would the pro with CEQA Guid subdivision (b)?

c) Substantially in geometric design dangerous interse (e.g., farm equips

d) Result in inade

#### **XVIII.** Tribal C

Would the project change in the sign resource, defined section 21074 as cultural landscap in terms of the size sacred place, or o California Native

a) Listed or eligit Register of Histo register of histori Public Resources

b) A resource det its discretion and evidence, to be si set forth in subdiv Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

CEQA Guidelines Appendices

Association of Environmental Professionals 2021

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	0	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				
<b>XX. WILDFIRE</b> . If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				$\checkmark$
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or				$\checkmark$

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CEQA Guidelines Appendices

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	No Impact
other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.			
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			$\checkmark$

Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal. App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.

#### I. Aesthetics a. – d.: No impact

Discussion: Any additional equipment or lighting that may be used for this Project (i.e. net barge, boat illumination) will be temporary and removed after use. There would be no other changes to scenic or urban landscapes.

#### II. Agriculture and Forestry Resources a. - e.: No impact

Discussion: Activities proposed by the Project would not occur in any Farmland Mapping and Monitoring Program designated farmland, or area zoned for agricultural use, nor would the Project affect other resources related to agriculture, farmland or forest land.

#### III. Air Quality a. - e.: No impact

Discussion: Any potential for air quality impacts would result from hatchery trucks and boats used for offloading the smolts. This is not an ongoing project and would not conflict with or obstruct implementation of any air quality control plan. Any diesel fuel odors when delivering fish would be temporary and would not adversely affect a substantial number of people. Significance criteria was established through Monterey Bay Air Resources District and adopted by the District Board of Directors on March 15, 2017. Project emissions generated by hatchery trucks any necessary 'tender' vessel and net barge are low enough to be accounted for in the District's projected Daily Emissions Inventory (David Frisbey, Monterey Bay Air Resources District, personal communication, November 22, 2019).

#### IV. Biological Resources a.: Less Than Significant Impact

Discussion: The Santa Cruz and Monterey Bay area quadrants examined for this study include: Ano Nuevo, Davenport, Santa Cruz, Soquel, Watsonville West, Moss Landing, Marina, Seaside and Monterey. The California Natural Diversity Database (CNDDB) Rare Find was used to report presence and status of all animals within these seven quadrants (Figure 2).

This Project would have less than significant impact on species identified as candidate, sensitive, or special status species.

#### Fishes

Based on a query of CNDDB Rare Find, this analysis considers whether any fish species that is documented to have occurred in the vicinity of the Project could be adversely affected by the presence of hatchery origin CV FRCS juveniles or returning adults.

The Project would result in less than significant impacts to California and federally threatened and endangered Central California Coast Evolutionarily Significant Unit Coho Salmon *Oncorhynchus kisutch* (CC Coho ESU), federally threatened Central California Coast Distinct Population Segment Steelhead (CCC Steelhead DPS) and South-Central Coast Steelhead (SCC Steelhead DPS) *Oncorhynchus mykiss*, California Coastal Chinook Salmon (CC Chinook ESU) *Oncorhynchus tshawytscha*, Longfin Smelt (Spirinchus thaleichthys), Eulachon (*Thaleichthys pacificus*), and Tidewater Goby (*Eucyclogobius newberryi*).

Possible impacts to these species include: 1) competition for resources with CC Coho ESU, CCC and SCC steelhead DPSs *Oncorhynchus mykiss*, and California Coastal Chinook Salmon (CC Chinook ESU) *Oncorhynchus tshawytscha*, 2) stock hybridization with CC Chinook ESU and CC Coho ESU, or 3) the

establishment of an out-of-basin spawning population for CV FRCS in coastal streams where the species does not naturally occur. It is unlikely that these three concerns would result in any significant effects, either directly or indirectly. The three potential impacts above are addressed in turn, below.

1. If CV FRCS adults stray into coastal streams, some competition for resources with salmonids native to the area may occur. Analysis is based on currently available monitoring data. Limited CDFW monitoring observations show that CV FRCS strays appear to occur only in select Coastal watershed and in limited numbers into three coastal streams within and nearby the Project area: Lagunitas Creek (Marin), Arana Gulch, and San Lorenzo River (Neillands et al. 2015, 2016, 2018 and 2019). Of these observations, only three CWT marked fish were recovered in Lagunitas Creek and later identified as returns from a Half Moon Bay net pen release. The remainder of the observations consisted of adipose fin-clipped live fish, carcasses, and redd counts that cannot be attributed to a particular release location. The mouth of Lagunitas Creek is connected all year, whereas the mouths of most coastal streams are blocked by sediment until fall rains begin and high flows flush open the mouth. This may be a reason that some CV FRCS have migrated into this stream to spawn. However, CV FRCS adults migrate earlier than Coho Salmon or steelhead, thus CV FRCS likely overlap for only a small window with adult Coho Salmon. Smolts have been present in rotary screw trap operations in Lagunitas Creek, however it is undetermined if smolts from survive to the ocean. The small releases of CV FRCS planned for 2021 and 2022 would likely not cause significant impacts through competition with listed anadromous stocks in coastal streams.

2. CV FRCS are genetically different from CC Chinook ESU which have a range from Russian River north to Redwood Creek in Humboldt County. The two are of the same species and genetic hybridization is possible. What keeps different populations genetically distinct is the tendency to migrate back to their natal streams (spatial), and the timing of those migrations (temporal). The genetic distinctiveness illustrated in Clemento et al. (2014) strongly suggests that Russian River and Eel River Chinook Salmon, both in the northern most range of CC Chinook ESU, are more similar to the CC Chinook ESU than the CV FRCS. In other words, if hybridization was occurring in the Russian or Eel Rivers, genetic samples would likely be more similar to CV FRCS. Video monitoring at Mirabel Dam on the Russian River has reported low numbers of adipose fin-clipped fish entering the basin.

Hybridization with Coho Salmon has been documented although it is extremely rare (Chevassus 1979, cited in Bartley et al 1990). It is unlikely for this to occur in or near the Project area due to the difference in timing of the two migrations. CC Coho ESU return to spawn later than CV FRCS, usually late November to early February and peaking in December and January. Adult CV FRCS migrate in the late-summer and early-fall and spawn almost immediately (Moyle 2002). Recognition of the same species through olfactory senses is also thought to be an important mechanism maintaining reproductive isolation in salmonids (Lily 1982). It is unlikely that the releases planned for 2021 and 2022 would significantly impact listed anadromous stocks due to hybridization with CV FRCS in coastal streams.

3. Hatchery fish have been transported and released into the San Francisco Bay for decades and more specifically, MBSTP has conducted net pen smolt acclimation in the Santa Cruz Harbor since at least 2010 and no out-of-basin spawning (naturalized) population has been observed. Changes to release design, specifically removal of net pen acclimation time has reduced attraction of predators which lessens risks for native fishes in nearby drainages. It is very unlikely that releases planned for 2020 and 2021 would establish an out-of-basin spawning population of CV FRCS. Releases need to be a high

enough quantity of smolts to survive to adulthood for capture by fisheries without impacting other species. If the quantity of smolts released is too small, it will not have a positive impact on the fishery.

The Project would result in no impacts to federally threatened Eulachon. In California, Eulachon are historically found in the Klamath River as well as some smaller coastal rivers including the Mad River and Redwood Creek. The CNDDB Soquel Quadrant details one Eulachon collected around 1911 near the mouth of Soquel Creek. This was a rare occurrence; it is unlikely for Eulachon to be present or adversely affected by the Project.

The Project would result in no impacts to federal and state protected Longfin Smelt. The CNDDB finding in Moss Landing Quadrant describes specimens of this species collected offshore in 1890, 1980, and 1993. However, Longfin Smelt do not spawn in this area and these specimens may have been strays from the San Francisco/Bay Delta population. It is unlikely for Longfin Smelt to be present or adversely affected by the Project.

The Project would result in no impacts to federally endangered Tidewater Goby. Tidewater Goby is a small fish endemic to the California coast. Multiple occurrences in Santa Cruz Quadrant are shown in the CNDBB. However, Tidewater Goby is found in shallow lagoons, brackish marshes and lower stream reaches. This is not the habitat selected by returning adult salmon for spawning grounds, and thus would not likely be adversely affected by the Project.

#### Birds, Amphibians, Reptiles, and Insects

Several special status birds occur in the Project area, including federally and state endangered California Ridgway's rail *Rallus obsoletus obsoletus*, state threatened bank swallow *Riparia riparia*, federally threatened California black rail *Laterallus jamaicensis coturniculus*, state threatened tricolored blackbird *Agelaius tricolor*, and federally threatened and state species of special concern western snowy plover *Charadrius alexandrines nivosus*. The Project would occur on the developed Santa Cruz Wharf and given the short duration of the delivery there would be no potential for the Project to disrupt nesting, feeding, or other activities of these birds. In addition, any adult CV FRCS straying into coastal streams would be minimal and would not significantly affect these species.

Similarly, special status amphibians, reptiles, and insects have been documented to occur within the quadrants analyzed for this review, but the Project would not significantly impact these species.

#### **Marine Mammals**

Based on a query of CNDDB Rare Find, this analysis considers whether any marine mammal that is documented to have occurred in the vicinity of the Project could be adversely affected by the presence of hatchery origin CV FRCS juveniles or returning adults. No listed marine mammals were listed in the CNDDB for the quadrants selected. Federally delisted Northern Steller sea-lions *Eumetopias jubatus* were reported in Ano Nuevo and Monterey quadrants. The project will be releasing CV FRCS without holding net pens to reduce interactions with predators. Direct releases are not expected to attract sea-lions.

#### b. – f.: No impact

Discussion: The Project involves no changes to terrestrial habitats or wetlands and involves no activities that would impede movement within migratory corridors, or conflict with local ordinances or adopted conservation plans.

#### V. Cultural Resources a. – c.: No impact

Discussion: The Project does not include usage of historical or archaeological resources, nor does it include any ground modifying activity.

#### VI. Energy a. – b.: No impact

Discussion: The Project would be complete in a short amount of time and does not require local energy use or impact local energy plans. The extent of energy resources used would be hatchery trucks and boat fuel use covered in previous sections.

#### VII. Geology and Soils a. - f.: No impact

Discussion: The Project does not include any ground disturbing work.

#### VIII. Greenhouse Gas Emissions a.: Less Than Significant Impact

Discussion: The Project would emit greenhouse gases (GHG) due to the use of fuel to transport the Chinook Salmon smolts from MOK to Santa Cruz Wharf and the use of an on-the the-water boat to assist in the release of the smolts. Project emissions generated by hatchery trucks and the boat are accounted for in the Daily Emissions Inventory outlined on pages 20 and 21 of the 2012-2015 Air Quality Management Plan released by the Monterey Bay Air Resources District and adopted by the District Board of Directors on March 15, 2017. (David Frisbey, Monterey Bay Air Resources District, personal communication, November 22, 2019). The March 15, 2017 Air Quality Management Plan is still the current plan available from Monterey Bay Air Resources District.

#### b.: No impact

Discussion: The very low levels of GHG emissions from the Project will not conflict with plans for reducing GHG.

#### IX. Hazards and Hazardous Materials a. - g.: No impact

Discussion: The Project will not be transporting, located in areas with, or blocking hazards or hazardous materials.

#### X. Hydrology and Water Quality a. - e.: No impact

Discussion: Fish will be acclimated to saltwater in hatchery trucks and will not be fed on site. Any fecal matter produced on site will be minimal with direct release of smolts into the Monterey Bay. No local groundwater, existing drainage, tidal or river flow, or alteration of management plans would be affected or changed due to this Project and no pollutants will be released.

#### XI. Land Use and Planning a. – b.: No impact

Discussion: There is no land use change anticipated for this Project and if temporary net barges are needed dockside, they will be removed after use.

#### XXI. Mandatory Findings of Significance a. - c.: No impact

Discussion: The Project would not degrade the environment or species. Project smolts would grow into harvestable adults in the near ocean environment and be available to commercial and recreational fisheries. Unharvested adults may stray or return to MOK, but this would not impact habitat of other native species or substantially reduce the number of species or restrict the range of a rare or endangered plant or animal. Kormos and Palmer-Zwahlen (2015) explain that CWT data indicates net pen releases generally have a higher recovery rate than fish released in river, but conversely, they also exhibited higher stray rates. Available data have not shown that straying returning adults from past and current projects impact native fishes within coastal streams. Moreover, features of the Project, specifically direct release, without an acclimation period serve to reduce the potential for Project fish to stray into coastal streams and minimize any impact in the event straying occurs. Based on these Project elements and considered in light of available data and past and ongoing coastal release projects in the Monterey Bay, there is no evidence of a significant cumulative impact to native fishes due to straying from coastal releases, to which the Project would contribute.

## Exhibit A: Statement of Work

Under the direction of the Grantor, the California Department of Fish and Wildlife (CDFW), and under the following conditions and terms, Monterey Bay Salmon and Trout Project (MBSTP) would fulfill the following:

1. MBSTP is responsible for releasing 160,000 Chinook Salmon smolts provided by the Mokelumne River Fish Hatchery in 2021 and 160,000 in 2022. CDFW would deliver fish to Santa Cruz Wharf or Santa Cruz Harbor. If Santa Cruz Harbor is used fish delivered to the net barge would be held no greater than 24 hours and if environmental conditions prevent release from Santa Cruz Wharf.

If a net barge is used, it will be towed and placed prior to arrival of hatchery fish. Hatchery fish will be delivered at the same time in 2-4 hatchery trucks. This project has been reviewed and accepted by California Coastal Commission, City of Santa Cruz, and Santa Cruz Port Commission.

2. MBSTP understands the availability of salmon for this project may be reduced based on availability. CDFW would mark and tag the fish with a coded-wire tag (CWT) and adipose fin clip. Salmon would be healthy and disease free when delivered to Santa Cruz Wharf (or Santa Cruz Harbor). All fish would be delivered, acclimated, and released within the same day with the exception alternative release methods in which they will be released no greater than 24 hours after delivery. Fish are scheduled to be delivered mid-May depending on fish size, growth rates, and environmental conditions in Monterey Bay.

3. MBSTP agrees to provide a written report on all fish releases to CDFW and Commercial Salmon Trollers Advisory Committee (CSTAC) by August 15, 2021 for the 2021 release and by August 15, 2022 for the 2022 release. The report will include the following information:

- Estimated number of fish, mortalities, and condition upon delivery
- Estimated number of fish mortalities and condition upon release
- Environmental conditions; water temperature, air temperature
- Estimated number and species of avian and marine predators present at release
- Location (latitude/longitude) of release site and time
- Duration of acclimation (hours, minutes)

4. MBSTP would provide a hard copy and an electronic copy of the final report in MS Word or PDF format.

5. MBSTP would obtain permits required by the Coastal Commission, local planners, and any other permits that may be needed to implement the project.

6. MBSTP would acknowledge the participation of the CDFW and Commercial Salmon Stamp on any signs, flyers, or other types of written communication or notice to advertise or explain the MBSTP Chinook Salmon Coastal Release Project in Santa Cruz.

## Exhibit B: Permits and Permit Waivers

City of Santa Cruz Permit

#### AGREEMENT BETWEEN CITY OF SANTA CRUZ AND THE MONTEREY BAY SALMON & TROUT PROJECT, INC

This Agreement is entered into between the City of Santa Cruz ("City") and The Monterey Bay Salmon & Trout Project, Inc., a 501c3 Non-profit organization. ("Permittee") and is effective as of  $\underbrace{\text{Dec. 20}}_{\text{"Party"}}$ , or collectively, as the "Parties".

WHEREAS Permittee, its employees, agents and/or volunteers (collectively, the "Permittees") are participating in a Monterey Bay Salmon & Trout Project ("Project") intending to once annually, release juvenile chinook salmon arriving in a California Department of Fish & Wildlife aerated transport vehicle via a flexible dispersal hose from the roadway of the Santa Cruz Wharf ("City Property") into the water of the adjacent Monterey Bay. Permittees will accompany an aerated live fish transport truck onto the City Property during evening hours, one time each year during the month of May for the express purpose of releasing up to 240,000 live juvenile chinook salmon into the Monterey Bay.

WHEREAS, City agrees to the Permittees' access and use of the City Property related to the Project.

NOW THEREFORE, in consideration of the mutual covenants and promises set forth in this Agreement and other valuable consideration, receipt of which is hereby acknowledged, the parties to this Agreement do hereby agree as follows:

- 1. RESPONSIBILITIES OF CITY:
  - 1.1 City shall cooperate with Permittees in their access and use of City Property for the placement of Permittees' fish transport vehicle and Project-related dispersal equipment on City Property.
  - 1.2 City shall at all times retain exclusive final authority over the use of City Property.
- 2. RESPONSIBILITIES OF UNIVERSITY/PERMITTEES:

2.1. <u>Use of Property</u>. Permittees shall keep the fish transport vehicle located in the roadway only and during times as specified by the City, and shall use City Property with care, keep the City Property in a clean and attractive condition, and shall comply with all applicable laws and City ordinances applicable to the above-referenced activity. Permittees shall not unreasonably interfere with the use of City Property by the City and/or the public.

2.2. <u>As-Is Condition</u>. Permittees acknowledge the uniqueness of the City Property and accept the current "AS-IS, IN ITS CURRENT CONDITION, WITH ALL FAULTS" condition of the City Property existing on the date of execution of this Agreement. Permittees acknowledges by their own independent investigation, that the City Property to be used is suitable for Permittees' intended use and neither City nor its agents or representatives have made

any representation or warranty as to the present or future suitability of the City Property for the conduct of Permittee's activities.

#### 2.3. Indemnification on behalf of Permittees.

a) Monterey Bay Salmon & Trout Project, Inc. agrees to defend, indemnify, and hold harmless the City of Santa Cruz, its officials, officers, employees, agents and volunteers from and against any and all loss, damages, liability, claims, suits, costs and expenses (including reasonable attorneys' fees), for any injury or damages resulting from or in any way related to Permittees' activities as referenced in this Agreement, except for the sole negligence or willful misconduct of the City.

b) Monterey Bay Salmon & Trout Project, Inc. further agrees not to assert any claim against or sue City, its officers, employees, agents or volunteers for injury or damage allegedly to have been caused in whole or in part by Permittees' use of City Property, or any other activity undertaken by Permittees at or on City Property with or without City's permission.

c) Monterey Bay Salmon & Trout Project, Inc. agrees to require all individuals accessing City Property related to this Agreement to execute individual waiver forms approved by the City (attached here to as Exhibit A), in which said individuals agree not to assert any claims against or sue the City, its officials, officers, employees, agents or volunteers for injury or damage allegedly to have been caused in whole or in part by said individuals' use of City Property.

2.4. Loss or Damage to City Property. Monterey Bay Salmon & Trout Project, Inc. shall assume all liability, including any costs for repair as determined by City, in its sole discretion, for any damage or loss to City Property arising out of Permittees' activities, except for normal wear and tear, under this Agreement.

2.5 <u>Insurance Requirements.</u> Monterey Bay Salmon & Trout Project, Inc. Directors agrees to provide proof of its a certificate of insurance coverage naming the City of Santa Cruz, its officials, officers, employees, and volunteers, an additional insured on its General Liability Insurance policy, and which meets the City's insurance requirements as required in Exhibit B.

3. GENERAL PROVISIONS:

3.1 <u>Governing Law:</u> This Agreement shall be governed by the laws of the State of California.

3.2. <u>Severability</u>: In the event any portion of this Agreement is deemed to be unenforceable, or is in conflict with applicable law, the remainder of this Agreement shall be enforced and shall remain in full force and effect.

3.3. <u>Entire Agreement</u>: This Agreement sets forth the entire understanding of the parties, and each party acknowledges there were not other oral agreements, representations, warranties or statements of fact made prior to or at the time of the signing of this Agreement.

3.4 <u>Modification</u>: It is expressly understood and agreed that this Agreement may not be altered, amended, modified or otherwise changed in any respect whatsoever except by a writing duly executed by authorized representatives of the parties hereto.

3.5 <u>Understanding and Interpretation</u>: The parties acknowledge that each party has reviewed this Agreement and fully understand its terms and consequences. The parties also acknowledge that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

3.6 <u>Binding and No Assignment:</u> This Agreement shall be binding upon the parties hereto and upon their respective officials, officers, directors, employees, agents, legal representatives, and successors. This Agreement is not assignable without the express written approval by the City.

3.7 <u>Counterparts:</u> This Agreement may be signed in counterparts, and when each party has signed and delivered at least one such counterpart, each one shall be deemed an original and when taken together with other signed counterparts, shall constitute one Agreement, which shall be binding on and effective regarding all parties. Facsimile and scanned signatures have the same force and effect as original signatures.

By their signatures below, the parties herein acknowledge that they have read the terms of this Agreement, understand the terms thereof, and are authorized to enter into this Agreement on behalf of their respective entities.

CITY OF SANA CRUZ

THE MONTEREY BAY SALMON & TROUT PROJECT, INC.

## Exhibit C: Project Location



Figure 1 Juvenile Chinook release location at Santa Cruz Wharf. Images from Google Maps.

## Exhibit D: CNDDB Elements Location and Report

## CNDDB Quadrants Map



Figure 2 CNDDB Quadrants included in elements review for the Project.

**CNDDB Elements Report** 



Selected Elements by Common Name California Department of Fish and Wildlife



#### California Natural Diversity Database

 Query Criteria:
 Quad<span style='color:Red'> IS </span>(Ano Nuevo (3712213)<span style='color:Red'> OR </span>Davenport (3712212)<span style='color:Red'> OR </span>Monterey (3612158)<span style='color:Red'> OR </span>Monterey (3612158)<span style='color:Red'> OR </span>Monterey (3612158)<span style='color:Red'> OR </span>Monterey (3612157)<span style='color:Red'> OR </span>Santa Cruz (3612281)<span style='color:Red'> OR </span>Seaside (3612157)<span style='color:Red'> OR </span>Soquel (3612188)<span style='color:Red'> OR </span>Watsonville West (3612187))

CNDDB Query 1/21/2021 Run by Christina Parker

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
American badger	AMAJF04010	None	None	G5	S3	SSC
Taxidea taxus						
American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP
Falco peregrinus anatum						
Anderson's manzanita	PDERI04030	None	None	G2	S2	1B.2
Arctostaphylos andersonii						
angel's hair lichen	NLLEC3S340	None	None	G5?	S2S3	2B.1
Ramalina thrausta						
bank swallow	ABPAU08010	None	Threatened	G5	S2	
Riparia riparia						
beach layia	PDAST5N010	Endangered	Endangered	G2	S2	1B.1
Layia carnosa						
Behrens' snail-eating beetle Scaphinotus behrensi	IICOL4L070	None	None	G2G4	S2S4	
Ben Lomond buckwheat Eriogonum nudum var. decurrens	PDPGN08492	None	None	G5T1	S1	1B.1
Ben Lomond spineflower	PDPGN040M1	Endangered	None	G2T1	S1	1B.1
Chorizanthe pungens var. hartwegiana		-				
bent-flowered fiddleneck	PDBOR01070	None	None	G3	S3	1B.2
Amsinckia lunaris						
black swift	ABNUA01010	None	None	G4	S2	SSC
Cypseloides niger						
Blasdale's bent grass	PMPOA04060	None	None	G2	S2	1B.2
Agrostis blasdalei						
Bonny Doon manzanita	PDERI041F0	None	None	G1	S1	1B.2
Arctostaphylos silvicola						
bristly sedge	PMCYP032Y0	None	None	G5	S2	2B.1
Carex comosa						
burrowing owl	ABNSB10010	None	None	G4	S3	SSC
Athene cunicularia						
California black rail	ABNME03041	None	Threatened	G3G4T1	S1	FP
Laterallus jamaicensis coturniculus						
California brown pelican	ABNFC01021	Delisted	Delisted	G4T3T4	S3	FP
Pelecanus occidentalis californicus						
California giant salamander	AAAAH01020	None	None	G3	S2S3	SSC
Dicamptodon ensatus						
California horned lark Eremophila alpestris actia	ABPAT02011	None	None	G5T4Q	S4	WL



Selected Elements by Common Name California Department of Fish and Wildlife



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
California linderiella	ICBRA06010	None	None	G2G3	S2S3	
Linderiella occidentalis						
California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
Rana draytonii						
California Ridgway's rail	ABNME05011	Endangered	Endangered	G5T1	S1	FP
Rallus obsoletus obsoletus						
California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
Ambystoma californiense						
Carmel Valley bush-mallow	PDMAL0Q0B1	None	None	G3T2Q	S2	1B.2
Malacothamnus palmeri var. involucratus						
Carmel Valley malacothrix	PDAST660C2	None	None	G5T2	S2	1B.2
Malacothrix saxatilis var. arachnoidea						
Central Dune Scrub	CTT21320CA	None	None	G2	S2.2	
Central Dune Scrub						
Central Maritime Chaparral	CTT37C20CA	None	None	G2	S2.2	
Central Maritime Chaparral						
chaparral ragwort	PDAST8H060	None	None	G3	S2	2B.2
Senecio aphanactis						
Choris' popcornflower	PDBOR0V061	None	None	G3T1Q	S1	1B.2
Plagiobothrys chorisianus var. chorisianus						
coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC
Phrynosoma blainvillii						
Coast Range newt	AAAAF02032	None	None	G4	S4	SSC
Taricha torosa						
Coastal and Valley Freshwater Marsh	CTT52410CA	None	None	G3	S2.1	
Coastal and Valley Freshwater Marsh						
Coastal Brackish Marsh	CTT52200CA	None	None	G2	S2.1	
Coastal Brackish Marsh						
coastal dunes milk-vetch	PDFAB0F8R2	Endangered	Endangered	G2T1	S1	1B.1
Astragalus tener var. titi						
coho salmon - central California coast ESU	AFCHA02034	Endangered	Endangered	G4	S2	
Oncorhynchus kisutch pop. 4						
Congdon's tarplant	PDAST4R0P1	None	None	G3T1T2	S1S2	1B.1
Centromadia parryi ssp. congdonii						
Contra Costa goldfields	PDAST5L040	Endangered	None	G1	S1	1B.1
Lasthenia conjugens						
Cooper's hawk	ABNKC12040	None	None	G5	S4	WL
Accipiter cooperii						
Crotch bumble bee	IIHYM24480	None	Candidate	G3G4	S1S2	
Bombus crotchii			Endangered			
Dolloff Cave spider	ILARA17010	None	None	G1	S1	
Meta dolloff						



Selected Elements by Common Name

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Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Dudley's lousewort	PDSCR1K0D0	None	Rare	G2	S2	1B.2
Pedicularis dudleyi						
Eastwood's goldenbush	PDAST3L080	None	None	G2	S2	1B.1
Ericameria fasciculata						
elongate copper moss	NBMUS4Q022	None	None	G5	S3S4	4.3
Mielichhoferia elongata						
Empire Cave amphipod	ICMAL05E30	None	None	G1	S1	
Stygobromus imperialis						
Empire Cave pseudoscorpion Fissilicreagris imperialis	ILARAE5010	None	None	G1	S1	
Empire Cave pseudoscorpion	ILARAD1010	None	None	G1	S1	
Neochthonius imperialis						
eulachon	AFCHB04010	Threatened	None	G5	S2	
Thaleichthys pacificus						
ferruginous hawk	ABNKC19120	None	None	G4	S3S4	WL
Buteo regalis						
foothill yellow-legged frog	AAABH01050	None	Endangered	G3	S3	SSC
Rana boylii						
Fort Ord spineflower	PDPGN04100	None	None	G1	S1	1B.2
Chorizanthe minutiflora						
fragrant fritillary	PMLIL0V0C0	None	None	G2	S2	1B.2
Fritillaria liliacea						
Franciscan thistle	PDAST2E050	None	None	G3	S3	1B.2
Cirsium andrewsii						
globose dune beetle	IICOL4A010	None	None	G1G2	S1S2	
Coelus globosus						
Gowen cypress	PGCUP04031	Threatened	None	G1	S1	1B.2
Hesperocyparis goveniana						
great blue heron	ABNGA04010	None	None	G5	S4	
Ardea herodias						
Hickman's cinquefoil	PDROS1B370	Endangered	Endangered	G1	S1	1B.1
Potentilla hickmanii						
Hickman's onion	PMLIL02140	None	None	G2	S2	1B.2
Allium hickmanii						
hoary bat	AMACC05030	None	None	G5	S4	
Lasiurus cinereus						
Hooker's manzanita	PDERI040J1	None	None	G3T2	S2	1B.2
Arctostaphylos hookeri ssp. hookeri						
Hospital Canyon larkspur	PDRAN0B0A2	None	None	G3T3	S3	1B.2
Delphinium californicum ssp. interius						
Hutchinson's larkspur Delphinium hutchinsoniae	PDRAN0B0V0	None	None	G2	S2	1B.2



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Jolon clarkia	PDONA050L0	None	None	G2	S2	1B.2
Clarkia jolonensis						
Kellogg's horkelia	PDROS0W043	None	None	G4T1?	S1?	1B.1
Horkelia cuneata var. sericea						
longfin smelt	AFCHB03010	Candidate	Threatened	G5	S1	
Spirinchus thaleichthys						
Mackenzie's Cave amphipod	ICMAL05530	None	None	G1	S1	
Stygobromus mackenziei						
maple-leaved checkerbloom	PDMAL110E0	None	None	G3	S3	4.2
Sidalcea malachroides						
marbled murrelet	ABNNN06010	Threatened	Endangered	G3G4	S2	
Brachyramphus marmoratus						
Maritime Coast Range Ponderosa Pine Forest	CTT84132CA	None	None	G1	S1.1	
Maritime Coast Range Ponderosa Pine Forest						
marsh microseris	PDAST6E0D0	None	None	G2	S2	1B.2
Microseris paludosa						
marsh sandwort	PDCAR040L0	Endangered	Endangered	G1	S1	1B.1
Arenaria paludicola						
Menzies' wallflower	PDBRA160R0	Endangered	Endangered	G1	S1	1B.1
Erysimum menziesii						
mimic tryonia (=California brackishwater snail)	IMGASJ7040	None	None	G2	S2	
Tryonia imitator						
moestan blister beetle	IICOL4C020	None	None	G2	S2	
Lytta moesta						
monarch - California overwintering population	IILEPP2012	None	None	G4T2T3	S2S3	
Danaus plexippus pop. 1						
Monterey clover	PDFAB402J0	Endangered	Endangered	G1	S1	1B.1
Trifolium trichocalyx						
Monterey cypress	PGCUP04060	None	None	G1	S1	1B.2
Hesperocyparis macrocarpa						
Monterey Cypress Forest	CTT83150CA	None	None	G1	S1.2	
Monterey Cypress Forest						
Monterey gilia	PDPLM041P2	Endangered	Threatened	G3G4T2	S2	1B.2
Gilia tenuiflora ssp. arenaria						
Monterey hitch	AFCJB19013	None	None	G4T2T4	S2S4	SSC
Lavinia exilicauda harengus						
Monterey pine	PGPIN040V0	None	None	G1	S1	1B.1
Pinus radiata						
Monterey Pine Forest	CTT83130CA	None	None	G1	S1.1	
Monterey Pine Forest						
Monterey Pygmy Cypress Forest Monterey Pygmy Cypress Forest	CTT83162CA	None	None	G1	S1.1	



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Monterey shrew	AMABA01105	None	None	G5T1T2	S1S2	SSC
Sorex ornatus salarius						
Monterey spineflower	PDPGN040M2	Threatened	None	G2T2	S2	1B.2
Chorizanthe pungens var. pungens						
North Central Coast Drainage Sacramento Sucker/Roach River	CARA2623CA	None	None	GNR	SNR	
North Central Coast Drainage Sacramento Sucker/Roach River						
North Central Coast Short-Run Coho Stream	CARA2632CA	None	None	GNR	SNR	
North Central Coast Short-Run Coho Stream						
Northern Bishop Pine Forest	CTT83121CA	None	None	G2	S2.2	
Northern Bishop Pine Forest						
Northern California legless lizard	ARACC01020	None	None	G3	S3	SSC
Anniella pulchra						
Northern Coastal Salt Marsh Northern Coastal Salt Marsh	CTT52110CA	None	None	G3	S3.2	
northern curly-leaved monardella Monardella sinuata ssp. nigrescens	PDLAM18162	None	None	G3T2	S2	1B.2
Northern Interior Cypress Forest	CTT83220CA	None	None	G2	S2.2	
Northern Interior Cypress Forest						
Northern Maritime Chaparral Northern Maritime Chaparral	CTT37C10CA	None	None	G1	S1.2	
obscure bumble bee	IIHYM24380	None	None	G4?	S1S2	
Bombus caliginosus						
Ohlone manzanita Arctostaphylos ohloneana	PDERI042Y0	None	None	G1	S1	1B.1
Ohlone tiger beetle Cicindela ohlone	IICOL026L0	Endangered	None	G1	S1	
Pacific Grove clover	PDFAB402H0	None	Rare	G1	S1	1B.1
Trifolium polyodon						
Pajaro manzanita Arctostaphylos pajaroensis	PDERI04100	None	None	G1	S1	1B.1
pallid bat	AMACC10010	None	None	G5	S3	SSC
Antrozous pallidus	AWACCTUOTU	None	None	65	33	330
perennial goldfields	PDAST5L0C5	None	None	G3T2	S2	1B.2
Lasthenia californica ssp. macrantha	FDAST5L0C5	None	None	G312	32	ID.Z
•	PDROS1J0W0	Nono	None	G2	S2	1B.2
pine rose Rosa pinetorum	PDR051J000	None	None	G2	52	10.2
pink Johnny-nip	PDSCR0D403	None	None	G4T2	S2	1B.1
Castilleja ambigua var. insalutata	1 000100400	140110		0412	02	10.1
Point Reyes horkelia	PDROS0W0B0	None	None	G2	S2	1B.2
Horkelia marinensis	FURUSUVVUBU			92	52	10.2
robust spineflower	PDPGN040Q2	Endangered	None	G2T1	S1	1B.1
Chorizanthe robusta var. robusta		·				

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Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Salinas harvest mouse	AMAFF02032	None	None	G5T1	S1	
Reithrodontomys megalotis distichlis						
saline clover	PDFAB400R5	None	None	G2	S2	1B.2
Trifolium hydrophilum						
saltmarsh common yellowthroat Geothlypis trichas sinuosa	ABPBX1201A	None	None	G5T3	S3	SSC
San Francisco campion	PDCAR0U213	None	None	G5T1	S1	1B.2
Silene verecunda ssp. verecunda						
San Francisco collinsia Collinsia multicolor	PDSCR0H0B0	None	None	G2	S2	1B.2
San Francisco dusky-footed woodrat Neotoma fuscipes annectens	AMAFF08082	None	None	G5T2T3	S2S3	SSC
San Francisco gartersnake Thamnophis sirtalis tetrataenia	ARADB3613B	Endangered	Endangered	G5T2Q	S2	FP
San Francisco popcornflower Plagiobothrys diffusus	PDBOR0V080	None	Endangered	G1Q	S1	1B.1
sand-loving wallflower	PDBRA16010	None	None	G2	S2	1B.2
Erysimum ammophilum						
sandmat manzanita	PDERI04180	None	None	G1	S1	1B.2
Arctostaphylos pumila						
sandy beach tiger beetle Cicindela hirticollis gravida	IICOL02101	None	None	G5T2	S2	
Santa Cruz black salamander	AAAAD01070	None	None	G3	S3	SSC
Aneides niger						
Santa Cruz clover	PDFAB402W0	None	None	G2	S2	1B.1
Trifolium buckwestiorum						
Santa Cruz cypress	PGCUP04081	Threatened	Endangered	G1T1	S1	1B.2
Hesperocyparis abramsiana var. abramsiana						
Santa Cruz kangaroo rat	AMAFD03042	None	None	G4T1	S1	
Dipodomys venustus venustus						
Santa Cruz long-toed salamander Ambystoma macrodactylum croceum	AAAAA01082	Endangered	Endangered	G5T1T2	S1S2	FP
Santa Cruz microseris Stebbinsoseris decipiens	PDAST6E050	None	None	G2	S2	1B.2
Santa Cruz Mountains beardtongue Penstemon rattanii var. kleei	PDSCR1L5B1	None	None	G4T2	S2	1B.2
Santa Cruz Mountains pussypaws	PDPOR09052	None	None	G3G4T2	S2	1B.1
Calyptridium parryi var. hesseae						
Santa Cruz tarplant	PDAST4X020	Threatened	Endangered	G1	S1	1B.1
Holocarpha macradenia						
Santa Cruz wallflower Erysimum teretifolium	PDBRA160N0	Endangered	Endangered	G1	S1	1B.1



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Schreiber's manzanita	PDERI040G0	None	None	G1	S1	1B.2
Arctostaphylos glutinosa						
seaside bird's-beak	PDSCR0J0P2	None	Endangered	G5T2	S2	1B.1
Cordylanthus rigidus ssp. littoralis						
short-eared owl	ABNSB13040	None	None	G5	S3	SSC
Asio flammeus						
slender-leaved pondweed	PMPOT03091	None	None	G5T5	S2S3	2B.2
Stuckenia filiformis ssp. alpina						
Smith's blue butterfly	IILEPG2026	Endangered	None	G5T1T2	S1	
Euphilotes enoptes smithi						
steelhead - central California coast DPS	AFCHA0209G	Threatened	None	G5T2T3Q	S2S3	
Oncorhynchus mykiss irideus pop. 8						
steelhead - south-central California coast DPS	AFCHA0209H	Threatened	None	G5T2Q	S2	
Oncorhynchus mykiss irideus pop. 9						
Steller (=northern) sea-lion	AMAJC03010	Delisted	None	G3	S2	
Eumetopias jubatus						
stinkbells	PMLIL0V010	None	None	G3	S3	4.2
Fritillaria agrestis						
tear drop moss	NBMUS8Z010	None	None	G2	S2	1B.3
Dacryophyllum falcifolium						
Tidestrom's lupine	PDFAB2B3Y0	Endangered	Endangered	G1	S1	1B.1
Lupinus tidestromii						
tidewater goby	AFCQN04010	Endangered	None	G3	S3	
Eucyclogobius newberryi						
Toro manzanita	PDERI040R0	None	None	G2?	S2?	1B.2
Arctostaphylos montereyensis						
Townsend's big-eared bat	AMACC08010	None	None	G3G4	S2	SSC
Corynorhinus townsendii						
tricolored blackbird	ABPBXB0020	None	Threatened	G2G3	S1S2	SSC
Agelaius tricolor						
twisted horsehair lichen	NLTEST5460	None	None	G1G2	S1S2	1B.1
Bryoria spiralifera						
Valley Needlegrass Grassland	CTT42110CA	None	None	G3	S3.1	
Valley Needlegrass Grassland						
western bumble bee	IIHYM24250	None	Candidate	G2G3	S1	
Bombus occidentalis			Endangered			
western pearlshell	IMBIV27020	None	None	G4G5	S1S2	
Margaritifera falcata						
western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Emys marmorata						
western snowy plover	ABNNB03031	Threatened	None	G3T3	S2S3	SSC
Charadrius alexandrinus nivosus						



Selected Elements by Common Name

## California Department of Fish and Wildlife<sup>®</sup>

#### California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
white-flowered rein orchid	PMORC1X050	None	None	G3	S3	1B.2
Piperia candida						
white-rayed pentachaeta	PDAST6X030	Endangered	Endangered	G1	S1	1B.1
Pentachaeta bellidiflora						
woodland woollythreads	PDAST6G010	None	None	G3	S3	1B.2
Monolopia gracilens						
Yadon's rein orchid	PMORC1X070	Endangered	None	G1	S1	1B.1
Piperia yadonii						
yellow rail	ABNME01010	None	None	G4	S1S2	SSC
Coturnicops noveboracensis						
Zayante band-winged grasshopper	IIORT36030	Endangered	None	G1	S1	
Trimerotropis infantilis						

Record Count: 151