



## MONTEREY AUDUBON SOCIETY

*Celebrating, Exploring, Conserving and Restoring the Birds and Ecology of the Greater Monterey Bay Region Since 1943*

May 30, 2013

SENT VIA EMAIL

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### **RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR): SALINAS RIVER STREAM MAINTENANCE PROGRAM**

The Monterey Audubon Society on behalf of its approximately 1,000 members, most of whom live, work, recreate and vote in Monterey County, appreciates the opportunity to comment on the Monterey County Water Resource Agency's recently completed Draft Environmental Impact Report for its Salinas River Stream Maintenance Program.

#### **I. Summary**

We believe the DEIR is actionably deficient under state and federal law in its present form. Impacts to key listed and protected avian species present in the program area are either not discussed at all or are inadequately discussed in violation of statutes including but not limited to CEQA, CESA, and the FESA.

#### **II. Program Area Biological Significance**

The program area functionally comprises or otherwise affects the entire length of the Salinas River from its confluence with the Pacific Ocean to its upper reaches near San Miguel. A range of ecosystems and species suites will be significantly and adversely impacted by the habitat removal and channel management regimes prescribed by the Program. On the face of the DEIR, we believe that no part of the Salinas, from its brackish estuarine mouth to the mosaic riparian sycamore and cottonwood habitat upriver, will be unaffected by this program.

National Audubon Society formally recognizes the lower segment of the River itself as an Important Bird Area (IBA) of statewide significance. An upper segment of the River, near Bradley, is deliberately included in the San Antonio Valley Important Bird Area, an IBA of global significance for the presence of a breeding population of Tricolored Blackbirds. IBAs of Global Significance, like the San Antonio Valley, are of interest not just locally, but internationally, as key reservoirs of our planet's precious and rapidly dwindling natural and biological heritage. We believe the continued despoliation of the Salinas River and the attendant impoverishment of the region's biodiversity and birdlife is not only lamentable, but could be preventable with far-sighted planning. By ignoring or glossing over impacts to key listed species, we believe the instant DEIR will only exacerbate an already imperiled and critical river ecosystem and the bird species that depend on it.

### III. Why the DEIR is Inadequate: Species Affected

A huge and diverse array of birds will be affected by this program, from migratory shorebirds and ducks, to riparian nesting songbirds, to owls and birds of prey. Federally and state recognized endangered and threatened species, as well as species of concern in the area include but are not necessarily limited to the following:

#### State and Federally Endangered Species

- California Condor** (*G. californianus*) Probable occasional presence of foragers in upper reaches of River by Pinnacles flock and during interchange between Ventana and Pinnacles Flocks.
- **Least Bell's Vireo** (*V. bellii pusillus*) Probable annual occasional presence of migrants and breeders attempting to recolonize former habitat on upper reaches of River.
- California Least Tern** (*S. antillarum browni*) Annual presence of migrants foraging on lower course of River and at the river mouth. Formerly present as a breeder, river mouth habitat suitable for re-colonization.

#### State Endangered Species

- Willow Flycatcher** (*E. traillii*) Formerly present as a breeder before extirpation as a result of Valley's conversion to agriculture and ensuing cowbird parasitism, probable occasional presence of migrants and possible attempts at re-colonization.
- Bald Eagle** (*H. leucocephalus*) Breeding pairs increasing and established at and around Lake San Antonio, including near Jolon Rd, and Highway 198, use of foraging habitat in program area highly probable.
- Bank Swallow** (*R. riparia*) Currently limited as a breeder to colonies several miles south of the Salinas river mouth, once more widespread as a colonial nester further up river in the program area, foraging along river during migration, annually in small numbers, is highly probable.

#### Federally Threatened Species

- Western Snowy Plover** (*C. alexandrinus nivosus*) Present as a year round resident at the river mouth.

#### California Species of Special Concern:

- Northern Harrier** (*C. cyaneus*): Present throughout the program area
- Loggerhead Shrike** (*L. ludovicanus*): Present through the middle and upper reaches of the program area
- Yellow-breasted Chat** (*I. virens*): Present throughout the program area as a migrant or breeder
- Yellow Warbler** (*D. petechial*): Present throughout the program area as a migrant or breeder
- Tricolored Blackbird** (*A. tricolor*): Present year round in the program area in small numbers, potential breeder within the program area.

The DEIR mentions two avian species that may be affected by the SMP: Least Bell's Vireo and Bank Swallow. None of the other species noted above, some of which are certainly present, are discussed in the DEIR. Acknowledgment of the possible presence of these species (*though not all of these species*-Bald Eagle for example is not even mentioned in the Biological Appendix) is limited to a biological Appendix B. In Appendix B, discussion of impacts to these species is limited, in each case, to the perfunctory and uniform statement that "this species is excluded from further analysis, but is considered part of further discussions regarding protection of nesting birds under the MBTA." This discussion of impacts to nesting birds in the DEIR is, in turn, limited to a brief discussion of prescribed mitigation measures directed at generally preventing take of birds nesting in the program area during habitat modification. This in no way satisfies the Agency's obligation to inform the public of the program's environmental impacts through a thoughtful discussion of the unique, direct and cumulative impacts this program will have on *each* of the listed species present. This obligation for thoughtful disclosure of impacts is heightened by fact that this project impacts to separate Important Bird Areas, comprised by different habitat types and species suites.

According to DFG species of special concern “should be considered during the environmental review process. The California Environmental Quality Act (CEQA; California Public Resources Code §§ 21000-21177) *requires State agencies, local governments, and special districts to evaluate and disclose impacts from "projects"* in the State. Section 15380 of the CEQA Guidelines clearly indicates that species of special concern should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outlined therein.” (California Department of Fish and Game, emphasis added). Based on the law, we feel that the Agency’s obligation to more thoroughly discuss impacts is manifest. Indeed, given the potential severity of the effects of the prescribed habitat removal, especially to nesting species like Yellow Warbler and Yellow-breasted Chat, we find this potential oversight notable and concerning. How can the public understand the impacts of this project if key sensitive species, certainly present in the program area, are not named or discussed in text of the DEIR, itself?

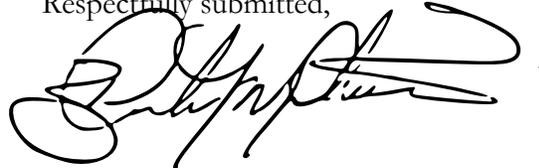
Even formally listed and fully protected species are not adequately discussed. The DEIR rightly states the SMP “has the potential to adversely affect water quality or other aquatic resources that are potential prey for the southern sea otter, which potentially could affect this species.” Of course by this logic, the same adverse affects will impact foraging habitat for avian species downstream including threatened Western Snowy Plover and endangered California Least Tern at the mouth. Yet, nowhere are these impacts noted or discussed.

To be adequate the DEIR needs to discuss potential impacts and adequate mitigation measures to protect each of the above named avian species. Further we believe that the impacts to these recognized and protected species must be discussed in more than a perfunctory way. To meet its obligations under state and federal law the Agency needs to identify and discuss the direct and immediate impacts to these species *as well* as the cumulative impacts they face when the impacts of this project are considered in conjunction with: (1) concurrent cowbird parasitism as a result of habitat fragmentation (2) reduced flows and growing aridity as a result of regional agricultural use, development, natural gas exploration and global climate change & (3) pesticide, herbicide and rodenticide use throughout the Salinas Valley.

#### **IV. Conclusion**

The FEIR should discuss all impacts to all listed avian species present in the project area and the commensurate mitigation measures required to protect them, and how those measures will be implemented. We look forward to reviewing a more comprehensive Final Environmental Impact Report.

Respectfully submitted,



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