



COUNTY OF SANTA CRUZ

FISH AND WILDLIFE ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060
(831) 454-3154 FAX: (831) 454-3128

AGENDA

February 6, 2020

7:00 PM

Fifth Floor Redwood Conference Room, 701 Ocean Street

PLEASE NOTE: Outside doors will be open 6:45-7:30 and then locked for security.

Please arrive during this time.

Staff can be contacted at 831-227-7404 but may not be available to answer the call during the meeting.

Agenda Item #	Start Time	End Time	Description
1	7:00	7:00	Call to Order
2	7:00	7:05	Roll Call
3	7:05	7:10	Approval of Minutes
4	7:10	7:15	Public Comments
5	7:15	7:35	Santa Cruz County Integrated Pest Management Departmental Advisory Group: rodent control and anticoagulant use (Josh Reilly)
6	7:35	8:30	Discuss Lack of Funding for Coho Salmon Broodstock Program
7	8:25	8:30	Review response from Bruce McPherson re: expanding Riparian Corridor Protection Ordinance outside Coastal Zone
8	8:30	8:35	Discuss 2020 Work Plan – next steps
9	8:35	8:45	Commissioner Reports and Announcements
10	8:45	8:50	Staff Reports
11	8:50	9:00	Discuss March agenda / Review Correspondence
12	9:00		Adjourn

11. CORRESPONDENCE

- a. 15-day continuation notice for Experimental Fishing Permit regulations
- b. Proposed regulatory action relative to Central Valley sport fishing regulations
- c. Proposed regulatory action relative to Klamath River Basin sport fishing regulations
- d. Notice of proposed regulatory action for upper Klamath-Trinity spring Chinook salmon sport fishing
- e. Notice of proposed regulatory action relative to Mammal hunting season 2020-2021
- f. Notice of proposed regulatory action relative to Waterfowl hunting season 2020-2021
- g. Notice of proposed 90-day extension of emergency regulations relative to take of Chinook salmon in the Klamath Basin downstream of Iron Gate and Lewiston Dams.
- h. Notice of receipt of petition to list western Joshua tree as a threatened species under the California Endangered Species Act.
- i. Notice of receipt of petition to uplist Clara Hunt's milkvetch from threatened to endangered
- j. Notice of proposed regulations relating to wildlife areas, public lands and ecological reserves
- k. Notice re: changes to Experimental Fishing Permit Regulations

The County of Santa Cruz does not discriminate on the basis of disability, and no person shall, by reason of a disability, be denied the benefits of its services, programs, or activities. The Planning Department Conference Room is located in an accessible facility. If you are a person with a disability and require special assistance in order to participate in the meeting, please contact Kristen Kittleson at (831)454-3154 or TDD number (454-2123) at least 72 hours in advance of the meeting in order to make arrangements. Persons with disabilities may request a copy of the agenda in an alternative format. As a courtesy to those affected, please attend the meeting smoke and scent free.



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FISH AND WILDLIFE ADVISORY COMMISSION

701 OCEAN STREET, ROOM 312, SANTA CRUZ, CA 95060
(831) 454-3154 FAX: (831) 454-3128

Meeting Minutes December 5, 2019

1. **CALL TO ORDER** – 7:00 pm
2. **ROLL CALL**

Present: Commissioners Berry, Robin, Baron, Somerton, Lee, Hoffman, Gómez, Buchwald, Michelsen
Excused: Wise
Absent: none

Commissioner Robin made an announcement that this will be her last meeting. Commissioners expressed their appreciation to Commissioner Robin for her contributions.

Guests included Dougald Scott, Salmonid Restoration Federation; Larry Freeman, Freeman Hydrologic Data Services; Zeka Glucs, Santa Cruz Predatory Bird Group and Steven Kennedy, Cannonball Express.

3. **APPROVAL OF MINUTES** – Commissioner Hoffman made a motion to approve the minutes; Commissioner Somerton seconded the motion. All aye; the minutes were approved.
4. **PUBLIC COMMENTS.** None
5. **Update on Fish and Game Propagation Fund.** Staff reported that the fund has already received more than \$8,000, which is more than the amount budgeted as revenue (\$7,500) for the whole fiscal year. The total account balance is about \$30,000 and \$15,000 has been budgeted as expenditures for the Public Grants Program.
6. **Public Grants Program Funding Recommendation**

A. Public Comments.

- Dougald Scott, Salmonid Restoration Federation, gave a 5-minute presentation about the grant proposal to fund student scholarships and a portion of the videography.
- Steve Kennedy, The Cannonball Express, provided more information about the video proposal.

Staff reported that 3 proposals (1) Understanding Scotts Creek Hydrology, (2) San Lorenzo Adult Steelhead Population Monitoring and (3) Raptor Pilot Study for Pajaro River Flood Protection were sent for review by CDFW which is required for proposals that involve research. CDFW staff sent comments and grant applicants were able to respond to the comments.

- B. Funding Recommendation: Commissioners discussed the grant proposals and finalized their scores. Scores were recorded into an EXCEL spreadsheet that showed rank according to score. Commissioner Baron did not score the proposal A Vision for Santa Cruz County Wildlife.

Commissioner Buchwald made a motion to fully fund the first 4 ranked proposals (San Lorenzo Adult Steelhead Population Monitoring; Native Animal Rescue; Understanding Scott Creek Hydrology and Salmonid Restoration Federation); Commissioner Michelsen seconded the motion. After some discussion, Commissioner Buchwald amended the motion to include the first 5 ranked proposals (adding Breeding Bird Atlas); Commissioner Hoffman seconded the amended motion. All aye; the motion passed.

Commissioner Baron made a motion to not fund the proposal for Cannonball Express video; Commissioner Michelsen seconded the motion. All aye except Commissioner Robin abstained; the motion passed.

Commissioner Gómez made a motion to fully fund the Vision for Santa Cruz County Wildlife brochure; Commissioner Michelsen seconded the motion. All aye, except Commissioner Baron abstained and was out of the room; motion passed.

Commissioner Lee made a motion to fund Santa Cruz Predatory Bird Research Group for \$2,880.29 and Raindancer Media for \$1,000; Commissioner Somerton seconded the motion. All aye; the motion passed.

Funding will be recommended as follows:

- Freeman Hydrologic Data Services – Understanding Scotts Creek Hydrology, \$2,500 (full funding)
 - Raindancer Media – Fresh Water in Peril: Blue Green Algae on the Rise, \$1,000 (partial funding)
 - Monterey Bay Salmon and Trout Project – San Lorenzo River Adult Steelhead Population Monitoring, \$1,554.71 (full funding)
 - Sandra Baron – A Vision for Santa Cruz County Wildlife brochure, \$865 (full funding)
 - Santa Cruz Bird Club – Santa Cruz County Breeding Bird Atlas, \$1,950 (full funding)
 - Santa Cruz Predatory Bird Research Group, UC Santa Cruz Foundation – Raptor Pilot Study for Pajaro River Flood Protection, \$2,880.29 (partial funding)
 - Salmonid Restoration Foundation – 38th Annual Salmonid Restoration Conference, \$2,250 (full funding)
 - Native Animal Rescue – Wildlife Rehabilitation, \$2,000 (full funding)
 - Steven P. Kennedy – The Cannonball Express (Student Version), \$0 (not funded)
7. **Discuss policy regarding urgent or emergency funding.** Due to time constraints, this item will be discussed at a future meeting.
 8. **Discuss 2020 Work Plan, Meeting Schedule and Next Agenda.** Commissioners agreed to meet the first Thursday for these 7 months: February, March, May, June, September, October, November and December. Staff will send out the schedule and Outlook invites for all the meetings. The 2020 Work Plan will include discussion of Integrated Pest Management, update on cannabis and hemp cultivation and mountain lion depredation permits and other wildlife topics.
 9. **Commissioner Reports:** Commissioner Buchwald reported on a river clean up at the Salinas lagoon and abatement of rock dams in the Big Sur River.
 10. **Staff Reports and announcements.** Staff reported that Caltrans will be putting out wildlife cameras at throughout the state to collect information on how wildlife use highway wildlife crossings. The Regional Transportation Commission received a grant to fund bridge design for Scotts Creek. The 2020 State of the San Lorenzo River Symposium will be Saturday, February 29.
 11. **ADJOURNMENT.** Commissioner Robin made a motion to adjourn; Commissioner Michelsen seconded the motion. All aye; motion passed. The meeting adjourned at 9:05 pm.



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1201 NE Lloyd Boulevard, Suite 1100
PORTLAND, OREGON 97232

November 20, 2019

Charlton H. Bonham, Director
California Department of Fish and Wildlife
830 S Street
Sacramento, California 95811

Dear Mr.  Bonham:

I am writing to acknowledge the steadfast partnership between the California Department of Fish and Wildlife (CDFW) and NOAA's National Marine Fisheries Service (NMFS) in our years of commitment to the Southern Coho Salmon Captive Broodstock Program (Program) and to emphasize the critical importance of continuing the Program. Since 2000, together we have spent over \$100 million through our federal Pacific Coastal Salmon Recovery Fund and California's Fisheries Restoration Grant Program (PCSRF/FRGP) to advance habitat restoration in the North Central California Coast Recovery Domain, and \$4 million PCSRF/FRGP funds on building and operating the Program. These financial investments and our partnership have advanced recovery of the Central California Coast (CCC) coho salmon Evolutionarily Significant Unit (ESU) (*Oncorhynchus kitsuch*).

CDFW, NMFS, and our restoration partners have made significant progress in restoring habitat and remediating threats to CCC coho salmon in the Santa Cruz Mountains Diversity Stratum (SCMDS), and the Program is contributing to the persistence of CCC coho salmon in the SCMDS while these efforts are underway. The recent completion (2019) of the Butano Channel Restoration Project, and the City of Santa Cruz's adoption of the "DFW-5" bypass and minimum flows (2012) are just a couple examples of notable projects in the area. More than 145,000 coho salmon smolts from the Program were released into SCMDS streams between 2006 and 2018. As a result, we have seen an increase in the number of SCMDS watersheds used by CCC coho salmon: Waddell, Scott, San Vicente, Laguna, and Soquel creeks. We have also seen an increase in coho salmon adult escapement in these watersheds. In fact, we observed an estimated 163 adults (mostly Program fish) return to Scott Creek in 2014-2015, the largest return in a decade. However, there is evidence the ESU continues to be in danger of extinction (Williams et al. 2016). Continuation of the Program is imperative for preventing extirpation of coho salmon in the SCMDS and ensuring recovery of CCC coho salmon remains a possibility.

As you consider how you allocate your resources, whether through the FRGP funds or otherwise, we respectfully request that CDFW continue to prioritize the Program. Considering the successes of the Program and concurrent habitat restoration efforts, we are optimistic the continued dedication and perseverance of CDFW, NMFS, and the restoration community will accomplish recovery of CCC coho salmon in our lifetime. CDFW has been a vital partner in this effort and we are eager to continue to work with you at all levels to meet our shared goal of recovering CCC coho salmon in California.



Please direct questions regarding this letter to Mandy Ingham, Central Coast Branch Chief,
California Coastal Office, NMFS West Coast Region: mandy.ingham@noaa.gov or 831-460-7580.

Sincerely,



Barry A. Thom
Regional Administrator

cc: Gregg Erickson, CDFW, Bay Delta Region
Kevin Shaffer, CDFW, Fisheries Branch

- NMFS' CCC coho salmon ESU recovery plan (2012) states recovery of the ESU will require sustained, high-volume broodstock production, strategic reintroductions, and effectiveness monitoring (See Recovery Action #: cccc-CCC-10.4.1.5, among others).
- The Southern Coho Salmon Captive Broodstock Program (SCSCBP) was initiated in 2002 by NOAA Fisheries Southwest Fisheries Science Center (SWFSC) Fisheries Ecology Division (FED) in response to declining coho salmon abundance in Scott Creek and other regional streams (Santa Cruz and San Mateo Counties). The SCSCBP was established as a collaborative effort between NOAA SWFSC, Monterey Bay Salmon and Trout Project (MBSTP), California Department of Fish and Wildlife, and the Southwest Regional Office of NOAA Fisheries.
- Minimum Production Targets- Production of a minimum of 380 adult captive broodstock, 28,800 smolts, and 4,000 parr, annually. This minimum production is the result of limited holding space (tank space at all facilities) and water supply at Kingfisher Flat Hatchery (KFH).
- Annual operation of the SCSCBP is a joint effort between UCSC/SWFSC FED and MBSTP, a non-profit group dedicated to the recovery and restoration of native salmonids. Although UCSC/SWFSC FED and MBSTP work in a collaborative and complementary manner, there is a clear division of annual tasks between the two programs based on available infrastructure and expertise.
- UCSC FRGP Proposal Tasks:
 - (1) Daily husbandry of age 1+ and age 2+ captive broodstock at SWFSC FED facility;
 - (2) PIT-Tagging of fish prior to release into recovery watersheds;
 - (3) Development of a genetic-based spawning matrix; and
 - (4) Database management and program reporting.
- MBSTP FRGP Proposal:
 - (1) Adult broodstock spawning and ripeness checks;
 - (2) Rearing of all juvenile fish during their first year to the smolt life stage;
 - (3) Daily husbandry of age 1+ and age 2+ captive broodstock at KFH;
 - (4) Transport of broodstock among program facilities;
 - (5) Coded-wire tagging and release of juvenile fish; and
 - (6) Maintenance of KFH facilities and equipment.

• Annual Costs of SCSCBP based on 2020-2023 FRGP proposals

Operations	\$136,000
Personnel	\$364,000
Administrative Overhead	\$102,000
Total	\$602,000

CRITICAL INFORMATION ON FUNDING SHORTFALL:

- FRGP funding is major proportion of the SCSCBP's total funding.
- Current FRGP funding runs out on May 31, 2020.
- Absent new funds of ~\$600,000 by April 2020, UCSC will begin shutdown, including distribution of layoff notices to relevant staff.
- Re-establishing the SCSCBP after a temporary shut-down could take years, and likely incur significant additional costs and complications (e.g. staff replacements). **This is expected to have significant negative consequences to extant populations and the potential for ESU recovery.**



County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069
(831) 454-2200 • FAX: (831) 454-3262 TDD/TTY - Call 711

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FIFTH DISTRICT

January 29, 2020

Fish and Wildlife Advisory Commission
Santa Cruz County Government Center
701 Ocean Street, Room 312
Santa Cruz, CA 95060

Dear Chair Berry and Commissioners,

Thank you for your letter dated July 11, 2019, stating your support for extending the Significant Tree Ordinance outside of the Coastal Zone. I appreciate your patience as my office considered the ideas and concerns expressed in your letter.

Since this ordinance expansion would include the San Lorenzo Valley, my staff and I had extensive conversation with members of the County Planning Department, County Counsel and CalFire to hear various perspectives on this proposed ordinance expansion from regulatory and enforcement perspectives.

From these conversations, we understand that large trees can be important landmarks and contribute to neighborhood character. We know trees are also critical to sequestering carbon in support of our Climate Action goals.

However, CalFire is concerned about how an ordinance expansion could conflict with state regulations and authority on forestry management and fire protection. There are also concerns about enforcement and property rights to remove dead and dying trees.

The Planning Department will be reviewing and revising the resource protection ordinances in the next several years and would prefer to consider the expansion of protection for trees through this process.

We encourage the Fish and Wildlife Advisory Commission to continue studying the issue and providing future input into the ordinance revision process.

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January 29, 2020

Thank you for sharing your recommendations with the Board of Supervisors and your service to the County of Santa Cruz.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce McPherson". The signature is written in a cursive style with a large, sweeping initial "B".

BRUCE MCPHERSON, Supervisor
Fifth District

Trump Removes Pollution Controls on Streams and Wetlands



By **Coral Davenport**

Published Jan. 22, 2020 Updated Jan. 23, 2020, 7:00 p.m. ET

WASHINGTON — The Trump administration on Thursday finalized a rule to strip away environmental protections for streams, wetlands and groundwater, handing a victory to farmers, fossil fuel producers and real estate developers who said Obama-era rules had shackled them with onerous and unnecessary burdens.

From Day 1 of his administration, President Trump vowed to repeal President Barack Obama’s “Waters of the United States” regulation, which had frustrated rural landowners. His new rule, which will be implemented in about 60 days, is the latest step in the Trump administration’s push to repeal or weaken nearly 100 environmental rules and laws, loosening or eliminating rules on climate change, clean air, chemical pollution, coal mining, oil drilling and endangered species protections.

Although Mr. Trump frequently speaks of his desire for the United States to have “crystal-clean water,” he has called his predecessor’s signature clean-water regulation “horrible,” “destructive” and “one of the worst examples of federal” overreach.

“I terminated one of the most ridiculous regulations of all: the last administration’s disastrous Waters of the United States rule,” he told the American Farm Bureau Federation’s annual convention in Texas on Sunday, to rousing applause.

“That was a rule that basically took your property away from you,” added Mr. Trump, whose real estate holdings include more than a dozen golf courses. (Golf course developers were among the key opponents of the Obama rule and key backers of the new one.)

His administration had completed the first step of its demise in September with the rule’s repeal.

Mr. Trump’s replacement, called the “Navigable Waters Protection Rule,” finishes the process. It not only rolls back key portions of the 2015 rule that had guaranteed protections under the 1972 Clean Water Act to certain wetlands and streams that run intermittently or run temporarily underground, but also relieves landowners of the need to seek permits that the Environmental Protection Agency had considered on a case-by-case basis before the Obama rule.

It also gives President Trump a major policy achievement to bring to his political base while his impeachment trial continues.

“Farmers coalesced against the E.P.A. being able to come onto their land, and he’s delivering,” said Jessica Flanagan, a Republican strategist in Lincoln, Neb. “This is bigger news for agricultural producers than whatever is happening with the sideshow in D.C.,” she added.

Speaking on Thursday at a conference of the National Association of Home Builders in Las Vegas, Andrew Wheeler, the administrator of the Environmental Protection Agency, framed the new rule as the rightful return of

power from the federal government to landowners and states.

“It respects the limited powers that the executive branch has been given under the Constitution and the Clean Water Act to protect navigable waters,” he said.

The new water rule for the first time in decades allow landowners and property developers to dump pollutants such as pesticides and fertilizers directly into hundreds of thousands of waterways, and to destroy or fill in wetlands for construction projects.

“This will be the biggest loss of clean water protection the country has ever seen,” said Blan Holman, a lawyer specializing in federal water policy at the Southern Environmental Law Center. “This puts drinking water for millions of Americans at risk of contamination from unregulated pollution. This is not just undoing the Obama rule. This is stripping away protections that were put in place in the ’70s and ’80s that Americans have relied on for their health.”

Mr. Holman also said that the new rule exemplifies how the Trump administration has dismissed or marginalized scientific evidence. Last month, a government advisory board of scientists, many of whom were handpicked by the Trump administration, wrote that the proposed water rule “neglects established science.”

But farmers and fossil fuel groups supported the change.

“This is a big win for farmers, and this is the president delivering what he promised,” said Donald Parrish, senior director of regulatory affairs for the American Farm Bureau Federation, which had lobbied for years to weaken the Obama administration’s water rules.

Karen Harbert, chief executive officer of the American Gas Association, said the new rule “would restore the proper balance between federal and state regulation of our nation’s waters and protect our rivers, streams and lakes without stifling construction of important infrastructure.”

The Obama rule protected about 60 percent of the nation’s waterways, including large bodies of water such as the Chesapeake Bay, Mississippi River and Puget Sound, and smaller headwaters, wetlands, seasonal streams and streams that run temporarily underground. It limited the discharge of pollutants such as fertilizers, pesticides and industrial chemicals into those waters.

The new rule, written by the E.P.A. and the Army Corps of Engineers, will retain federal protections of large bodies of water, as well as larger rivers and streams that flow into them and wetlands that lie adjacent to them. But it removes protections for many other waters, including wetlands that are not adjacent to large bodies of water, some seasonal streams that flow for only a portion of the year, “ephemeral” streams that only flow after rainstorms, and groundwater.

Legal experts say that Mr. Trump’s replacement rule would go further than simply repealing and replacing the 2015 Obama rule — it would also eliminate protections to smaller headwaters that have been implemented for decades under the 1972 Clean Water Act.

“This is rolling back federal jurisdiction of the Clean Water Act further than it’s ever been before,” said Patrick Parenteau, a professor of environmental law at Vermont Law School. “Waters that have been protected for almost 50 years will no longer be protected under the Clean Water Act.”

That could open millions of acres of pristine wetlands to pollution or destruction, and allow chemicals and other pollutants to be discharged into smaller headland waters that eventually drain into larger water bodies, experts in water management said. Wetlands play key roles in filtering surface water and protecting against floods, while also

providing wildlife habitat.

Ean Thomas Tafoya, a Colorado-based clean water activist with the group GreenLatinos, said the new rule could harm the quality of the water in the Colorado River, which supplies water to 17 western states.

“We are a headwater state,” he said. “This rollback will affect almost every single stream that flows into the Colorado River.”

Mr. Tafoya said about 90 percent of the streams that supply the Colorado River run only after rainfall or snowmelt. Under the new Trump water rule, many of those streams will not qualify for federal pollution protection. But Mr. Tafoya said pollutants such as chemical pesticides that end up in those dry stream beds could nonetheless be swept into larger bodies of water when the streams begin running after the spring thaw of mountain snow.

“The toxics or poisons that lie dormant will still be there when the streams are reactivated,” he said. “They will still get into the larger bodies of water.”

Government scientists, even those appointed by the Trump administration, say those concerns are justified. The E.P.A.’s Scientific Advisory Board, a panel of 41 scientists responsible for evaluating the scientific integrity of the agency’s regulations, concluded that the new Trump water rule ignores science by “failing to acknowledge watershed systems.” They found “no scientific justification” for excluding certain bodies of water from protection under the new regulations, concluding that pollutants from those smaller and seasonal bodies of water can still have a significant impact on the health of larger water systems.

Those scientific findings, although they are not reflected in the administration’s policy, could still play a role in the fate of the new rule. Several state attorneys general are expected to join with environmental groups to sue to overturn the Trump water rule, and those groups are likely to cite those findings as evidence that the rule is not legally sound.

“The legal standing all has to do with whether you have a rational basis for what you’re doing,” said Mr. Parenteau. “And when you have experts saying you’re not adhering to the science, that’s not rational, it’s arbitrary.”

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