
APPENDIX E

BIOLOGICAL RESOURCES



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
777 Sonoma Ave. Rm 325
Santa Rosa, CA 95404

APR 20 2001

In response refer to
151422-SWR-01-SR-324:JPM

LTC Timothy O'Rourke
U. S. Army Corps of Engineers
Regulatory Branch
333 Market Street, 8th Floor
San Francisco, California 94105

Dear Lieutenant Colonel O'Rourke:

Thank you for your letter of March 21, 2001 regarding the presence of Federally listed threatened or endangered species or critical habitat that may be affected by the East Cliff Drive Seawall Project. A previous request for a species list for this project was submitted by the Corps to the National Marine Fisheries Service (NMFS) in a letter dated September 8, 1998. NMFS responded in a letter dated September 29, 1998. This current letter supersedes that of 9/29/98 as additional species have been listed since that time.

Available information indicates that the following species may occur in the project area:

Central California Coast ESU steelhead (Oncorhynchus mykiss) - threatened

Central California Coast ESU coho salmon (Oncorhynchus kisutch) - threatened

These species are present in two streams in relative proximity to the project location. Steelhead are present in Soquel Creek and the San Lorenzo River. The California Department of Fish and Game has designated the San Lorenzo River as a recovery stream for coho salmon. Both of these species use Monterey Bay for portions of their life history cycle. No critical habitat occurs at the proposed project site.

Monterey Bay is also designated as Essential Fish Habitat (EFH) for fish species managed with the following Fishery Management Plans under the Magnuson-Stevens Fishery Conservation and Management Act:

Pacific Coast Salmon Fishery Management Plan
Pacific Groundfish Fishery Management Plan



Coastal Pelagics Fishery Management Plan

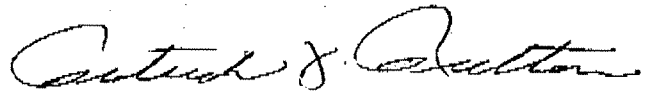
Specific information on EFH and the Fishery Management Plans is located on our website under Habitat Conservation Division (<http://swr.ucsd.edu>).

In addition to fish species, harbor seals (*Phoca vitulina*) may be present in the project area. This species is protected under the Marine Mammals Protection Act. Known seal haulouts occur at Terrence Point, Table Rock, and Yellow Bank Creek. Please contact Tina Fahey, at NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, or (562) 980-4023 for further information regarding marine mammals.

The U.S. Fish and Wildlife Service (USFWS) may also have listed species or critical habitat under its jurisdiction in the project area. Please contact Mr. Harry Mossman, Deputy Field Supervisor, USFWS, at 2800 Cottage Way, W-2605, Sacramento, California 95825, or (916) 414-6600, regarding the presence of listed species or critical habitat under USFWS jurisdiction that may be affected by your project.

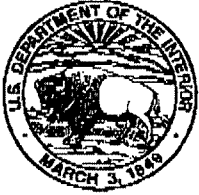
If you have questions concerning these comments, please contact John McKeon of my staff at (707) 575-6069.

Sincerely,



Patrick Rutten
Protected Resources Manager
Northern California

cc: J. Lecky - NMFS Long Beach
L. Ngim - Corps
National Ocean Service, Monterey Bay National Marine Sanctuary
B. Mulvey - NMFS
T. Fahey - NMFS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

April 23, 2001

Roderick A. Chisholm, Chief
Environmental Section
San Francisco District, U.S. Army of Engineers
333 Market Street
San Francisco, California 94105-2197

Subject: Species List for the East Cliff Drive Seawall Project Site, Santa Cruz County, California

Dear Mr. Chisholm:

This letter is in response to your request, dated March 21, 2001, and received in our office on March 26, 2001. You have requested information on threatened and endangered species under our jurisdiction which may be present within the boundaries of the East Cliff Drive Seawall Project (project) in an unincorporated area within the city limits of Santa Cruz. You have submitted a similar request to the National Marine Fisheries Service. The requested information will be used by the Army Corps of Engineers (Corps) as part of an environmental analysis for this project.

We are enclosing a list of species that could potentially occur in or near the proposed project site. The enclosed list of species fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act of 1973, as amended (Act). The Corps, as the lead federal agency for the project, has the responsibility to review its proposed activities and determine whether any listed species may be affected. If the project is a construction project which may require an environmental impact statement^{1/}, the Corps has the responsibility to prepare a biological assessment to make a determination of the effects of the action on the listed species or critical habitat. Regardless of whether a biological assessment is prepared, if the Corps determines that a listed species or critical habitat is likely to be adversely affected, it should request, in writing through our office, formal consultation pursuant to section 7 of the Act. Informal consultation may be used to exchange information and resolve conflicts

^{1/} "Construction project" means any major federal action which significantly affects the quality of the human environment designed primarily to result in the building of structures such as dams, buildings, roads, pipelines, and channels. This includes federal actions such as permits, grants, licenses, or other forms of federal authorizations or approval which may result in construction. Federal agencies are required to confer with the Service, pursuant to section 7(a)(4) of the Act, when an agency action is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10(a)).

with respect to threatened or endangered species or their critical habitat prior to a written request for formal consultation. During this review process, the Corps may engage in planning efforts but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act.

Only listed species receive protection under the Act. However, other sensitive species should be considered in the planning process in the event they become listed or proposed for listing prior to project completion. We recommend that you review information in the California Department of Fish and Game's (CDFG) Natural Diversity Data Base and that you contact the CDFG at (916) 324-3812 for information on other species of concern that may occur in this area.

Should you have any questions regarding this letter, please contact Colleen Sculey of my staff at (805) 644-1766.

Sincerely,

A handwritten signature in black ink that reads "Diane K. Noda". The signature is written in a cursive style and is positioned above the printed name.

Diane K. Noda
Field Supervisor

Attachments

**LISTED SPECIES
WHICH MAY OCCUR WITHIN OR NEAR THE EAST CLIFF DRIVE SEAWALL
PROJECT SITE IN SANTA CRUZ COUNTY, CALIFORNIA**

Mammals

Southern sea otter

Enhydra lutris nereis

T

Birds

Brown pelican

Pelecanus occidentalis

E

Western snowy plover

Charadrius alexandrinus nivosus

T

Key:

E - Endangered

T - Threatened

CH - Critical habitat

California Department of Fish and Game
Natural Diversity Data Base

List of Elements and Status by Scientific Name
Quads: Santa Cruz and Soquel

| Scientific/Common Name | Federal/ State Status | Global/ State Rank | CNPS/ R-E-D | CDFG Status |
|--|---------------------------------|-----------------------|----------------|----------------|
| AGELAIUS TRICOLOR TRICOLORED BLACKBIRD | None/ None | G3/ S3 | | SC |
| AMBYSTOMA MACRODACTYLUM CROCEUM SANTA CRUZ LONG-TOED SALAMANDER | Endangered/ Endangered | G5T1/ S1 | | |
| ATHENE CUNICULARIA BURROWING OWL | None/ None | G4/ S2 | | SC |
| CHARADRIUS ALEXANDRINUS NIVOSUS WESTERN SNOWY PLOVER | Threatened/ None | G4T2/ S2 | | SC |
| CHORIZANTHE ROBUSTA VAR ROBUSTA ROBUST SPINEFLOWER | Endangered/ None | G2T1/ S1.1 | 1B/ 3-3-3 | |
| CICINDELA OHLONE OHLONE TIGER BEETLE | Proposed Endangered/ None | G1/ S1 | | |
| CLEMMYS MARMORATA WESTERN POND TURTLE | None/ None | G4/ S3 | | SC |
| CLEMMYS MARMORATA PALLIDA SOUTHWESTERN POND TURTLE | None/ None | G4T2T3 / S2 | | SC |
| CYPSELOIDES NIGER BLACK SWIFT | None/ None | G4/ S2 | | SC |
| DANAUS PLEXIPPUS MONARCH BUTTERFLY | None/ None | G5/ S3 | | |
| EUCYCLOGOBIUS NEWBERRYI TIDEWATER GOBY | Endangered/ None | G2G3/ S2S3 | | SC |
| FISSILICREAGRIS (=MICROCREAGRIS) IMPERIALIS EMPIRE CAVE PSEUDOSCORPION | None/ None | G1/ S1 | | |
| HOLOCARPHA MACRADENIA SANTA CRUZ TARPLANT | Threatened/ Endangered | G1/ S1.1 | 1B/ 3-3-3 | |

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|--|---------------------------|-----------------------|----------------|----------------|
| LINDERIELLA OCCIDENTALIS CALIFORNIA LINDERIELLA | None/ None | G2G3/ S2S3 | | |
| META DOLLOFF DOLLOFF CAVE SPIDER | None/ None | G1/ S1 | | |
| NORTH CENTRAL COAST DRAINAGE SACRAMENTO SUCKER/ROACH RIVER | None/ None | G?/ S? | | |
| ONCORHYNCHUS KISUTCH COHO SALMON - CENTRAL CALIFORNIA ESU | Threatened/ Endangered | G5/ S2? | | SC |
| ONCORHYNCHUS MYKISS IRIDEUS STEELHEAD-CENTRAL CALIFORNIA COAST ESU | Threatened/ None | G5T2/ S2 | | |
| PEDICULARIS DUDLEYI DUDLEY'S LOUSEWORT | None/ Rare | G2/ S2.2 | 1B/ 3-2-3 | |
| PLAGIOBOTHRYUS DIFFUSUS SAN FRANCISCO POPCORN-FLOWER | None/ Endangered | G1/ S1.1 | 1B/ 3-3-3 | |
| RANA AURORA DRAYTONII CALIFORNIA RED-LEGGED FROG | Threatened/ None | G4T2T3 / S2S3 | | SC |
| RANA BOYLII FOOTHILL YELLOW-LEGGED FROG | None/ None | G3/ S2S3 | | SC |
| SIDALCEA MALACHROIDES MAPLE-LEAVED CHECKERBLOOM | None/ None | G2?/ S2.2 | 1B/ 2-2-2 | |
| STYGOBROMUS MACKENZIEI MACKENZIE'S CAVE AMPHIPOD | None/ None | G1/ S1 | | |
| TRIFOLIUM BUCKWESTIORUM SANTA CRUZ CLOVER | None/ None | G1/ S1.1 | 1B/ 3-3-3 | |

California Department of Fish and Game
Natural Diversity Data Base

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|-------------------------------|----------------------------------|-------------------------------|------------------------|------------------------|
| TRYONIA IMITATOR | None/ | G2G3/ | | |
| MIMIC TRYONIA (=CALIFORNIA | None | S2S3 | | |
| BRACKISHWATER SNAIL) | | | | |