

Wong, Jocelyn (BOS)

From: Peter Prows <pprows@briscoelaw.net>
Sent: Thursday, June 20, 2019 9:50 PM
To: Wong, Jocelyn (BOS)
Cc: smw@stevewilliamsllaw.com; hestor@earthlink.net; GIVNER, JON (CAT); STACY, KATE (CAT); JENSEN, KRISTEN (CAT); Rahaim, John (CPC); Teague, Corey (CPC); Sanchez, Scott (CPC); Gibson, Lisa (CPC); Jain, Devyani (CPC); Navarrete, Joy (CPC); Lynch, Laura (CPC); Rodgers, AnMarie (CPC); Sider, Dan (CPC); Starr, Aaron (CPC); Forbes, Elaine (PRT); Quezada, Randolph (PRT); Quesada, Amy (PRT); Kositsky, Jeff (HOM); Schneider, Dylan (HOM); Stewart-Kahn, Abigail (HOM); Rosenberg, Julie (BOA); Cantara, Gary (BOA); Longaway, Alec (BOA); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); BOS Legislation, (BOS)
Subject: Re: PLANNING DEPARTMENT RESPONSE MEMO: Appeal of CEQA Exemption Determination - Proposed Seawall Lot 330 Project - Appeal Hearing on June 25, 2019

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Attachments available until 20 Jul 2019

Thank you.

On behalf of Safe Embarcadero For All, I have additional comments and information for the Board.

First, the appeal submitted by Safe Embarcadero For All is referred to as the "Prows Appeal Letter". That was not the personal Prows Appeal. It is the Safe Embarcadero For All appeal. Please refer to this appeal appropriately.

Second, the response states that no evidence is provided about endangered species habitat. San Francisco is on constructive, if not actual, notice of all critical habitat designations by virtue of their publication in the Federal Register. (Fed. Crop Ins. Corp. v. Merrill, 332 U.S. 380, 384-85 (1947)); 44 U.S.C. 1507.) San Francisco Bay is designated critical habitat for Central Coast

Steelhead. (<https://www.westcoast.fisheries.noaa.gov/publications/frn/2005/70fr52488.pdf>) Seawall Lot 330, as part of historic San Francisco Bay and as being waterward of the legal ordinary high water mark, has potential habitat value for listed species.

Third, please consider this a Public Record Act Request for the Burton Act transfer agreement of January 1969 (referenced in SB 815 and elsewhere), and all its amendments, and please include those documents in the administrative record.

Fourth, the Port claims it drafted AB 2797 (see page 6 of <https://sfport.com/sites/default/files/Commission/Documents/Commission%20Meeting%20Staff%20Reports/2016%20Commission%20Meeting%20Items/SEP27/Item%2010C%20Legislation%20Strategy%20Staff%20Report%20Final.pdf>). I submitted a Public Records Act Request to the Port for all documents relating to AB 2797, which is cited by both sides in this matter. Please include those documents in the administrative record in this matter.

Fifth, please include the following Board resolution (264-18) in the administrative record (<https://sfbos.org/sites/default/files/r0264-18.pdf>), which potentially relates to the administrative interpretation of AB 2797 and other relevant legislation.

Sixth, please include volumes 8 and 9 of the incident reports, attached, in the administrative record.

Seventh, please include the two additional documents, attached to this email, on homeless counts, which undermine the Planning Department's claim that this project will not add to the homeless population in the immediate area, in the administrative record.

Eighth, the Planning Commission response refers to monthly parking rents received for Seawall Lot 330, and compares those to average monthly parking rents received in prior years. One of the attached documents confirms that monthly rents for the early part of the year, before baseball season is in full swing, are much lower than monthly rents in later parts of the year, and that parking revenues are already higher this year than at similar times in prior years. (Another attached document, an Excel spreadsheet, summarizes the data we have on year-over-year monthly parking revenues.) Please consider this a Public Records Act request for data on monthly parking revenues for Seawall Lot 330 for each month for the past 5 years, and please incorporate those records in the administrative record in this matter.

Ninth, please include the additional two documents attached to this email in the administrative record in this matter as relevant to the development potential of Seawall Lot 330. The document attached as the 11 June 2019 Port Commission agenda refers to a "Presentation on a potential Request for Proposals for Piers 30-32 and Seawall Lot 330"; please consider this a Public Records Act request for all documents related to that presentation and to any potential requests for proposals for Seawall Lot 330, and please include all responsive documents in the administrative record.

Thank you.

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Responsive CIRs Volume 9.pdf
3.3 MB

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4.5 MB

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RE_ Sunshine Ordinance Request (Set #3) 2019-05-06.pdf
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RE_ Sunshine Ordinance Request (Set #3) 2019-05-13.pdf
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A06112019.pdf
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Item 9B - final with attachments.pdf
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6-20-19 Supplemental Production 2.pdf
5.8 MB

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Parking Schedule ACP-WP prepared for counsel.xlsx
14 KB

On 17 Jun 2019, at 2:41 PM, Wong, Jocelyn (BOS) <jocelyn.wong@sfgov.org> wrote:

Good afternoon,

Please find linked below a response memo received by the Office of the Clerk of the Board from the Planning Department regarding the appeal of the determination of categorical exemption from environmental review under CEQA for the proposed project at Seawall Lot 330.

[Planning Department Memo - June 17, 2019](#)

The hearing for this matter is scheduled for 3:00 p.m. special order before the Board on June 25, 2019.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the links below:

[Board of Supervisors File No. 190611](#)

Best regards,

Jocelyn Wong

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

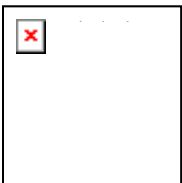
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<image001.png> Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

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Federal Register

Friday,
September 2, 2005

Part II

Department of Commerce

National Oceanic and Atmospheric
Administration

50 CFR Part 226
**Endangered and Threatened Species;
Designation of Critical Habitat for Seven
Evolutionarily Significant Units of Pacific
Salmon and Steelhead in California; Final
Rule**

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 041123329-5202-02; I.D. No.110904F]

RIN 0648-AO04

Endangered and Threatened Species; Designation of Critical Habitat for Seven Evolutionarily Significant Units of Pacific Salmon and Steelhead in California

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: We, the National Marine Fisheries Service (NMFS), are issuing a final rule designating critical habitat for two Evolutionarily Significant Units (ESUs) of chinook salmon (*Oncorhynchus tshawytscha*) and five ESUs of steelhead (*O. mykiss*) listed as of the date of this designation under the Endangered Species Act of 1973, as amended (ESA). The specific areas designated in the rule text set out below include approximately 8,935 net mi (14,269 km) of riverine habitat and 470 mi² (1,212 km²) of estuarine habitat (primarily in San Francisco-San Pablo-Suisun Bays) in California. Some of the areas designated are occupied by two or more ESUs. The annual net economic impacts of changes to Federal activities as a result of the critical habitat designations (regardless of whether those activities would also change as a result of the ESA's jeopardy requirement) are estimated to be approximately \$81,647,439. We solicited information and comments from the public in an Advanced Notice of Proposed Rulemaking and on all aspects of the proposed rule. This rule is being issued to meet the timeline established in litigation between NMFS and Pacific Coast Federation of Fishermen's Associations (*PCFFA et. al v. NMFS* (Civ.No. 03-1883)). In the proposed rule, we identified a number of potential exclusions we were considering including exclusions for federal lands subject to the Pacific Northwest Forest Plan, PACFISH and INFISH. We are continuing to analyze whether exclusion of those federal lands is appropriate.

DATES: This rule becomes effective January 2, 2006.

ADDRESSES: Comments and materials received, as well as supporting

documentation used in the preparation of this final rule, are available for public inspection by appointment, during normal business hours, at the National Marine Fisheries Service, NMFS, Protected Resources Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. The final rule, maps, and other materials relating to these designations can be found on our Web site at <http://swr.nmfs.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Craig Wingert at the above address, at 562/980-4021, or Marta Nammack at 301/713-1401 ext. 180.

SUPPLEMENTARY INFORMATION:**Organization of the Final Rule**

This **Federal Register** notice describes the final critical habitat designations for seven ESUs of West Coast salmon and steelhead listed under the ESA. The pages that follow summarize the comments and information received in response to proposed designations published on December 10, 2004 (69 FR 71880), describe any changes from the proposed designations, and detail the final designations for seven ESUs. To assist the reader, the content of this notice is organized as follows:

- I. Background and Previous Federal Action
- II. Summary of Comments and Recommendations
 - Notification and General Comments*
 - Identification of Critical Habitat Areas*
 - Economics Methodology*
 - Weighing the Benefits of Designation vs. Exclusion*
 - Effects of Designating Critical Habitat*
 - ESU-specific Issues*
- III. Summary of Revisions
- IV. Methods and Criteria Used to Identify Critical Habitat
 - Salmon Life History*
 - Identifying the Geographical Area Occupied by the Species and Specific Areas within the Geographical Area*
 - Primary Constituent Elements*
 - Special Management Considerations or Protections*
 - Unoccupied Areas*
 - Lateral Extent of Critical Habitat*
 - Military Lands*
 - Critical Habitat Analytical Review Teams*
- V. Application of ESA Section 4(b)(2) Exclusions Based on "Other Relevant Impacts"
 - Impacts to Tribes*
 - Impacts to Landowners with Contractual Commitments to Conservation*
 - Exclusions Based on National Security Impacts*
 - Exclusions Based on Economic Impacts*
- VI. Critical Habitat Designation
- VII. Effects of Critical Habitat Designation
 - Section 7 Consultation*
 - Activities Affected by Critical Habitat Designation*
- VIII. Required Determinations
- IX. References Cited

I. Background and Previous Federal Action

We are responsible for determining whether species, subspecies, or distinct population segments of Pacific salmon and steelhead (*Oncorhynchus* spp.) are threatened or endangered, and for designating critical habitat for them under the ESA (16 U.S.C. 1531 *et seq.*). To qualify as a distinct population segment, a Pacific salmon or steelhead population must be substantially reproductively isolated from other conspecific populations and represent an important component in the evolutionary legacy of the biological species. According to agency policy, a population meeting these criteria is considered to be an Evolutionarily Significant Unit (ESU) (56 FR 58612, November 20, 1991).

We are also responsible for designating critical habitat for species listed under our jurisdiction. Section 3 of the ESA defines critical habitat as (1) specific areas within the geographical area occupied by the species at the time of listing, on which are found those physical or biological features that are essential to the conservation of the listed species and that may require special management considerations or protection, and (2) specific areas outside the geographical area occupied by the species at the time of listing that are essential for the conservation of a listed species. Our regulations direct us to focus on "primary constituent elements," or PCEs, in identifying these physical or biological features. Section 7(a)(2) of the ESA requires that each Federal agency shall, in consultation with and with the assistance of NMFS, ensure that any action authorized, funded or carried out by such agency is not likely to jeopardize the continued existence of an endangered or threatened salmon or steelhead ESU or result in the destruction or adverse modification of critical habitat. Section 4 of the ESA requires us to consider the economic impacts, impacts on national security, and other relevant impacts of specifying any particular area as critical habitat.

The timeline for completing the critical habitat designations described in this **Federal Register** notice was established pursuant to litigation between NMFS and the Pacific Coast Federation of Fishermen's Associations, Institute for Fisheries Resources, the Center for Biological Diversity, the Oregon Natural Resources Council, the Pacific Rivers Council, and the Environmental Protection Information Center (PCFFA, *et al.*) and is subject to a Consent Decree and Stipulated Order

of Dismissal (Consent Decree) approved by the D.C. District Court. A complete summary of previous court action regarding these designations can be found in the proposed rule (69 FR 71880; December 10, 2004).

In keeping with the Consent Decree, on December 10, 2004 (69 FR 71880), we published proposed critical habitat designations for two ESUs of Chinook salmon and five ESUs of *O. mykiss*. (For the latter ESUs we used the species' scientific name rather than "steelhead" because at the time they were being proposed for revision to include both anadromous (steelhead) and resident (rainbow/redband) forms of the species—see 69 FR 33101, June 14, 2004). The seven ESUs addressed in the proposed rule were: (1) California Coastal Chinook salmon; (2) Northern California *O. mykiss*; (3) Central California Coast *O. mykiss*; (4) South-Central Coast *O. mykiss*; (5) Southern California *O. mykiss*; (6) Central Valley spring run Chinook salmon; and (7) Central Valley *O. mykiss*. The comment period for the proposed critical habitat designations was originally opened until February 8, 2005. On February 7, 2005 (70 FR 6394), we announced a court-approved Amendment to the Consent Decree which revised the schedule for completing the designations and extended the comment period until March 14, 2005, and the date to submit final rules to the **Federal Register** as August 15, 2005.

In the critical habitat proposed rule we stated that "the final critical habitat designations will be based on the final listing decisions for these seven ESUs due by June 2005 and thus will reflect occupancy "at the time of listing" as the ESA requires." All of these ESUs had been listed as threatened or endangered between 1997–2000, but in 2002 we announced that we would reassess the listing status of these and other ESUs (67 FR 6215; February 11, 2002). We recently published final listing decisions for the two Chinook salmon, but not for the five ESUs of *O. mykiss* (70 FR 37160; June 28, 2005). Final listing determinations for these five ESUs are expected by December 2005 (70 FR 37219; June 28, 2005). However, the Consent Decree governing the schedule for our final critical habitat designations requires that we complete final designations for those of the seven ESUs identified above that are listed as of August 15, 2005. Because anadromous forms (*i.e.*, "steelhead") of the five *O. mykiss* ESUs have been listed since 1997–2000 (*see* summary in June 14, 2004 **Federal Register** notice, 69 FR 33103), we are now issuing final critical habitat designations for them in this

notice in accordance with the Consent Decree. We are able to do so because in developing critical habitat designations for this species we have focused on the co-occurring range of both the anadromous and resident forms. Therefore, both the proposed and final designations were restricted to the species' anadromous range, although we did consider and propose to designate some areas occupied solely by resident fish in upper Alameda Creek in the San Francisco Bay area. We focused on the co-occurring range due to uncertainties about: (1) The distribution of resident fish outside the range of co-occurrence, (2) the location of natural barriers impassable to steelhead and upstream of habitat areas proposed for designation, and (3) the final listing status of the resident form. Section 4(a)(3)(B) of the ESA provides for the revision of critical habitat designations as appropriate, and we will do so (if necessary) after making final listing determinations for these five *O. mykiss* ESUs. Moreover, we intend to actively revise critical habitat as needed for all seven ESUs to keep them as up-to-date as possible.

In an Advance Notice of Proposed Rulemaking (ANPR) (68 FR 55926; September 29, 2003), we noted that the ESA and its supporting regulations require the agency to address a number of issues before designating critical habitat: "What areas were occupied by the species at the time of listing? What physical and biological features are essential to the species' conservation? Are those essential features ones that may require special management considerations or protection? Are areas outside those currently occupied 'essential for conservation'? What are the benefits to the species of critical habitat designation? What economic and other relevant impacts would result from a critical habitat designation, even if coextensive with other causes such as listing? What is the appropriate geographic scale for weighing the benefits of exclusion and benefits of designation? What is the best way to determine if the failure to designate an area as critical habitat will result in the extinction of the species concerned?" We recognized that "[a]nswering these questions involves a variety of biological and economic considerations" and therefore were seeking public input before issuing a proposed rule. As we stated in the proposed rule that followed: "We received numerous comments in response to the ANPR and considered them during development of this proposed rulemaking. Where applicable, we have referenced these comments in

this **Federal Register** notice as well as in other documents supporting this proposed rule." In the proposed rule, we described the methods and criteria we applied to address these questions, relying upon the unique life history traits and habitat requirements of salmon and steelhead.

In issuing the final rule, we considered the comments we received to determine whether a change in our proposed approach to designating critical habitat for salmon and steelhead was warranted. In some instances, we concluded based on comments received that a change was warranted. For example, in this final rule we have revised our approach to allow us to consider excluding areas covered by habitat conservation plans in those cases where the benefits of exclusion outweigh the benefits of designation.

In other instances, we believe the approach taken is supported by the best available scientific information, and that given the time and additional analyses required, changes to the methods and criteria we applied in the proposed rule were not feasible. We recognize there are other equally valid approaches to designating critical habitat and for answering the myriad questions described above. Nevertheless, issuance of the final rule for designating critical habitat for these ESUs is subject to a Court Order that requires us to submit the final regulation to the **Federal Register** no later than August 15, 2005, less than 5 months after the close of the public comment period. Taking alternative approaches to designating critical habitat would have required a retooling of multiple interrelated analyses and undertaking additional new analyses in support of the final rule, and was not possible given the time available to us. We will continue to study alternative methods and criteria and may apply them in future rulemakings designating critical habitat for these or other species.

II. Summary of Comments and Recommendations

As described in agency regulations at 50 CFR 424.16(c)(1), in the critical habitat proposed rule we requested that all interested parties submit written comments on the proposals. We also contacted the appropriate Federal, state, and local agencies, scientific organizations, and other interested parties and invited them to comment on the proposed rule. To facilitate public participation we made the proposed rule available via the internet as soon as it was signed (approximately 2 weeks prior to actual publication) and accepted comments by standard mail

and fax as well as via e-mail and the internet (*e.g.*, www.regulations.gov). In addition, we held four public hearings between January 13, 2005, and February 1, 2005, in the following locations: Arcata, Rohnert Park, Sacramento, and Santa Barbara, CA. We received 3,762 written comments (3,627 of which were form letters or in the form of e-mails with nearly identical verbiage) during the comment period on the proposed rule.

In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review establishing minimum peer review standards, a transparent process for public disclosure, and opportunities for public input (70 FR 2664; January 14, 2005). The OMB Peer Review Bulletin, implemented under the Information Quality Act (Pub. L. 106-554), is intended to provide public oversight on the quality of agency information, analyses, and regulatory activities, and applies to information disseminated on or after June 16, 2005. Prior to publishing the proposed rule we submitted the initial biological assessments of our Critical Habitat Analytical Review Teams (hereafter referred to as CHART) to state co-managers and asked them to review those findings. These co-manager reviews resulted in some changes to the CHARTs' preliminary assessments (*e.g.*, revised fish distribution as well as conservation value ratings) and helped to ensure that the CHARTs' revised findings (NMFS, 2004b) incorporated the best available scientific data. We later solicited technical review of the entire critical habitat proposal (biological, economic, and policy bases) from several independent experts selected from the academic and scientific community, Native American tribal groups, Federal and state agencies, and the private sector. We also solicited opinions from three individuals with economics expertise to review the draft economics analysis supporting the proposed rule. All three of the economics reviewers and one of the biological reviewers submitted written opinions on our proposal. We have determined that the independent expert review and comments received regarding the science involved in this rulemaking constitute adequate prior review under section II.2 of the OMB Peer Review Bulletin (NMFS, 2005b).

We reviewed all comments received from the peer reviewers and the public for substantive issues and new information regarding critical habitat for the various ESUs, and we address them in the following summary. Peer reviewer comments were sufficiently

similar to public comments that we have responded to them through our general responses below. For readers' convenience we have assigned comments to major issue categories and where possible have combined similar comments into single comments and responses.

Notification and General Comments

Comment 1: Some commenters raised concerns or complained about the adequacy of public notification and time to comment.

Response: We made all reasonable attempts to communicate our rulemaking process and the critical habitat proposal to the affected public. Prior to the proposed rule we published an ANPR in which we identified issues for consideration and evaluation, and solicited comments regarding these issues and information regarding the areas and species under consideration (68 FR 55926; September 29, 2003). We considered comments on the ANPR during our development of the proposed rule. As soon as the proposed rule was signed on November 29, 2004 (2 weeks before actual publication in the **Federal Register**), we posted it and supporting information on the agency's internet site to facilitate public review, and we have provided periodic updates to that site (see **ADDRESSES**). In response to numerous requests—in particular from plaintiffs as well as private citizens, counties, farm bureaus, and state legislators in Washington—the original 60-day public comment period was extended by 30 days (70 FR 6394; February 7, 2005) to allow additional time for the public to submit comments on the critical habitat proposals.

Additionally, we realize that the statute provides a short time frame for designating critical habitat. Congress amended the ESA in 1982 to establish the current time frame for designation. In doing so, Congress struck a balance between the recognition that critical habitat designations are based upon information that may not be determinable at the time of listing and the desire to ensure that designations occur in a timely fashion. Additionally, the ESA and supporting regulations provide that designations may be revised as new data become available to the Secretary. We recognize that where the designation covers a large geographic area, as is the case here, the short statutory time frame requires a short period for the public to consider a great deal of factual information. We also recognize that this designation takes a new approach by considering relative conservation value of different areas and applying a cost-effectiveness

framework. In this notice we are announcing our intention to consider revising the designations as new habitat conservation plans and other management plans are developed, and as other new information becomes available. Through that process we anticipate continuing to engage the interested public and affected landowners in an ongoing dialogue regarding critical habitat designations.

Comment 2: Some commenters disagreed with our decision to vacate the February 2000 critical habitat designations for these ESUs.

Response: We believe that the issues identified in a legal challenge to our February 2000 designations warranted withdrawing that rule. Developing a cost-effectiveness approach, designed to achieve the greatest conservation at the least cost, is in keeping with long-standing Executive direction on rulemaking and is a responsible and conservation-oriented approach to implementing section 4(b)(2) of the ESA. In addition, we had new and better information in 2004 than we had in 2000, such as the information of fish distribution and habitat use that was generated by agency fishery biologists. The ESA requires that we use the best available information, and the distribution data is the best information currently available. Finally, the litigation challenging our 2000 designation also challenged the lack of specificity in our designation of the riparian area, leading us to consider whether there was a better approach that was more consistent with our regulations and with the best available information.

Comment 3: Some commenters stated that we should wait to publish final critical habitat designations until after final listing determinations have been made and the final hatchery listing policy is published.

Response: The ESA states that the Secretary *shall* designate critical habitat, defined as areas within or outside the geographical area occupied by the species *at the time of listing* and using the best *available* information (emphasis added). These designations follow that statutory mandate and have been completed on a schedule established under a Consent Decree. Also, the final hatchery listing policy and final listing determinations for several salmon ESUs were published on June 28, 2005 (70 FR 37160 and 37204) in advance of the completion of this final critical habitat designation. For reasons described above in the "Background and Previous Federal Action" section, we are now making final designations for those listed salmon and steelhead ESUs in the

Southwest Region that are subject to the Consent Decree and listed as of the date of this designation.

Identification of Critical Habitat Areas

Comment 4: Several commenters contended that we can only designate areas that are essential for species conservation.

Response: Section 3(5)(A) of the ESA has a two-pronged definition of critical habitat: “(i) the specific areas *within the geographical area occupied by the species*, at the time it is listed * * * on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) *specific areas outside the geographical area occupied by the species*, at the time it is listed * * * upon a determination by the Secretary that such areas are essential for the conservation of the species’ (emphasis added). As described in this rule and documented in the reports supporting it, we have strictly applied this definition and made the requisite findings. We requested and received comments on various aspects of our identification of areas meeting this definition and address those here. Only those areas meeting the definition were considered in the designation process. Comments regarding the section 4(b)(2) process, in which we considered the impacts of designation and whether areas should be excluded, are addressed in a subsequent section.

Comment 5: In the proposed rule we considered occupied streams within a CALWATER Hydrologic Subarea (HSA) as the “specific area” in which the physical or biological features essential to conservation of the ESUs were found. We also used these watershed delineations as the “particular areas”—the analytical unit—for purposes of the section 4(b)(2) analysis. In the proposed rule we requested public comment on whether considering exclusions on a stream-by-stream approach would be more appropriate. Some commenters believed that the watershed scale was too broad for making critical habitat designations and suggested that a smaller watershed or a stream-by-stream approach was more appropriate. Some commenters believed that we should conduct a reach-by-reach assessment in their watersheds.

Response: Our ESA section 4(b)(2) report (NMFS, 2005c) acknowledges that the delineation of both specific areas and particular areas should be as small as practicable, to ensure our designations are not unnecessarily broad and to carry out congressional intent that we fully consider the impacts

of designation. For reasons described in the section below on “Methods and Criteria Used to Identify Critical Habitat,” we continue to believe that the specific facts of salmon biology and life history make CALWATER HSA watersheds in California an appropriate scale to use in delineating the “specific” areas in which physical or biological features are found. We also believe consideration of the impacts of designation on an HSA watershed scale results in a meaningful section 4(b)(2) balancing process. Moreover, congressional direction requires that designations be completed in a very short time frame by a specified deadline, “based on such data as may be available at that time.” Given that short time frame and the geographic extent of salmon critical habitat, the HSA watershed was the smallest practicable area we were able to analyze.

Comment 6: Some commenters believed we applied the definition of “specific areas within the geographical area occupied by the species at the time it is listed” too narrowly. In their views, this led to two errors—failure to designate all “accessible” stream reaches and failure to designate riparian and upstream areas. Commenters felt that the “best scientific data available” support a conclusion that salmon and steelhead will occupy all accessible streams in a watershed during a period of time that can be reasonably construed as “at the time it is listed.” One commenter stated that “[w]hether a particular stream reach is occupied cannot be determined with certainty based on “occupation” data alone, especially for fragmented, declining, or depressed populations of fish.” The commenter pointed to the rationale provided in our 2000 rule for identifying occupied areas as all areas accessible within a subbasin (a 4th field watershed, using U.S. Geological Survey (USGS) terminology): “NMFS believes that adopting a more inclusive, watershed based description of critical habitat is appropriate because it (1) recognizes the species’ use of diverse habitats and underscores the need to account for all of the habitat types supporting the species’ freshwater and estuarine life stages, from small headwater streams to migration corridors and estuarine rearing areas; (2) takes into account the natural variability in habitat use that makes precise mapping problematic (e.g., some streams may have fish present only in years with abundant rainfall) (65 FR 7764; February 16, 2000).”

Some commenters believe that in delineating “specific areas within the geographical area occupied by the

species,” we need not confine ourselves to areas that are literally “occupiable” by the species in that we should designate riparian and upstream areas. If there are physical or biological features essential to conservation to be found within a broadly defined “geographical area occupied by the species,” we have the duty to delineate specific areas in a way that encompasses them. Some argued that limiting the designation to the stream channel fails to recognize the biological and hydrological connections between streams and riparian areas and would lead to further degradation of the latter. Some commenters suggested that we use a fixed distance (e.g., 300 feet (91.4 m) if a functional description is not used. Some requested that we adopt the “functional zone” description for lateral extent used in the 2000 designations (65 FR 7764; February 16, 2000), while other commenters felt that our reference to habitat linkages with upslope and upstream areas was vague and wondered whether we were actually using the old approach anyway. Other commenters believed that using the line of ordinary high water or bankfull width was appropriate and noted that this would remove prior ambiguities about which areas were designated. Other commenters supported the approach taken in this designation, to identify specific areas occupied by the species and not broadly designate “all areas accessible,” some commenting that this was a more rigorous assessment and more in keeping with the ESA.

Response: The approach we took in the proposed designation is different from the approach we took in the vacated 2000 designation for a variety of reasons. The ESA directs that we will use the best scientific data available in designating critical habitat. Our regulations also provide direction: “[e]ach critical habitat will be defined by specific limits using reference points and lines as found on standard topographic maps of the area * * * Ephemeral reference points (e.g., trees, sand bars) shall not be used in defining critical habitat.” (50 CFR 424.12(c)). With respect to our approach for identifying “the geographical area occupied by the species,” we recognize that the available fish and habitat use distribution data are limited to areas that have been surveyed or where professional judgment has been applied to infer distribution, and that large areas of watersheds containing fish may not have been observed or considered. We also recognize there have been many instances in which previously unobserved areas are found to be

occupied once they are surveyed. Nevertheless, we believe the extensive data compiled by agency biologists, which was not available when we completed the 2000 designations, represents the best scientific information currently available regarding the geographical area occupied by the species. Moreover, the CHARTs had an opportunity to interact with the state fish biologists with the California Department of Fish and Game (CDFG) to confirm the accuracy of the data. We also believe the approach we have taken in this designation better conforms to the regulatory direction to use "specific limits" for the designation. The approach we used in 2000 used subbasin boundaries to delineate "specific areas," which arguably met the requirement to use "specific limits," but we believe using latitude-longitude endpoints in stream reaches, as we have done here, better adheres to the letter and spirit of our regulations.

With respect to our approach of limiting the designation to the occupied stream itself, not extending the designation into the riparian zone or upstream areas, we acknowledge that our regulations contemplate situations in which areas that are not literally occupiable may nevertheless be designated. Paragraph (d) of 50 CFR 424.12 gives as an example a situation in which areas upland of a pond or lake may be designated if it is determined that "the upland areas were essential to the conservation of an aquatic species located in the ponds and lakes." For this designation, however, given the vast amount of habitat under consideration and the short statutory time frames in which to complete the designation, we could not determine "specific limits" that would allow us to map with accuracy what part of the riparian zone or upstream area could be considered to contain PCEs. As an alternative, we considered the approach we used in 2000, which was to designate riparian areas that provide function, but concluded that approach may not have been entirely consistent with the regulatory requirement to use "specific limits." We believe limiting the designation to streams will not compromise the ability of an ESA section 7 consultation to provide for conservation of the species. Section 7 requires Federal agencies to ensure their actions are not likely to destroy or adversely modify critical habitat. Actions occurring in the riparian zone, upstream areas, or upland areas all have the potential to destroy or adversely modify the critical habitat in the stream. Although these areas are not themselves

designated, Federal agencies must nevertheless meet their section 7 obligations if they are taking actions in these areas that "may affect" the designated critical habitat in the stream. Even though these designations are restricted to the stream itself, we will continue to be concerned about the same activities we have addressed in past consultations.

Comment 7: Several commenters believed we incorrectly applied the definition of "specific areas outside the geographical area occupied by the species." In the view of some, we failed our duty under the ESA by not making a determination that we had identified as critical habitat enough areas (occupied and unoccupied) to support conservation. In the view of others, it was this failure that led to one of the errors described in the previous comment—the failure to designate all "accessible stream reaches." Many commenters expressed concern about statements made in the press that the change from "all areas accessible" to areas documented as occupied led to a 90-percent reduction in critical habitat. Other commenters supported the approach taken in this designation, to identify specific areas occupied by the species and not broadly designate "all areas accessible," some commenting that this was a more rigorous assessment and more in keeping with the ESA.

Response: Section 3(5)(A)(I) of the ESA requires us to identify specific areas within the geographical area occupied by the species that contain physical or biological features that may require special management considerations or protection. Section 3(5)(A)(ii) requires that specific areas outside the geographical area occupied by the species only fall within the definition of critical habitat if the Secretary determines that the area is essential for conservation. Our regulations further provide that we will designate unoccupied areas "only when a designation limited to [the species'] present range would be inadequate to ensure the conservation of the species (50 CFR 424.12(e))." The ESA requires the Secretary to designate critical habitat at the time of listing. If critical habitat is not then determinable, the Secretary may extend the period by 1 year, "but not later than the close of such additional year the Secretary must publish a final regulation, based on such data as may be available at that time, designating, to the maximum extent prudent, such habitat."

At the present time, we do not have information allowing us to determine that the specific areas within the geographical area occupied by the

species are inadequate for conservation, such that unoccupied areas are essential for conservation. We anticipate revising our critical habitat designations in the future as additional information becomes available through recovery planning processes.

Comment 8: Some commenters questioned the adequacy of our identification of PCEs, in particular the lack of specificity.

Response: To determine the physical or biological features essential to conservation of these ESUs, we first considered their complex life cycle. As described in the ANPR and proposed rule, "[t]his complex life cycle gives rise to complex habitat needs, particularly during the freshwater phase (see review by Spence *et al.*, 1996)." We considered these habitat needs in light of our regulations regarding criteria for designating critical habitat. Those criteria state that the requirements essential to species' conservation include such things as "space * * * [f]lood, water, air, light, minerals, or other nutritional or physiological requirements * * * cover or shelter." They further state that we are to focus on the "primary constituent elements" such as "spawning sites, feeding sites, * * * water quality or quantity," etc. In the ANPR and proposed rule we identified the features of the habitat that are essential for the species to complete each life stage and are therefore essential to its conservation. We described the features in terms of sites (spawning, rearing, migration) that contain certain elements.

Comment 9: In the proposed rule we requested comments on the extent to which specific areas may require special management considerations or protection in light of existing management plans. Several commenters stated that lands covered by habitat conservation plans or other management or regulatory schemes do not require special management considerations or protection. Others commented that even where management plans are present, there still may be "methods or procedures useful" for protecting the habitat features.

Response: The statutory definition and our regulations (50 CFR 424.02 and 424.12) require that specific areas within the geographical area occupied by the species must contain "physical or biological features" that are "essential to the conservation of the species," and that "may require special management considerations or protection." As described in the proposed rule, and documented in the reports supporting it, we first identified the physical or biological features essential to

conservation (described in our regulations at 50 CFR 424.12(b)(5) as “primary constituent elements” or PCEs). We next determined the “specific areas” in which those PCEs are found based on the occupied stream reaches within a CALWATER HSA watershed. We used this watershed-scale approach to delineating specific areas because it is relevant to the spatial distribution of salmon and steelhead, whose innate homing behavior brings them back to spawn in the watersheds where they were born (Washington Department of Fisheries *et al.*, 1992; Kostow, 1995; McElhany *et al.*, 2000). We then considered whether the PCEs in each specific area (watershed) “may require special management considerations or protection.”

We recognize there are many ways in which “specific areas” may be delineated, depending upon the biology of the species, the features of its habitat and other considerations. In addressing these comments, we considered whether to change the approach described in our proposed rule and instead delineate specific areas based on ownership. The myriad ownerships and state and local regulatory regimes present in any watershed, as well as the timing issues discussed previously, made such an approach impractical for this rulemaking, as noted in section I, “Background and Previous Federal Action,” above. While there are other equally valid methods for identifying areas as critical habitat, we believe that the watershed scale is an appropriate scale for identifying specific areas for salmon and steelhead, and for then determining whether the PCEs in these areas may require special management considerations or protections. We will continue to study this issue and alternative approaches in future rulemakings designating critical habitat.

Comment 10: One commenter stated that we could not designate any unoccupied areas if we had excluded any occupied areas, relying on the regulatory provision cited in a previous comment and response.

Response: The comment assumes that all habitat areas are equivalent and exchangeable, which they are not. An area may be essential for conservation because it was historically the most productive spawning area for an ESU and unless access to it is restored, the ESU will not fully recover to the point that the protections of the ESA are no longer necessary. This area will be essential regardless of whether some other specific area has been excluded.

Comment 11: Several commenters supported the designation of unoccupied areas above dams and some

believed that by not designating these areas we will make it more difficult to achieve fish passage in the future. They further noted that excluding these presently blocked areas now may promote habitat degradation that will hinder conservation efforts should passage be provided in the future. Several commenters identified areas above specified dams as being essential for conservation.

Response: At the present time, we do not have information allowing us to determine that the specific areas within the geographical area occupied by the species are inadequate for conservation nor that currently unoccupied areas above dams are essential for conservation. The Southwest Region is actively involved in a multi-year, large-scale recovery planning effort in California that involves scientific teams (called technical recovery teams or TRTs) which are in the process of identifying ESU population structure, population viability criteria, and ESU level biological viability or recovery goals. These recovery planning efforts are developing information which will inform our decisions about whether unoccupied habitat will be needed to facilitate conservation beyond what is currently occupied by the ESUs addressed in this rulemaking. Until these efforts are more fully developed, we cannot make the specific determinations required under the ESA to designate critical habitat in “unoccupied” areas. We use our authorities under the ESA and other statutes to advocate for salmon passage above impassible dams where there is evidence such passage would promote conservation. This is not the same, however, as making the determinations required by the statute and our regulations to support designation.

Comment 12: In the proposed rule we requested comments regarding the use of professional judgment as a basis for identifying areas occupied by the species. Some commenters indicated that it was appropriate to accept the professional judgment of fish biologists who are most familiar with fish habitat within a watershed. Others believed that limiting the definition of occupied stream reaches to only those where fish presence has been observed and documented is overly narrow and fails to consider a number of conditions that affect species distribution, including natural population fluctuations and habitat alterations that affect accessibility or condition (e.g., de-watering stream reaches). These commenters also argued that defining occupied reaches should be based on a broad time scale that takes into account

metapopulation processes such as local extinction and recolonization, adding along with other commenters that many streams have not been adequately surveyed and species may frequent stream reaches but not actually be observed by a biologist at the time that critical habitat is being assessed.

Response: We relied on distribution and habitat use information developed by our agency fishery biologists from a wide range of sources, including the CDFG, to determine which specific stream reaches were occupied by each ESU. The data sets we developed defined occupancy based on field observations from stream surveys, and, in some cases, professional judgment based on the expert opinion of area biologists. In all cases the exercise of professional judgment included the consideration of habitat suitability for the particular species. We received several comments on our proposed rule regarding the accuracy of the distribution data in specific locations, and, where we could confirm that the information provided by the commenter was accurate, we accepted it as the best available information and adjusted our designation. We view designation of critical habitat as an ongoing process and expect to adjust the designations as necessary as new information or improved methods become available.

Comment 13: Some commenters addressed the CHART process although few recommended changes to the CHARTs’ ratings of watershed conservation values. Some supported the process used, in particular the recognition that not all habitats have the same conservation value for an ESU and that this in turn allows for a more meaningful exclusion assessment under section 4(b)(2) of the ESA. One commenter contended that the CHART assessments were compromised by restricting them to consider only the stream channel rather than upslope areas as well.

Response: The CHART process was an important part of our analytical framework in that it allowed us to improve our analysis of the best available scientific data and to provide watershed-specific conservation ratings useful for the Secretary’s exercise of discretion in balancing whether the benefits of exclusion outweigh the benefits of designation under section 4(b)(2) of the ESA. We do not believe that designating only the stream channel compromised the CHARTs’ ability to assess watershed conservation values. As noted in the CHART report, the CHARTs employed a scoring system to assess (among other area characteristics) the quality, quantity, and distribution of

PCEs within a watershed. The PCEs we have defined for these ESUs are found within occupied stream channels, and therefore, it is appropriate to focus our assessment on those areas. The CHART scoring did include a factor related to the potential improvement of existing PCEs and thereby allowed the CHARTs to consider the ability of a watershed to contribute PCEs via natural processes such as recruitment of large wood and substrate, flow regulation, floodplain connectivity, *etc.* We recognize that salmon habitat is dynamic and that our present understanding of areas important for conservation will likely change as recovery planning sheds light on areas that can and should be protected and restored. We intend to actively update these designations as needed so that they reflect the best available scientific data and understanding.

Comment 14: Some commenters questioned whether the CHARTs considered the work of the various Technical Recovery Teams (TRTs) and suggested that the CHART assessments should be reviewed by the TRTs.

Response: Where information had been developed by the TRTs, the CHARTs did consider that information in their assessments. The CHARTs also solicited input and comments from the TRTs on their distribution and habitat use information as well as their watershed conservation assessments. We believe, therefore, that we have been able to integrate much of the TRT findings to date into our final critical habitat designations. Given their priorities (*i.e.*, providing crucial recovery planning criteria and guidance) and the time constraints under which we needed to complete the critical habitat assessments, TRT members could not participate on the CHARTs directly. We recognize that recovery planning is an ongoing process and that new information from the TRTs and recovery planning stakeholders may result in changes to our critical habitat assessments in the future.

Economics Methodology

Comment 15: Several commenters stated that the economic analysis overestimated the actual costs of critical habitat designation by including costs that should be attributed to the baseline. For example, commenters asserted that costs associated with listing and application of the jeopardy requirement should not be included in the analysis. Commenters also asserted that costs that would have occurred under Pacific Fisheries (PACFISH) or the Northwest Forest Plan should be excluded from the analysis. One commenter also stated

that costs associated with existing critical habitat designations for salmon or other endangered species should be considered baseline impacts.

Response: Regarding costs associated with listing and application of ESA section 7's jeopardy requirement, the economic analysis follows the direction of the *New Mexico Cattlegrowers* decision, in which the Court of Appeals for the Tenth Circuit called for "a full analysis of all of the economic impacts of a critical habitat designation, regardless of whether those impacts are attributable coextensively to other causes (*New Mexico Cattle Growers' Association v. U.S. Fish and Wildlife Service*, 248 F.3d 1277, 10th Cir. 2001). Consistent with this decision, the economic analysis includes incremental impacts, those that are solely attributable to critical habitat designation and would not occur without the designation, as well as coextensive impacts, or those that are associated with habitat-modifying actions covered by both the jeopardy and adverse modification standards under section 7 of the ESA. We do not think this overestimate of costs creates a bias in our 4(b)(2) balancing, however, for two reasons. On the "benefit of designation" side of the balance, we consider the benefit of designation to be the entire benefit that results from application of section 7's requirements regarding adverse modification of critical habitat, regardless of whether application of the jeopardy requirement would result in the same impact. Moreover, the cost-effectiveness approach we have adopted allows us to consider relative benefits of designation or exclusion and prioritize for exclusion areas with a relatively low conservation value and a relatively high economic cost. With such an approach it is most important that we are confident our analysis has accurately captured the relative economic impacts, and we believe it has.

In many cases, the protections afforded by PACFISH, the Northwest Forest Plan and other regulations are intertwined with those of ESA section 7. In cases where the specific regulation or initiative driving the salmon and steelhead conservation efforts is uncertain, we considered it as an ESA section 7 impact and examined the record of consultations with the affected agencies and based our analysis on the habitat protection measures routinely incorporated into the consultations. The economic analysis therefore assumes that the impacts of these types of habitat protection measures are attributable to the implementation of section 7. In these instances, to the extent that

conservation burdens on economic activity are not, in fact, resulting from section 7 consultation, the economic analysis may overstate costs of the designation. We took this possibility into account in conducting the 4(b)(2) balancing of benefits. Conservation efforts clearly engendered by other regulations are included in the regulatory baseline. For example, Federal lands management activities in the Northwest Forest Plan planning area are affected by PACFISH. As a result, some projects that would have affected salmon habitat will not be proposed, and therefore will not be subject to section 7 consultation. These changes in projects are considered baseline and are not included as a cost of section 7 in the economic analysis.

Commenters correctly note that there are designations currently in place protecting critical habitat for salmon (*e.g.*, Sacramento River winter run chinook salmon, Central California Coastal coho salmon). We acknowledged this in our proposed rule, but also noted that the presence of those existing designations weighs equally on both sides of the 4(b)(2) balance—that is, the existing designations also could be considered as part of the baseline for determining the benefit of designation for the ESUs addressed in the present rule. This concern is also addressed by the cost-effectiveness approach we have adopted since it relies on relative benefits of designation and exclusion rather than absolute benefits.

Comment 16: One commenter and one peer reviewer noted that the economic analysis assigns costs to all activities within the geographic boundary of the HSA watersheds, though not all activities in this area will lead to an ESA section 7 consultation or are equally likely to have economic impacts. By doing this, the agency assumed that if the stream reaches currently occupied by salmon were designated as critical habitat, then activities throughout the watershed would be affected, whether or not they are adjacent to critical habitat stream reaches.

Response: It is possible for activities not directly adjacent to the proposed stream reaches to affect salmon and steelhead or their habitat (for example, by increasing risk of erosion or decreased water quality), and, therefore, such activities may be subject to consultation and modification. Thus, we believe the HSA watersheds represent a reasonable proxy for the potential boundary of consultation activities. In some cases the revised economic analysis applies costs less broadly by refining the geographic scale for certain

activities. For example, the analysis of pesticide impacts has been refined and are now calculated based on occupied stream mile estimates within a watershed.

Comment 17: One commenter asserted that the draft report inflates its cost estimates by repeatedly choosing the high-end of a range of costs, while a peer reviewer suggested using the mid-range as a representative cost estimate was problematic.

Response: In determining likely costs associated with modifications to activities that would benefit salmon and steelhead, the economic analysis identifies a range of costs using available data from, for example, agency budgets, documented conversations with stakeholders, and published literature. The full range of costs of these activities is presented in the economic analysis, and individual watersheds are generally ranked in terms of cost impact by the midpoint of the cost range, as opposed to the high end. While we recognize that a formal sample of projects costs based on the consultation record or other sources is a better approach in theory, available data did not allow such an approach. In gathering the cost information that was available, we avoided using outliers and sought to construct a typical range of costs.

Comment 18: Some commenters asserted that the economic analysis fails to account for regional economic interactions between watersheds. One commenter stated that this would result in an overstatement of the costs, while other commenters state that this would underestimate the costs. One peer reviewer suggested using regional economic models to address these interactions.

Response: We acknowledge that modifications to economic activities within one watershed may affect economic activities in other watersheds. The economic analysis discusses the potential for regional economic impacts associated with each of the potentially affected activities. Impacts are assigned to particular areas (watersheds) based on where they are generated as opposed to felt. That is, if the designation of a watershed causes impacts in multiple nearby watersheds, and exclusion of the impact-causing watershed would remove those economic impacts from the region, the economic analysis appropriately assigns the total cost impact to the impact-causing watershed. This method of assigning impacts is most useful to us in deciding the relative cost-effectiveness of excluding particular areas from critical habitat designation. As we acknowledge in

NMFS (NMFS 2005b), the economic analysis does not explicitly analyze the potential for these regional interactions to introduce cumulative economic impacts. Data are not available to support such an effort, nor would the results necessarily be applicable at the level of a particular watershed. If these impacts in fact exist, our results are likely to be biased downward, in that we have likely underestimated the costs of critical habitat designation at the level of the ESU. At the level of a watershed, however, the potential error is smaller. For this reason, we do not believe the lack of a regional modeling framework introduces a significant bias into the results for particular watersheds.

Comment 19: Several commenters stated that the economic analysis underestimates the actual costs of the rule by excluding several categories of costs from the estimates. One commenter stated that the *New Mexico Cattlegrowers* decision specifically requires a full analysis of all impacts, including those resulting from the species' listing. One comment argued that assessment of impacts stemming from activities occurring outside the designated area should be included, including indirect and regional impacts. Another commenter stated that the analysis should consider direct, indirect, and induced economic impacts including: changes in property values, property takings, water rights impacts, business activity and potential economic growth, commercial values, county and state tax base, public works project impacts, disproportionate economic burdens on society sections, impacts to custom and culture, impacts to other endangered species, environmental impacts to other types of wildlife, and any other relevant impact.

Response: As noted in a previous response, the Court in the *New Mexico Cattlegrowers* decision called for "a full analysis of all of the economic impacts of a critical habitat designation, regardless of whether those impacts are attributable coextensively to other causes." (emphasis added) The economic analysis conducted for this rule evaluated direct costs associated with the designation of critical habitat and includes: (1) Direct coextensive impacts, or those that are associated with habitat-modifying actions covered by both the jeopardy (listing) and adverse modification (critical habitat) standards; and (2) direct incremental impacts, or those that are solely attributable to critical habitat designation.

We acknowledge that designation of critical habitat may also trigger

economic impacts outside of the direct effects of ESA section 7 or outside of the watersheds subject to the economic analysis. For example, state or local environmental laws may contain provisions that are triggered if a state- or locally regulated activity occurs in Federally-designated critical habitat. Another possibility is that critical habitat designation could have "stigma" effects, or impacts on the economic value of private land not attributable to any direct restrictions on the use of the land. Our economic analysis did not reveal significant economic impacts from stigma effects for the designation of salmon and steelhead. Further, significant impacts of critical habitat on an industry may lead to broader regional economic impacts. All of these types of impacts are considered in the analysis, although it was not possible to estimate quantitative impacts in every case. We took these considerations into account in balancing benefits under section 4(b)(2).

We acknowledge that designation of critical habitat may also trigger impacts on customs, culture, or other wildlife species. We concluded that data were not presently available that would allow us to quantify these impacts, at the scale of this designation, for the economic analysis. Our analysis was further circumscribed by the short time frames available, and our primary focus on conservation benefits to the listed species that are the subject of this designation. We took this limitation into account in the balancing of benefits under section 4(b)(2).

Comment 20: Several commenters indicated that the economic analysis should include a discussion of the impact of changes in flow regimes on water users, specifically in the timing of water flow through dams and water withdrawal or diversion constraints. Among potentially affected water users are crop irrigators and other agricultural water users, regulators and consumers of public water supply in the region, and in particular, water users of the Central Valley Project and State Water Project, among others. Similarly, several commenters stated that the analysis should include an analysis of impacts of changes to operations that result in increased spill at hydropower dams on the cost of power in the region. These commenters are concerned that excluding these costs underestimates total economic impact. One commenter pointed out that low flow years and drought years are not considered in the economic impacts, and consideration of varying water year types is especially relevant to estimating impacts of instream flow augmentation. Another

commenter pointed out that existing, economically feasible alternate sources of water may not be available to water users, and thus economic costs could be large. One commenter estimated the potential loss of agricultural income that would result from a reduction in water availability to a specific region. One commenter stated that if requisite minimum instream flows are developed that correspond to the proposed critical habitat designation, they could be analyzed using the CALVIN model developed by the University of California.

Response: While economic impacts would clearly result from future changes to water supply availability, the amount of water within particular areas that may be diverted from activities such as irrigation, flood control, municipal water supply, and hydropower, for the purposes of Pacific salmon and steelhead conservation, and thus the requisite timing and volume of minimum instream flows, has not been determined for most facilities. Many biological and hydrologic factors are considered in determining flow requirements through dams for Pacific salmon and steelhead, and the impacts of altering flow regimes to meet these requirements are highly site-specific. For example, the impact of increasing spill at a hydropower project depends on the level and timing of the spill, and on the method by which any lost power generation is replaced. Similarly, at a water supply facility, the impact of increasing spill depends on the size and timing of the spill, but also depends on the specific water rights held at the facility and by downstream users, including the priority, volume, timing, and particular use of those water rights.

The extent to which any future changes in flow may be attributable to the designation of critical habitat, as opposed to the listing or other wildlife-related regulations, is also unclear. The interrelated nature of dam and diversion projects with hydrology across river systems makes it very difficult to attribute flow-related impacts for salmon and steelhead conservation to specific watersheds. As a result, a comprehensive prospective analysis of the economic impacts of potential restrictions on water use by these activities would be highly speculative. We acknowledge this limitation of the economic analysis. However, the revised economic analysis does include an expanded discussion of what is known about the potential impacts of changes in flow regimes on hydropower production and prices and water diversions on irrigation based on historical examples.

Comment 21: Some commenters expressed concern that the economic analysis does not address cumulative costs of multiple layers of regulation on economic activities.

Response: Our economic analysis estimates costs associated with conducting ESA section 7 consultation to ensure Federal agency actions are not likely to destroy or adversely modify critical habitat. We did not have information available at the scale of this designation to determine the marginal cost or benefit of such a consultation, in addition to any state or local review that may occur, nor did the commenters provide data that would allow us to make such a determination.

Comment 22: One commenter stated that the economic analysis fails to factor in subsidies given to industries such as livestock grazing, hydropower operations, and irrigation activities, which minimizes true costs to the public. Another commenter further stated that the analysis does not distinguish between several countervailing cost elements, including "socialized costs" (costs Congress has decided that the public should bear, such as costs to Federal activities), actual costs to private entities, incentive costs, subsidies, and offsetting costs. As a result, for Federal programs, the analysis miscategorizes activities that benefit a small but favored sector of society, but that cause costs to the larger society. The analysis assumes that costs to these activities are costs to society in general.

Response: The analysis attempts to measure true social costs associated with implementing the final critical habitat rule. To accomplish this, the analysis uses the measurement of the direct costs associated with meeting the regulatory burden imposed by the rule as the best available proxy for the measurement of true social costs. We agree that it is relevant to consider appropriate countervailing or net cost impacts, where possible, in determining the benefit of exclusion. Where data are available, our analysis attempts to capture the net economic impact (*i.e.*, the increased regulatory burden less any discernable offsetting market gains), of ESA section 7 efforts imposed on regulated entities and the regional economy. For example, in the economic analysis, the revised impact estimates for pesticide use restrictions explicitly net out agriculture subsidy payments in the estimation of lost agricultural profits.

Comment 23: Several commenters indicated that the designation of critical habitat will impose an administrative burden on affected parties, including

private, Federal, state and local entities. One commenter stated that the increase in paperwork as a result of re-initiating consultation on potential impacts to critical habitat for projects that have already been through ESA section 7 consultation is a major concern.

Response: We do consider that all activities may be subject to future consultation, regardless of whether past consultation occurred on these activities. Designation of critical habitat may result in reinitiating consultation on activities that were subject to previous consultation to ensure that the adverse modification requirement is addressed in addition to the jeopardy requirement. The economic analysis estimates the level of administrative effort associated with ESA section 7 consultations, whether those consultations concern a new activity or readdress the impacts of a previously reviewed activity. The revised economic analysis includes a refined estimate of administrative costs associated with consultations on West Coast salmon and steelhead.

Comment 24: Some commenters stated that the economic analysis estimates impacts using a constant per-capita income basis and that doing so is likely to underestimate the impacts on rural communities.

Response: Per-capita income is not explicitly factored into the watershed specific quantitative impact estimates in the economic analysis. The commenter is highlighting that equal costs in any given watersheds will not likely result in the same relative economic burden to residents of those watersheds. This is because the ratio of costs of the designation to income may vary across watersheds. In lower income areas, the cost of implementing modifications to projects for the benefit of salmon and steelhead may be more burdensome relative to higher income areas. We did consider the extent to which costs of designation within a watershed are likely to be borne locally. In addition, information on distribution of wealth across the designation is provided contextually in the economic analysis and this information is weighed in considering the benefits of exclusion of particular areas.

Comment 25: One commenter stated that the analysis does not attempt to explain or quantify with any level of precision what additional costs are required by ESA section 7 consultation for design and/or operational modifications or mitigation measures.

Response: The economic analysis focused on the impacts of section 7 consultation on economic activities by first identifying the types of activities

occurring that may be subject to section 7 consultation. The analysis then estimated the regulatory burden placed upon these activities as a result of section 7 consultation. The burden estimate is based upon a review of past modifications to those activities undertaken for the benefit of salmon and steelhead, interviews with NMFS' consulting biologists, affected parties, and available documents and literature. This research on the potential costs of these modifications then determined a typical range of costs for potential project modifications that may be associated with section 7 consultation in the future.

Comment 26: One commenter stated that the economic analysis relied extensively on the agency's consultation history for economic impact estimates. Similarly, another commenter asserted that past costs are not good indicators of future costs due to streamlining of the consultation process (for example, for fire management) on Federal lands. One commenter stated that the economic analysis assumes that the population growth and economy of the impact areas are stagnant. The analysis should evaluate population and economic growth on a regional, State, and county basis, and evaluate the degree to which the listing of salmon and steelhead may have contributed to any population and economic decline.

Response: The economic analysis does not solely rely on the consultation history to estimate economic impacts. The analysis includes estimated costs associated with compliance with salmon conservation activities produced by regulated entities, including private, state, and Federal agencies, as well as published literature, where information was available. The economic analysis does not uniformly assume that all activities and associated consultations will occur at the same rate in future years as in past years. Instead, the economic analysis projects the most likely level of future activity using a broad spectrum of planning documents, geographical data, and interviews with planners and other stakeholders. Further, the economic analysis does not quantify retrospective impacts of salmon and steelhead conservation because the focus of the analysis is on future impacts associated with the critical habitat areas identified in this rulemaking. It should also be noted that consultations conducted by NMFS do not include cost estimates of implementing recommended actions. The analysis also presents detailed information on the current estimated population and population density

within each of the particular areas in the proposed critical habitat designation.

Comment 27: One comment letter questioned whether there exists an acceptable or unacceptable level of negative economic impact to communities, landowners, or local governments and whether the government must consider the impacts that their decisions will have on local economies.

Response: The economic analysis provides information regarding the impact to potentially affected economic activities of the proposed critical habitat designation. This information was used to identify the particular areas according to their relative cost burden. We then weighed this information against the relative conservation value of the particular areas considering the economic and any other relevant impact of designating critical habitat. Further, concurrent with the economic analysis, we prepared an analysis of potential impacts to small entities, including small businesses and government. This analysis identified the number of small businesses and governments likely impacted by the proposed critical habitat using county-specific data on the ratio of small businesses to total businesses in each potentially affected economic sector.

Comment 28: Some commenters stated that the economic analysis used data that are overly broad or made assumptions across geographic areas that are too far reaching. For example, one commenter stated that the economic analysis assumes that the necessity and scope of modifications will be constant across ESUs for most activities, when in reality, these are likely to vary substantially.

Response: For each activity, the economic analysis examines the probability of consultation and the likelihood of modification. A variety of activity-specific information sources were used to forecast the frequency and geographic distribution of potentially affected activities. That is, frequency of consultation was not always assumed to be uniform across ESUs. The economic analysis does not, however, assume that costs increase in areas of overlapping ESUs. In other words, the presence of critical habitat for multiple ESUs is not expected to generate a greater impact than if the particular area is critical habitat for only a single ESU. Examination of the consultation history did not reveal differences in requests for modification to projects (reasonable and prudent alternatives) among the ESUs. We recognize, however, that the broad scope and scale of the analysis required us to make simplifying assumptions in

order to complete the designations in a timely fashion.

Comment 29: Several commenters and a peer reviewer expressed concern that the economic analysis failed to consider the full range of economic benefits of salmon habitat conservation, and therefore, provided a distorted picture of the economic consequences of designating versus excluding habitat areas. Similarly, commenters expressed concerns that the economic impact of not designating particular areas to fishers and investors in recovery efforts should be considered in the economic analysis. Commenters specifically cited the lack of consideration in the economic analysis of the potential benefits of critical habitat designation on: (1) Decreased risk of extinction; (2) benefits to other aquatic and riparian species; (3) water quality; (4) flood control values; (5) recreation; (6) commercial fishing; (7) fish harvest for tribal uses; and (8) increased public education.

Response: As described in the economic analysis and ESA section 4(b)(2) report, we did not have information available at the scale of this designation that would allow us to quantify the benefits of designation in terms of increased fisheries. Such an estimate would have required us to determine the additional number of fish likely to be produced as a result of the designation, and would have required us to determine how to allocate the economic benefit from those additional fish to a particular watershed. Instead, we considered the "benefits of designation" in terms of conservation value ratings for each particular area (see "Methods and Criteria Used to Designate Critical Habitat" section). We also lacked information to quantify and include in the economic analysis the economic benefit that might result from such things as improved water quality or flood control, or improved condition of other species.

Moreover, we did not have information at the scale of this designation that would allow us to consider the relative ranking of these types of benefits on the "benefits of designation" side of the 4(b)(2) balance. Our primary focus was to determine, consider, and balance the benefits of designating these areas to conservation of the listed species. Given the uncertainties involved in quantifying or even ranking these ancillary types of benefits, we were concerned that their consideration would interject an element of uncertainty into our primary task.

Comment 30: One commenter asserted that the economic analysis did

not consider the importance of agriculture in California and how many communities rely upon the agriculture industry to survive. A number of commenters further stated that the analysis should address impacts on agriculture of a judicially imposed moratorium on pesticide use near salmon-bearing streams. The inability to use pesticides on farmland could result directly in decreases in crop yields. More specifically, the commenters believed that the economic analysis underestimates the impacts of the Washington Toxics litigation (*Washington Toxics Coalition, et al. v. EPA*, No. 04–35138) limiting pesticide use around salmon-supporting waters and suggests that the economic analysis should analyze the impact of this injunction.

Response: Regarding impacts to agricultural communities, we considered impacts to small businesses in our Regulatory Flexibility Act analysis. We did not otherwise separately consider economic impacts to various economically or culturally defined communities in the economic analysis or in the ESA section 4(b)(2) balancing process. For example, we also did not separately consider impacts of designation or exclusion on coastal fishing communities. As with the consideration of ancillary unquantifiable benefits of designation described above, we were concerned that including a consideration of these ancillary benefits of exclusion would inject an unacceptable level of uncertainty into our analysis.

We agree that the draft economic analysis did not adequately consider the impact of pesticide restrictions on the agricultural industry. The revised economic analysis therefore includes refined estimates of potential lost profits associated with reduced crop yields as a result of implementing pesticide restrictions across the critical habitat designation. The analysis assumes that the agricultural net revenue generated by land within certain distances of salmon-supporting waters would be completely lost. That is, the analysis assumes that no changes in behavior are undertaken to mitigate the impact of pesticide restrictions. This assumption may lead to overestimated impacts of restricting pesticide use. On the other hand, the analysis may underestimate the impact of pesticide restrictions by assuming that farmers outside the designated areas (e.g., upstream) will not be restricted in their activities.

Comment 31: Several commenters stated that impacts associated with changes in the operations of the hydropower projects should be

included, including impacts from projects such as Englebright Dam, Oroville Dam, and Santa Felicia Dam.

Response: The historical record shows evidence that modifications to hydropower projects in consideration of listed salmon and steelhead can affect the level of hydropower generation and generating capacity, thus affecting power prices. Flow regimes for purposes of salmon and steelhead conservation have been implemented at various projects associated with a number of regulations, including the listing of salmon and steelhead. As mentioned previously, however, the level of increased flow or spill over the dams within particular areas that may be requested associated with critical habitat for all hydropower projects is uncertain at this time, and a prospective analysis of the impacts of such efforts would be highly speculative. Many biological and hydrologic factors are considered in determining flow requirements through dams for salmon and steelhead, and the impacts of altering flow regimes to meet these requirements are highly site-specific. For example, the impact of increasing spill at a hydropower project depends on the level and timing of the spill, and on the method by which any lost power generation is replaced.

The extent to which any future changes in flow may be attributable to the designation of critical habitat, as opposed to the listing or other wildlife-related regulations, is also unclear. The interrelated nature of dam and diversion projects with hydrology across river systems makes it very difficult to attribute flow-related impacts from salmon and steelhead conservation to specific watersheds. We acknowledge this limitation of the economic analysis. The revised economic analysis includes an expanded discussion of the potential impacts of changes in flow regimes on hydropower operations.

Comment 32: One commenter stated that the Initial Regulatory Flexibility Analysis needs more citations regarding the applied sources of information.

Response: We have provided appropriate citations in the Final Regulatory Flexibility Analysis.

Comment 33: One commenter stated that the Small Business Regulatory Enforcement Fairness Act (SBREFA) analysis assumes that most compliance costs would be borne by third parties when, in fact, a significant portion of all ESA section 7 related costs are not borne by those entities, but rather are borne by the Bureau of Reclamation (BOR).

Response: In many cases it is uncertain who will bear the costs of

modification. The potentially burdened parties associated with modifications to activities are identified in the economic analysis. The BOR may, in fact, bear the cost of modifications to BOR dams, Federal land management activities, and so forth. Where information is not available on a per-project basis regarding the potentially affected party, the analysis takes a conservative approach, assuming that impacts may be borne by private entities, a portion of which may be small entities.

Weighing the Benefits of Designation Versus Exclusion

Comment 34: Several commenters supported the use of a cost-effectiveness framework, one commenter explicitly objected to it, and some commenters had concerns with the way we applied it. One commenter asserted that the economic analysis “would have been very different” if we had evaluated the absolute conservation value of an area “with or without [section] 7 requirements,” rather than relative conservation values. One commenter asserted that “[w]ithout any target level of conservation for designation, the framework does not guarantee that areas necessary for conservation will be designated.” Another commenter asserted that weighing quantitative economic costs against qualitative habitat ratings prejudiced the ESA section 4(b)(2) analysis in favor of excluding areas lacking a high conservation value. Several commenters suggested that the 4(b)(2) process could benefit from more explanation regarding how the process was applied.

Response: We believe the comparison of benefits provides the Secretary useful information as to the benefits of any particular inclusion or exclusion. The Secretary has discretion in balancing the statutory factors, including what weight to give those factors. The ESA provides the Secretary with the discretion to exclude areas based on the economic impact, or any other relevant impact, so long as a determination is made that the benefits of exclusion outweigh the benefits of designation, and so long as the exclusion will not result in extinction of the species concerned.

Subsequent to publication of this rule, we will undertake a review of the methods and criteria applied in this rule. If the Secretary determines the critical habitat designations should be modified as a result of that review, we will propose a revised designation with appropriate opportunity for notice and comment.

Comment 35: In the proposed rule we identified a number of potential exclusions that we were considering but

were not at that time proposing, including Federal lands subject to the Northwest Forest Plan and PACFISH. Many commenters opposed these potential exclusions. Some disagreed that designation of critical habitat is unnecessary or of diminished importance in light of existing management constraints, contending that such a position is contrary to the ESA's conservation purpose and our implementing regulations and citing recent court decisions bearing on this issue. Several commenters indicated that because these ESUs are still listed, existing regulatory and voluntary mechanisms are inadequate and also noted that we concluded as such in our 2000 designations. Some commenters believed that the assumptions underlying such exclusions were unjustifiable and potentially disastrous for salmon recovery. Some commenters noted that the lack of specificity regarding which areas might be excluded as well as the lack of clear exclusion standards seriously hindered the public's ability to comment on the proposed exclusions. In contrast, several commenters supported the potential exclusions mentioned in the proposed rule. Some commenters contended that designating critical habitat on these Federal lands was duplicative with existing ESA section 7 consultation processes, inefficient (*e.g.*, citing costs of re-initiating consultation), and offers no additional conservation benefit to the listed ESUs. One commenter believed that excluding Federal lands would be consistent with our exclusion of lands subject to Integrated Natural Resource Management Plans (INRMPs) since existing land management plans provide similar protections. This commenter also cited the USFWS' exclusion of Federal lands for bull trout (69 FR 59996; October 6, 2004) and provided information supporting the belief that we should make the same determination for salmon and steelhead ESUs.

Response: Section 4(b)(2) provides the Secretary with discretion to exclude areas from the designation of critical habitat if the Secretary determines that the benefits of exclusion outweigh the benefits of designation, and the Secretary finds that exclusion of the area will not result in extinction of the species. In the proposed rule, and the reports supporting it, we explained the policies that guided us and provided supporting analysis for a number of proposed exclusions. We also noted a number of additional potential exclusions, explaining that we were considering them because the Secretary of the Interior had recently made similar

exclusions in designating critical habitat for the bull trout: "On October 6, 2004, the FWS issued a final rule designating critical habitat for the bull trout * * *. The Secretary of the Interior found that a number of conservation measures designed to protect salmon and steelhead on Federal, state, tribal and private lands would also have significant beneficial impacts to bull trout. Therefore, the Secretary of the Interior determined that the benefits of excluding those areas exceeded the benefits of including those areas as critical habitat. The Secretary of Commerce has reviewed the bull trout rule and has recognized the merits of the approach taken by the Secretary of the Interior to these emerging issues." We acknowledged, in the proposed rule, however, that we lacked the analysis to propose these potential exclusions for West Coast salmon and steelhead: At this time, the Secretary of Commerce still "has not had an opportunity to fully evaluate all of the potential exclusions, the geographical extent of such exclusions, or compare the benefits of these exclusions to the benefits of inclusion." Our regulations require that our proposed and final rules provide the data upon which the rule is based (50 CFR 424.16; 50 CFR 424.18).

Recently, in response to the Department of Interior's request, a District Court has remanded the bull trout rule to the Department of Interior for further rulemaking. *Alliance for the Wild Rockies and Friends of the Wild Swan v. David Allen and United States Fish and Wildlife* (CV 04-1812). In seeking the remand the Department of Interior noted that it intends to reconsider the 4(b)(2) exclusions in the proposed rule and that it recently issued a **Federal Register** notice seeking comment on those exclusions (70 FR 29998; May 25, 2005). In response, we received extensive comment from those supporting and opposing these potential exclusions. Based on our review of the information received and the short time between the close of the comment period and the court-ordered deadline for completing this rulemaking, we are unable to conclude at this time that the benefits of excluding these areas outweigh the benefits of designation, with the exception of areas covered by two habitat conservation plans, discussed below.

Nevertheless, we will continue to study this issue and alternative approaches in future rulemakings designating critical habitat. In particular, we intend to analyze the planning and management framework for each of the ownership categories proposed for consideration for

exclusion. In each case, we envision that the planning and management framework would be evaluated against a set of criteria, which could include at least some or all of the following:

1. Whether the land manager has specific written policies that create a commitment to protection or appropriate management of the physical or biological features essential to long-term conservation of ESA-listed salmon and steelhead.

2. Whether the land manager has geographically specific goals for protection or appropriate management of the physical or biological features essential to long-term conservation of ESA-listed salmon and steelhead.

3. Whether the land manager has guidance for land management activities designed to achieve goals for protection or appropriate management of the physical or biological features essential to long-term conservation of ESA-listed salmon and steelhead.

4. Whether the land manager has an effective monitoring system to evaluate progress toward goals for protection or appropriate management of the physical or biological features essential to long-term conservation of ESA-listed salmon and steelhead.

5. Whether the land manager has a management framework that will adjust ongoing management to respond to monitoring results and/or external review and validation of progress toward goals for protection or appropriate management of the physical or biological features essential to long-term conservation of ESA-listed salmon and steelhead.

6. Whether the land manager has effective arrangements in place for periodic and timely communications with NOAA on the effectiveness of the planning and management framework in reaching mutually agreed goals for protection or appropriate management of the physical or biological features essential to long-term conservation of ESA-listed salmon and steelhead.

Comment 36: In the proposed rule we requested comments on the potential exclusion of lands subject to conservation commitments by state and private landowners reflected in habitat conservation plans (HCPs) approved by NMFS. Some commenters (none however with NMFS-approved HCPs) concurred with the potential exclusion of lands covered by an HCP, believing that we would not likely secure additional conservation benefits by designating these areas as critical habitat. Some commenters acknowledged the potential educational benefits of designation but asserted that designating HCP lands could have an

unintended consequence of damaging existing and future cooperative relationships. These commenters additionally noted that HCPs have already undergone extensive environmental review and ESA section 7 consultation and been found to not likely jeopardize the species.

Several commenters disagreed with the potential exclusion of lands covered by HCPs, believing it would be contrary to the ESA, and some cited recent litigation bearing on this issue (e.g., *Center for Biological Diversity v. Norton*, 240 F. Supp. 2d 1090 (D. Ariz. 2003); *Gifford Pinchot Task Force v. FWS*, 378 F. 3d 1059 (9th Cir. 2004)). One commenter did not support such exclusions because of the belief that there are no guarantees the plans will remain in place when, for example, ownership changes or landowners change their minds. Some commenters believed that we failed to adequately describe the benefits of designation as they pertain to these potential exclusions.

Response: The analysis required for these types of exclusions, as with all others, first requires careful consideration of the benefits of designation versus the benefits of exclusion to determine whether benefits of exclusion outweigh benefits of designation. The benefit of designating critical habitat on non-Federal areas covered by an approved HCP or another type of conservation agreement depends upon the type and extent of Federal activities expected to occur in that area in the future. Activities may be initiated by the landowner, such as when the landowner seeks a permit for bank stabilization, water withdrawal, or dredging. Where the area is covered by an HCP, the activity for which a permit is sought may or may not be covered by the HCP. For example, an HCP covering forestry activities may include provisions governing construction of roads, but may not include provisions governing bank stabilization or pesticide application. The activity may be initiated by the Federal agency without any landowner involvement, such as when a Federal agency is involved in building a road or bridge, dredging a navigation channel, or applying a pesticide on Federal land upstream of the HCP-covered area. In analyzing the benefits of designation for these HCP-covered areas, we must consider which Federal activities are covered by the HCP and which are not. Where activities are covered by the HCP, we must consider whether an ESA section 7 consultation on that particular activity would result in beneficial changes to the proposed action over and above what is

achieved under the HCP. Designation may also benefit the species by notifying the landowner and the public of the importance of an area to species' conservation.

On the other side of the balance are the benefits of exclusion. We believe the primary benefits of exclusion are related to the conservation benefits to the species that come from conservation agreements on non-Federal land. If a landowner considers exclusion from critical habitat as a benefit, exclusion may enhance the partnership between NMFS and the landowner and thus enhance the implementation of the HCP or other agreement. If other landowners also consider exclusion from critical habitat as a benefit, our willingness to exclude such areas may provide an incentive for them to seek conservation agreements with us. Improved implementation of existing partnerships, and the creation of new conservation partnerships, would ultimately benefit conservation of the species.

Conservation agreements with non-Federal landowners enhance species conservation by extending species' protections beyond those available through other ESA provisions. ESA section 7 applies only to Federal agency actions. Section 7 consultation requirements protect listed salmon and steelhead on Federal lands and whenever a Federal permit or funding is involved in non-Federal actions, but its reach is limited. The vast majority of activities occurring in riparian and upland areas on non-Federal lands do not require a Federal permit or funding and are not addressed by section 7. In contrast, instream activities generally do require a Federal permit, and therefore, are subject to the requirements of section 7. The ability of the ESA to induce landowners to adopt conservation measures lies instead in the take prohibitions of sections 9(a) and 4(d). Many landowners have chosen to put conservation plans in place to avoid any uncertainty regarding whether their actions constitute 'take'.

Beginning in 1994, when we released our draft HCP Handbook for public review and comment, we have pursued policies that provide incentives for non-Federal landowners to enter into cooperative partnerships, based on a view that we can achieve greater species' conservation on non-Federal land through HCPs than we can through coercive methods (61 FR 63854; December 2, 1996). Before we approve an HCP and grant an incidental take permit, we must conduct a rigorous analysis under ESA section 10. The HCP must specify the impact likely to result

from take, what steps the applicant will take to minimize and mitigate such impacts, and the funding available to implement such steps. The applicant must have considered alternative actions and explained why other alternatives are not being pursued, and we may require additional actions necessary or appropriate for the purposes of the plan. Before an HCP can be finalized, we must conclude that any take associated with implementing the plan will be incidental, that the impact of such take will be minimized and mitigated, that the plan is adequately funded, and that the take will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. The HCP undergoes environmental analysis under the National Environmental Policy Act (NEPA), and we conduct a section 7 consultation with ourselves to ensure granting the permit is not likely to jeopardize the continued existence of the species or destroy or adversely modify designated critical habitat.

Based on comments received, we could not conclude that all landowners view designation of critical habitat as imposing a burden on the land, and exclusion from designation as removing that burden and thereby strengthening the ongoing relationship. Where an HCP partner affirmatively requests designation, exclusion is likely to harm rather than benefit the relationship. We anticipate further rulemaking in the near future to refine these designations, for example, in response to developments in recovery planning. In order to aide in future revisions, we will affirmatively request information from those with approved HCPs regarding the effect of designation on our ongoing partnership. We did not consider pending HCPs for exclusion, both because we do not want to prejudge the outcome of the ongoing HCP process, and because we expect to have future opportunities to refine the designation and consider whether exclusion will outweigh the benefit of designation in a particular case.

Comment 37: We received a request from the Sonoma County Grape Growers Association and the United Winegrowers for Sonoma County to consider a determination to exclude all occupied areas in Sonoma County from critical habitat for California coastal chinook and central California coast *O. mykiss* based on the conservation value of a suite of cooperative and voluntary conservation efforts being implemented and developed by local government and the private sector, primarily the viticultural industry, in Sonoma County.

Response: These efforts may currently provide a significant conservation benefit to the listed species, and offer the promise of even greater benefits in the future. The measures include the Vineyard Erosion and Sedimentation Control Ordinance adopted by the Sonoma County Board of Supervisors; the Fish Friendly Farming Program; the North Sonoma County Agricultural Reuse Project; the planned Russian River Property Owners Association Fisheries Management Plan; the Integrated Pest Management/Organic Grape Production initiatives; and the Code of Sustainable Winegrowing Practices. The submission can be found electronically at <http://swr.nmfs.noaa.gov/>.

The request suggests the benefits of excluding the area covered by these measures from critical habitat may outweigh the benefits of including it as critical habitat because it provides conservation measures on private land in an area dominated by private ownership, which is generally beyond the reach of ESA section 7, and may therefore provide a greater benefit for the species than a critical habitat designation. Private landowners would be encouraged to participate in these voluntary programs if their lands were excluded from critical habitat.

We received this request on July 21, 2005, so we did not have time to evaluate this request as part of this rulemaking process, and could not defer the rule to accommodate a review because we are under court order to submit this final rule to the **Federal Register** by August 15, 2005. However, we are committed to working with local governments and private landowners in cooperative conservation efforts under Executive Order (E.O.) 13352 (August 26, 2004). As stated above, we anticipate further rulemaking in the near future to refine these designations. Accordingly, we expect to complete an evaluation of the conservation benefits of the measures described by the Sonoma County Grape Growers Association and the United Wine growers for Sonoma County by the end of 2005. If we find that in light of the conservation value of these measures, the benefit of excluding these private lands outweighs the benefits of including them as critical habitat, we will act promptly to propose a revision to this designation.

Comment 38: Some commenters addressed the exclusion of Indian Lands. All of the commenting Tribes and the Bureau of Indian Affairs (BIA) reiterated their support for the exclusions.

Response: This final rule maintains the exclusion of Indian lands for the

reasons described in the “*Exclusions Based on Impacts to Tribes*” section below.

Comment 39: A few commenters addressed our assessment of INRMPs and the exclusion of Department of Defense (DOD) areas due to impacts on national security. DOD agencies supported the exclusion of military lands based on both the development of INRMPs as well as national security impacts, while other commenters did not support such exclusions. One commenter argued that we should not use the general “national security” language in ESA section 4(b)(2) to remove our obligation to comply with the demand for adequate INRMPs.

Response: Pursuant to section 4(a)(3)(B)(i) of the ESA (16 U.S.C. 1533(a)(3)(B)(i)), we contacted the DOD, and, after evaluating the relevant INRMPs, we concluded that, as implemented, they provide conservation benefits greater than or equal to what would be expected to result from an ESA section 7 consultation. We also determined that two of these INRMP sites (Camp Pendleton and Vandenberg Air Force Base) should be excluded from designation due to potential impacts on national security. See the “Military Lands” and the “Exclusions Based on National Security Impacts” sections below.

Effects of Designating Critical Habitat

Comment 40: Some commenters noted that the success of watershed management and restoration efforts is dependent on critical habitat protections, noting that designations assist local recovery planning efforts and provide leverage in obtaining funding and cooperation. Several commenters expressed concern that excluding areas from designation, particularly areas identified in existing recovery efforts as important for salmon, would undermine ongoing regional and local recovery planning efforts by signaling that these areas are not important for recovery.

Response: We acknowledge that critical habitat designations can serve an important educational role and that they can assist local recovery planning and implementation efforts. The ESA requires that we use the best available scientific data to evaluate which areas warrant designation and that we balance the benefits of designation against the benefits of excluding particular areas. In so doing, it is possible that some areas subject to ongoing restoration activities may have been excluded from designation. However, such exclusions do not indicate that the areas are unimportant to salmon or steelhead, but

instead reflects the practical result of following the ESA’s balancing of benefits as required under section 4(b)(2). We are hopeful that the information gathered and the analyses conducted to support these final designations (such as species distribution, watershed conservation value, and economic impacts from section 7 consultations) will be viewed as valuable resources for local recovery planners. As recovery planning proceeds and we determine that additional or different areas warrant designation or exclusion, we can and will make needed revisions using the same rulemaking process.

Comment 41: Several commenters asked for clarification regarding how we will make adverse modification determinations in ESA consultations. One commenter also suggested that a finding of adverse modification would need to be contingent on the habitat conditions existing at the time of designation. They noted that, where such conditions are the result of past and present management actions, and where those existing conditions would not be altered through proposed future actions, it is their belief that consultation on such future actions would result in a “no adverse modification” determination.

Response: In *Gifford Pinchot Task Force v. United States Fish and Wildlife Service*, 378 F. 3d 1059 (9th Cir. 2004), the Court of Appeals for the Ninth Circuit ruled that the USFWS’ regulatory definition of “destruction or adverse modification” of critical habitat, which is also NMFS’ regulatory definition (50 CFR 402.02), is contrary to law. Pending issuance of a new regulatory definition, we are relying on the statutory standard, which relates critical habitat to conservation of the species. The related point raised by one commenter regarding the relevance of habitat conditions at the time of listing when making an adverse modification determination cannot be answered in a generic way and would depend on the facts associated with a specific consultation.

Comment 42: Some commenters objected to the potential land use regulations that critical habitat designation would prompt, citing specific cases where local agencies have imposed buffers and/or other restrictions to protect ESA-listed fish.

Response: The ESA requires that we designate critical habitat and these designations follow that statutory mandate and have been completed on a schedule established under a Consent Decree. Whether and if local jurisdictions will implement their

authorities to issue land use regulations is a separate matter and is not under our control.

Comment 43: Several commenters believed that we fail to (or inadequately) address required determinations related to a number of laws, regulations, and executive orders, including the NEPA, Regulatory Flexibility Act, and Data Quality Act.

Response: Our response to each of these issues are described below, and we also direct the reader to the "Required Determinations" section to review our response to each of the determinations relevant to this rulemaking.

(a) *NEPA*—We believe that in *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995), cert. denied, 116 S. Ct. 698 (1996) the court correctly interpreted the relationship between NEPA and critical habitat designation under the ESA. The Court of Appeals for the Ninth Circuit rejected the suggestion that irreconcilable statutory conflict or duplicative statutory procedures are the only exceptions to application of NEPA to Federal actions. The court held that the legislative history of the ESA demonstrated that Congress intended to displace NEPA procedures with carefully crafted procedures specific to critical habitat designation. Further, the Douglas County Court held that the critical habitat mandate of the ESA conflicts with NEPA in that, although the Secretary may exclude areas from critical habitat designation if such exclusion would be more beneficial than harmful, the Secretary has no discretion to exclude areas from designation if such exclusion would result in extinction. The court noted that the ESA also conflicts with NEPA's demand for impact analysis, in that the ESA dictates that the Secretary "shall" designate critical habitat for listed species based upon an evaluation of economic and other "relevant" impacts, which the court interpreted as narrower than NEPA's directive. Finally, the court, based upon a review of precedent from several circuits including the Fifth Circuit, held that an environmental impact statement is not required for actions that do not change the physical environment.

(b) *Regulatory Flexibility Act*—We have prepared a final regulatory flexibility analysis that estimates the number of regulated small entities potentially affected by this rulemaking and the estimated coextensive costs of section 7 consultation incurred by small entities. As described in the analysis, we considered various alternatives for designating critical habitat for these seven ESUs. After considering these

alternatives in the context of the ESA section 4(b)(2) process of weighing the benefits of exclusion against the benefits of designation, we determined that our current approach to designation provides an appropriate balance of conservation and economic mitigation and that excluding the areas identified in this rulemaking would not result in extinction of the ESUs. Our final regulatory flexibility analysis estimates how much small entities will save in compliance costs due to the exclusions made in these final designations.

(c) *Data Quality Act*—One commenter asked if we had complied with the Data Quality Act. We have reviewed this rule for compliance with that Act and found that it complies with NOAA and OMB guidance.

(d) *Negotiated Rulemaking Act (5 U.S.C. 561 et seq.)*—One commenter asserted that we should have engaged in negotiated rulemaking to issue this final critical habitat designation. This is an interesting idea and could be pursued in future critical habitat rulemaking. However, because a court approved consent decree governs the time frame for completion of this final rule, we do not feel that there was ample time to comply with the numerous processes defined in the Negotiated Rulemaking Act for this rulemaking. For example, the Negotiated Rulemaking Act provides that if the agency decides to use this tool it must follow Federal Advisory Committee Act procedures for selection of a committee, conduct of committee activities, as well as specific documentation processes (See *Negotiated Rulemaking Source Book*, 1990).

(e) *Intergovernmental Cooperation Act*—One commenter asserted that we did not properly and fully coordinate with local governments and did not comply with the Intergovernmental Cooperation Act. First, the commenter did not provide a statutory citation for the Intergovernmental Cooperation Act. Although we are reluctant to speculate on that Act, we believe the comment is in reference to the Intergovernmental Cooperative Act, Public Law 90-577, 82 Stat. 1098 (1968) as amended by Public Law 97-258 (1982) (codified at 31 U.S.C. 6501-08 and 40 U.S.C. 531-35 (1988)). This Act addresses Federal grants and development assistance. Accordingly, we do not find it relevant to the mandatory designation of critical habitat under the ESA. To the extent that the commenter's concern is assuring that state, local and regional viewpoints be solicited during the designation process, the ESA and our implementing regulations provides for public outreach (16 U.S.C. 1533

(b)(3)(A); 50 CFR 424.16). As noted in response to Comment 1, we actively sought input from all sectors beginning with an ANPR (68 FR 55926; September 29, 2003) and culminating in four public hearings to facilitate comment from the interested public in response to the proposed rule. In addition we met with several local governments and made ourselves available to meet with others.

(f) *National Historic Preservation Act (NHPA)*—One commenter asserted that we failed to comply with the NHPA (16 U.S.C. 470-470x-6). The NHPA does not apply to this designation. The NHPA applies to "undertakings." "Undertakings" are defined under the implementing regulations as "a project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency." (emphasis added) (36 CFR 800.16). The mandatory designation of specific areas pursuant to the criteria defined in the ESA does not constitute an "undertaking" under the NHPA.

(g) *Farmland Protection Policy Act (FPPA)*—One commenter asserted that we failed to comply with FPPA (7 U.S.C. 4201). The FPPA does not apply to this designation. The FPPA applies to Federal programs. Federal programs under the Act are defined as "those activities or responsibilities of a department, agency, independent commission, or other unit of the Federal Government that involve: (A) Undertaking, financing, or assisting construction or improvement projects; or (B) acquiring, managing or disposing of Federal lands and facilities. The designation of critical habitat does not constitute a "Federal program" under the FPPA.

(h) *Unfunded Mandates Reform Act*—One commenter asserted that we failed to properly conduct and provide an unfunded mandates analysis because, the commenter contended, we based our decision solely on public awareness of the salmon listings. This is not the case. In the proposed rule, we found that the designation of critical habitat is not subject to the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*) and explained in detail why this is the case.

(i) *Federalism*—One commenter asserted that we failed to properly comply with E.O. 13132. In the proposed rule, we found that the designation of critical habitat does not

have significant Federalism effects as defined under that order, and, therefore, a Federalism assessment is not required. We find nothing in the commenter's assertions to warrant changing our original determination.

(j) *Takings*—One commenter disputed our conclusion in the proposed rule that the designations would not result in a taking. The commenter offered no information or analysis that would provide a basis for a different conclusion.

(k) *Civil Justice Reform*—One commenter asserted that we failed to properly conduct and provide a Civil Justice Reform analysis pursuant to E.O. 12988, the Department of Commerce has determined that this final rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the E.O. We are designating critical habitat in accordance with the provisions of the ESA. This final rule uses standard property descriptions and identifies the PCEs within the designated areas to assist the public in understanding the habitat needs of the 12 salmon and steelhead ESUs.

ESU-Specific Issues

ESU Specific Comments—California Coastal Chinook Salmon

Comment 44: One private timberland owner commented that the freshwater distribution of Chinook salmon that we developed and used for their land ownership had errors in occupancy and/or upstream distribution limits. The landowner provided us with distribution information they had developed for their ownership so that the distribution information and resulting final critical habitat designation for this ESU would be more accurate.

Response: Following a review of this new information by the CHART, we incorporated it into our database and made changes in the mapped distribution of this ESU for the commenter's land ownership. The new information changed the distribution of Chinook in the following streams and Calwater HSAs: Maple Creek (110810), Little River (110820), and the Mad River (110920 and 110930). Overall, these changes in distribution were minor and increased the total occupied stream miles for this ESU by only 0.6 mi (1.0 km). Based on a reassessment by the CHART, these changes in distribution did not change the occupancy status (i.e. occupied to unoccupied or vice versa) or conservation value of any of the affected HSAs, and therefore, the

economic analysis did not require revision.

Comment 45: A few commenters questioned why there was no proposed critical habitat connecting those portions of the mainstem Eel River in HSA 111142 with the high value habitat areas in the upper tributaries of the middle Fork Eel River in HSA 111172.

Response: In the proposed rule, HSA watershed 111171 was proposed for exclusion based on high economic cost (high benefit of exclusion) and relatively low benefit of designation. However, because the upper tributaries of the middle Fork Eel in HSA 111172 were rated as having high conservation value, the mainstem middle Fork Eel in HSA 111171 should have been designated as a migratory corridor to provide connectivity between critical habitat farther downstream in the mainstem Eel River and the high value tributaries that were proposed for designation. This was an error that has been corrected in the final rule. The final designation excludes HSA 111171 as was the case in the proposed rule, but designates the mainstem of the middle Fork Eel River, which serves as a migratory corridor for the high value upstream tributaries, as critical habitat.

Comment 46: A commenter questioned the conservation ratings and proposed designations for five of the seven occupied HSAs comprising the Mendocino Coast Subbasin (HU 1113). The commenter specifically questioned the historic and current presence of Chinook in these watersheds and thought any Chinook that did occur in these watersheds were likely strays from other watersheds.

Response: The CHART considered these comments and reviewed its original assessments. It concluded that its original conservation value ratings were appropriate based on the ranking criteria that were used and the information that was available, and that these areas met the definition of critical habitat under the ESA. Accordingly, the conservation value ratings for these HSA watersheds were not changed. Based on the ESA section 4(b)(2) analysis conducted for the final rule, however, HSA watershed 111350 (Navarro River) in this Subbasin was excluded from the final designation for this ESU.

Comment 47: One commenter questioned the proposed designation of critical habitat for this ESU in the Austin Creek HSA (111412) and Mark West HSA (111423), based on the view that neither watershed supported a historically self sustaining run and that Chinook in both streams were most likely strays from other watersheds.

Response: The CHART considered this comment and reviewed its original assessments. It concluded that its original conservation value ratings were appropriate based on the ranking criteria that were used and the information that was available, and that these areas met the definition of critical habitat under the ESA. Accordingly, the conservation value ratings for these HSA watersheds were not changed. Based on the ESA section 4(b)(2) analysis conducted for the final rule, however, HSA 111423 (Mark West Creek) in this Subbasin was excluded from the final designation for this ESU.

Comment 48: A property owners' association on the Russian River that controls land adjacent to portions of the Russian River in HSAs 111425 and 111424 requested that its lands be excluded from the final designations for California Coastal Chinook (and Central California Coast steelhead) because it has developed a Watershed Management Plan to manage its lands and because the benefits of excluding its lands outweigh the benefits of including them in the designation.

Response: We are very supportive of the development and implementation of this plan and have in fact participated in its development. However, we do not think this plan qualifies as the basis for excluding these lands from the final designation for either ESU at present, since it is not completed. Once the plan is completed, we will evaluate it to determine whether the benefits of excluding the habitat areas in question will outweigh the benefits of designation. In making this assessment we will evaluate the plan in the same manner as we would evaluate an approved habitat conservation plan (see *Impacts to Landowners with Contractual Commitments to Conservation* section). If we determine that the benefits of exclusion outweigh the benefits of designation, then we will initiate the appropriate rulemaking to refine the critical habitat designations.

ESU Specific Comments—Northern California Steelhead

Comment 49: Two private timberland owners commented that the freshwater distribution of steelhead that we developed and used for their land ownership had errors in occupancy and/or upstream distribution limits. Both landowners provided us with distribution information they had developed for their ownership so that the fish distribution information we used for the final critical habitat designation for this ESU would be more accurate.

Response: Following a review of this new information by the CHART, we incorporated it into our database and made changes in the mapped distribution of this ESU for the commenters' land ownership. The new information from one of the landowners changed the distribution of steelhead in the following streams and Calwater HSAs: Maple Creek (110810), Redwood Creek (110720), Little River (110820), Mad River (110920 and 110930), and several small streams including Rocky Gulch, Washington Gulch, Jacoby Creek, Freshwater Creek, and Salmon Creek (111000). Overall, these changes in distribution were minor and increased the total occupied stream miles for this ESU by only 1.1 mi (1.8 km). The changes in distribution did not affect the occupancy or conservation value rating for any of these HSAs. The new information from the other landowner changed the distribution of steelhead in the following streams and HSAs: SF Eel (111132, 111133), Usal Creek (111311), Wages Creek (111312), Ten Mile River (111313), Mill Creek, Pudding Creek and the Noyo River (111320), Big River (111330) and Salmon Creek (111340). Overall, this new information decreased the occupied stream miles for the ESU by approximately 17 miles and affected 8 HSAs. Based on a re-assessment by the CHART, these changes in distribution did not change the occupancy status (i.e. occupied to unoccupied or vice versa) or conservation value of any of the affected HSAs, and therefore, the economic analysis did not require revision.

ESU Specific Comments—Central California Coast Steelhead

Comment 50: One commenter requested that San Francisquito Creek and Los Trancos Creek in HSA 220550 be excluded from the critical habitat designation for this ESU because of the economic impact of designation and because neither creek requires special management considerations. A second commenter requested that San Francisquito Creek not be designated because of the regulatory burden and because the economic impacts on water supply were not included in the economic analysis. The second commenter also identified a labeling error concerning West Union Creek.

Response: We disagree with the first commenter and believe that these streams do require special management considerations. Both streams have extensive zones of healthy riparian vegetation and habitat and support significant steelhead populations in the San Francisco Bay area. These relatively healthy habitats and populations are

unique to the San Francisco Bay area, and therefore, the CHART believes they require special management considerations. The commenter has many programs in place that benefit both creeks, but there are also many unresolved habitat issues that remain to be addressed. For example, on Los Trancos Creek a poorly designed fish ladder needs to be replaced, and several other fish passage issues remain. In addition, NMFS and CDFG have discussed the inadequate bypass flows on Los Trancos Creek below the commenter's water diversion for the past several years, but have yet to resolve the issue. Special management considerations are also necessary to address ongoing and expanding impacts of urbanization on the San Francisco Peninsula. We considered the impacts of designating the HSA watershed containing these creeks in the proposed rule and again using a revised procedure for the final rule. Based on the ESA section 4(b)(2) analysis used for the final rule, we concluded that the benefits of including this HSA watershed in the designation (medium conservation value to the ESU) outweighed the benefits of excluding it from the designation. On the basis of this analysis, therefore, we do not think there will be an unwarranted regulatory burden placed on these commenters or any other entities that may need to obtain Federal permits and consult with NMFS in this HSA watershed. We acknowledge the comment that water supply impacts were not considered in the proposed rule or in the revised 4(b)(2) process for the final rule, but we have addressed water supply impacts as a general issue in greater detail in the final economic analysis for this rule.

Comment 51: One commenter argued that Suisun and Wooden Valley Creeks in HSA 220722 do not provide suitable habitat for steelhead and that designation is not justified because surrounding HSAs were not proposed for designation.

Response: We disagree with the commenter and believe that Suisun and Wooden Valley Creeks currently support a population of steelhead and do provide suitable habitat for rearing, spawning and migration (and thus, the PCEs that support these habitat uses). The reports cited by the commenter include a discussion of limiting factors in Suisun Creek, but also include several favorable findings regarding steelhead habitat conditions in the watershed. These findings suggest that there is suitable habitat for steelhead in the watershed and that steelhead spawned in Suisun Creek in 2000–2001. Based on the information available,

therefore, we believe that the medium conservation rating originally made by the CHART for this HSA watershed is appropriate. The revised ESA section 4(b)(2) exclusion analysis conducted for the final rule, however, considered section 7 opportunities within HSA watersheds and adjusted the benefits of inclusion in critical habitat accordingly. In the case of this HSA, this re-consideration resulted in a reduced assessment of the benefits of designating this watershed. Based on this revised benefit of designation in the final 4(b)(2) analysis, we have concluded that the benefits of excluding this HSA from the designation outweigh the benefits of designating it. Accordingly, this HSA watershed and the streams in question have been excluded from the final critical habitat designation.

Comment 52: Several commenters raised issues concerning our proposal to include the upper Alameda Creek watershed (which supports resident *O. mykiss* considered to be part of this ESU; see 69 FR 33101; June 14, 2004) in the critical habitat designation for this ESU. Comments ranged from support for designation of this watershed to requests that it not be designated. Issues were raised about the adequacy of the economic analysis supporting the ESA section 4(b)(2) analysis, the mapped distribution of proposed critical habitat in the watershed, the suitability of the habitat in upper Alameda Creek for steelhead, and the lack of access for steelhead.

Response: We recognize that the upper Alameda Creek watershed (HSA 220430) is not accessible to anadromous steelhead; however, the CHART treated this watershed as occupied in the analysis supporting the proposed rule because there are resident *O. mykiss* populations in the upper watershed that we had previously proposed for inclusion in this ESU (69 FR 33101). In its original analysis, the CHART concluded that this watershed had high conservation value to the ESU, contained the requisite PCEs to support the ESU, and that special management considerations were required to protect these PCEs. Based on this assessment and the original 4(b)(2) analysis which considered the benefits of including this watershed against the benefits of excluding it, we proposed to include it in the designation, as well as a migratory corridor to San Francisco Bay through a portion of the adjacent watershed (HSA 220420) that was proposed for exclusion. We recently invoked a statutory 6-month extension on our final listing determination for this ESU (70 FR 37219) based on concerns raised by the USFWS, and,

therefore, at the time of publication of this final critical habitat rule, these resident populations of *O. mykiss* will not be included in this ESU and listed. Because our original proposal was premised on the upper Alameda Creek watershed being occupied by resident fish that were part of this ESU and a final listing determination concerning these populations will not be made before December 2005, we have not included this watershed in the final critical habitat designation for this ESU. A decision about whether to designate this watershed as critical habitat for this ESU will be made concurrently with the final listing determination for this ESU in December 2005.

Comment 53: One commenter opposed inclusion of the Guadalupe River/Los Gatos Creek watershed in the proposed critical habitat designation for this ESU.

Response: The watershed (HSA 220540) containing the upper portion of Guadalupe River and Los Gatos Creek was not included in the proposed designation. Occupied habitat in this watershed was excluded from the proposed rule based on the ESA section 4(b)(2) analysis which concluded that the economic benefits of exclusion outweighed the biological benefits of inclusion. The watershed unit (HSA 220550) which contains the lower portion of the Guadalupe River, however, was included in the proposed designation. It is also included in the final critical habitat designation for this ESU because the biological benefits of including the occupied stream habitat in this watershed outweigh the economic benefits of its exclusion.

Comment 54: One commenter argued that Arroyo Corte Madera del Presidio Stream in HSA watershed 220320 should be designated as critical habitat for this ESU because it is occupied by this ESU. The same commenter also questioned the exclusion of HSA 220330 from the proposed designation.

Response: Exclusion of this stream from proposed critical habitat in HSA 220320 was the result of a technical mapping error in the proposed rule. The CHART evaluated this stream for the proposed rule and concluded it was occupied and met the definition of critical habitat. Accordingly, it has been included in the final designation for this ESU. Occupied habitat in HSA 220330 was excluded from the proposed rule and in this final rule based on the results of the 4(b)(2) analysis, which indicated the economic benefits of exclusion outweighed the biological benefits of including these stream reaches in the designation for this ESU.

Comment 55: One commenter argued that occupied habitat in HSA 220330 in the east Bay of San Francisco should be designated as critical habitat for this ESU.

Response: Occupied habitat (Codornices Creek) in this HSA was excluded from the proposed designation because the conservation value of this habitat was judged by the CHART to be low (low habitat quantity and quality, low restoration potential, no unique attributes, and small population size), and the economic benefits of excluding this habitat outweighed the biological benefits of designation. The CHART did not receive any new information to change its previous determination, and, therefore, reaffirmed that it has low conservation value and that its exclusion would not impede the conservation of this ESU.

Comment 56: One commenter recommended that several additional, but small, stream reaches in the San Francisco watershed, as well as an unoccupied habitat above an impassable dam (Searsville Dam), be designated as critical habitat for this ESU.

Response: Based on a review of the information provided by the commenter, the CHART concluded that some additional stream reaches in this watershed should be considered occupied, meet the definition of critical habitat, and should be designated as critical habitat. Because this watershed was not excluded from the designation as a result of the final ESA 4(b)(2) analysis, additional stream reaches qualifying as critical habitat have been added to the final designation. These include: a short reach of Corte Madera Creek to the base of Searsville Dam, approximately 2.5 mi (4 km) of West Union Creek above the confluence with Bear Creek, a short reach of Bear Gulch Creek up to the California Water Service Upper Diversion Dam, a small portion of Squealer Gulch above the confluence with West Union Creek, and a small portion of McGarvey Gulch above the confluence with West Union Creek.

Comment 57: One commenter requested the exclusion of several streams in Hydrologic Unit 3304 from the critical habitat designation, including Laguna Creek, Liddell Creek, Majors Creek, Arana Gulch, San Lorenzo River, Branciforte Creek, Newell Creek, and Zayante Creek because the commenter believes the benefits of excluding these areas outweigh the benefits of designating them. The rationale is that: (1) The commenter is developing an HCP that will address these streams and a designation could hinder its completion; and (2) a designation would increase the

regulatory costs and burdens on the city beyond those already in place. The commenter also raised concerns about the regulatory uncertainty associated with critical habitat because of the 2004 Gifford Pinchot case.

Response: We disagree with the commenter and continue to believe that the benefits of including these streams in the critical habitat designation outweigh the benefits of excluding them. For the proposed critical habitat designation, the CHART evaluated the HSA watersheds containing the streams identified by the commenter (HSAs 330411 and 330412) and concluded that the occupied streams in both HSAs had high conservation value for this ESU and that there was a need for special management consideration or protections. Based on this assessment and the results of the ESA section 4(b)(2) analysis conducted for the proposed designation, including the consideration of potential economic impacts, we concluded that the benefits of designating the occupied streams in both watersheds were higher than the benefits of excluding them. The commenter did not provide any new scientific information to change our assessment of the benefits of designating these streams, and thus we continue to believe they have a high biological value to the ESU. As part of the 4(b)(2) analysis conducted for the final rule, however, we did reduce our assessment of the benefit of designating occupied habitat in these two HSA watersheds because they both met a "low section 7 leverage" profile, which we believed reduced the benefits of section 7 consultation (see discussion in *Critical Habitat Analytical Review Teams* section).

We continue to be supportive of the commenter's efforts to develop an HCP and believe completion of an HCP that meets the requirements of section 10 of the ESA will provide substantial benefits to steelhead and its habitat in these streams. However, negotiations are still ongoing, and an HCP has not been completed. Until an HCP is completed and an incidental take permit is issued, the potential conservation benefits to steelhead and its habitat are uncertain. For this reason, we believe it is premature to consider the potential benefits of such a conservation plan in the 4(b)(2) analysis for this final designation. Whether or not the commenter would experience an increased regulatory burden or higher costs with a critical habitat designation in place is uncertain. Even without critical habitat in place, the commenter is likely to incur costs associated with ESA section 7 consultations,

development of an HCP, and/or efforts to avoid take. We did consider the economic impacts of critical habitat designation in both the proposed and final rules and in doing so analyzed the full costs of section 7 implementation, not just the costs associated with critical habitat implementation. In approaching the economic analysis this way, we believe that we have likely overstated the economic impacts of critical habitat designation. The final 4(b)(2) analysis for this designation considered both the reduced benefit of including HSA watersheds 330411 and 330412 and the final economic impacts for these watersheds. Based on our consideration of this information, we concluded that the benefits of designating the occupied stream reaches in HSAs 330411 and 330412, including the streams of concern to the commenter, outweighed the benefits of excluding them from the final designation.

ESU Specific Comments—South-Central Coast Steelhead

Comment 58: One commenter questioned the conservation value of the San Benito watershed (HSA 330550) and also argued that unoccupied habitat areas above Uvas Creek Dam were not essential for the conservation of this ESU.

Response: The San Benito watershed unit (HSA 330550) was rated as having medium conservation value to this ESU by the CHART based on factors used to conduct the conservation value rating and ranking effort. For the proposed critical habitat ESA section 4(b)(2) analysis, therefore, we attributed a medium benefit of designation to this watershed unit. For the final designation, we conducted a revised 4(b)(2) analysis that modified the biologically based conservation value scores if they met a “low section 7 leverage” profile which we believe reduce the benefits of section 7 consultation (see discussion in *Critical Habitat Analytical Review Teams* section). In the case of HSA 330550, we determined that there was relatively low section 7 leverage which reduced the benefits of section 7 consultation, and therefore, reduced the benefit of inclusion from medium to low. Based on this low benefit level and comparatively high economic costs associated with section 7 consultations in this watershed unit, this watershed was considered for possible exclusion. However, the CHART reviewed the available biological and other information for this watershed unit and concluded that its exclusion would impede the conservation of this ESU. This determination was based on the

size of the San Benito River and its contribution of habitat to the Pajaro River Basin, the level of section 7 activity occurring in the watershed, and the San Benito River’s potential contribution to the recovery of this ESU. Accordingly, we have included the San Benito watershed unit HSA 330550 in the final critical habitat designation.

In the proposed critical habitat designation, the CHART did conclude that the unoccupied habitat above the Uvas Creek Dam “may” be essential for conservation of this ESU. We recognize, however, that there are several issues related to providing fish passage over this dam and also believe it is premature to include this unoccupied habitat area in the critical habitat designation until ongoing recovery planning efforts have progressed to the point where they support a determination that these areas are essential to the conservation of this ESU.

Comment 59: One commenter questioned whether the apparent exclusion of a portion of the drainage into Morro Bay was based on a consideration of land ownership.

Response: The identification and conservation rating of occupied habitat that was eligible for designation used only biological and ecological criteria, including information regarding presence of steelhead and habitat condition. Land ownership was not a consideration in the conservation rating process nor in the section 4(b)(2) analysis that identified areas for exclusion based on a balancing of the benefits of designation against the economic costs of designation. In reviewing the proposed critical habitat designation maps in response to this comment, however, we discovered a technical mapping error in Los Osos Creek. An upstream portion of Los Osos Creek was proposed for designation in HSA 331023, but the lower portion of the creek which enters into Morro Bay was inadvertently excluded from the designation. We have corrected this error in the final designation.

Comment 60: One commenter recommended exclusion of San Luis Obispo Creek from the designation for this ESU based on the management plans and existing agreements already in place which provide protection for the creek and steelhead. The commenter also raised questions about the validity of the economic impact analysis used for the proposed critical habitat designation process in light of costs incurred as a result of ESA section 7 consultation on a water reuse project.

Response: The commenter and other local agencies have undertaken numerous efforts to conserve and

improve existing habitats within the San Luis Obispo Creek watershed, though some efforts were a result of regulatory requirements to compensate for the adverse effects of proposed actions. However, these conservation efforts have been confined to localized areas and provide no reliable ability to effectively protect existing suitable habitat for steelhead and improve currently degraded habitats. We have not conducted a review to determine whether the existing local conservation and management efforts (e.g., conservation easements, creek set-back ordinance, sewer ordinance) contain measures that would be expected to protect existing suitable habitat for steelhead, and, therefore, the possible benefits that existing management plans may have for the conservation of steelhead and their habitat is unknown. We have, however, reviewed the draft Creeks and Waterway Management Plan (i.e., the Environmental Impact Statement), which describes management and protection of streams within the San Luis Obispo Creek watershed, and concluded that many of the “management” activities (e.g., use of rock riprap, removal of woody debris, creation or modification of channels, and in-channel detention enhancements) in the plan would create conditions unfavorable for long-term survival and reproduction of steelhead within the San Luis Obispo Creek watershed and, in turn, the entire ESU. Based on these considerations and other information regarding activities potentially affecting steelhead habitat in the San Luis Obispo Creek watershed, we disagree with the commenter and continue to believe there is a need for special management considerations or protections of occupied stream habitat in the San Luis Obispo Creek watershed. Accordingly, the final designation for this ESU includes all occupied stream reaches in HSA 331024, including San Luis Obispo Creek.

We acknowledge that the economic analysis used in the ESA section 4(b)(2) analysis for the proposed designation did not address water supply and flow modification related projects adequately. The final economic analysis prepared for this designation addresses these issues more completely, though it does not specifically address the water reuse project. Rather than understate the costs of critical habitat designation, we believe that the economic analyses prepared for the proposed and final designations actually overestimate the incremental economic costs associated with critical habitat designation. In our economic analyses, we estimated the

total cost of ESA section 7 consultation for specific project types anticipated to occur in the foreseeable future based on information from Federal agencies and other sources. We believe that much of the estimated costs can be attributable to the presence of listed fish and the jeopardy analysis in section 7 consultation. Indeed, the costs cited by the commenter for its water reuse project were associated with a section 7 consultation that addressed the presence of listed steelhead in the watershed, not critical habitat. Although consideration of critical habitat adverse modification in the consultation on the water reuse project may have resulted in additional project changes, we do not think they are likely to be significant.

Comment 61: Several commenters were confused about whether West Corral de Piedra Creek, an upstream tributary to Pismo Creek (HSA 331026), was included in the proposed designation, and whether areas above a local dam (the Righetti Dam) on this creek were included in the designation. Some commenters also argued that habitat above the Righetti Dam was of high quality for steelhead and should be included in the critical habitat designation. One commenter also requested that an unnamed tributary of West Corral de Piedra Creek be designated, while a second commenter requested that it not be designated.

Response: West Corral de Piedra Creek was included in the proposed designation and has also been included in the final designation for this ESU. The maps used to depict occupied stream habitat and the proposed critical habitat, however, did not properly label West Corral de Piedra Creek, hence the confusion of the commenters. We have corrected this problem in the maps depicting the final designation. The designated critical habitat in West Corral de Piedra Creek, however, does not include habitat above the Righetti Dam. Although the habitat appears to be of high quality and would likely support steelhead spawning, we are uncertain whether adult fish can pass over the dam. Accordingly, we treated the area above the Righetti Dam as unoccupied habitat and, since a determination that it is essential to the conservation of the ESU had not been made, we have not included it in the final designation for this ESU. In evaluating the areas of occupancy, habitat conditions, and conservation value of this HSA watershed, the CHART reviewed the available information about the unnamed tributary to West Corral de Piedra Creek. The CHART concluded it was unoccupied and had poor habitat conditions, and, since, a determination

that it is essential to the conservation of the ESU has not been made, it has likewise not been included in the final designation.

Comment 62: Another commenter argued that West Corral de Piedra Creek is likely unoccupied by steelhead because of an impassable barrier on Pismo Creek downstream of West Corral de Piedra Creek (and the Righetti Dam), and, therefore, should not be designated as critical habitat. The commenter also criticized the economic analysis for not addressing impacts on irrigation and instream flow resulting from critical habitat designation. Lastly, the commenter argued that habitat area above the Righetti Dam should not be designated.

Response: The potential barrier in question is an existing fish ladder on Pismo Creek downstream of West Corral de Piedra Creek. The extent to which the ladder precludes adult steelhead is unclear, but we do not think it is a complete barrier. There is existing information indicating the presence of juvenile steelhead in West Corral de Piedra Creek downstream of Righetti Dam and above the Pismo Creek ladder which suggests steelhead can pass the existing fish ladder. In addition, direct observations of the fish ladder suggest it is capable of passing adult steelhead even though the design is not ideal and ladder operation may become impaired by inorganic and organic debris. Based on the available information, therefore, the CHART considered West Corral de Piedra to be occupied habitat for steelhead up to, but not above, the Righetti Dam. Accordingly, this reach of West Corral de Piedra is included in the final critical habitat designation for this ESU. We acknowledge that the economic analysis prepared for the proposed critical habitat designation did not adequately address economic impacts related to changes in instream flow or agricultural flows. The final economic analysis made additional efforts to address this issue, though potential flow changes at the Righetti Dam was not a part of that analysis. As noted in the previous response, the habitat area above the Righetti Dam is not considered occupied by steelhead though habitat conditions are considered favorable for steelhead spawning. For this reason, the habitat area above Righetti Dam is not included in the final designation of this ESU.

Comment 63: One commenter argued that Arroyo Grande Creek should not be included in the designation because it is not essential for conservation, numerous dams on the creek have altered habitat conditions for steelhead, existing protections are in place and thus there

is no need for special management considerations, and previous determinations by Federal and State agencies have concluded that activities at Oceano SVRA do not adversely impact steelhead or their habitat. The commenter cited the final draft HCP for Arroyo Grande Creek as an existing mechanism for managing the creek, and suggested designation of critical habitat was unnecessary because it would cause confusion among stakeholders and agencies regarding the management of the area for steelhead. Another commenter argued that designation of the mouth of Arroyo Grande Creek may impact recreational uses in that area, and thereby result in significant economic impacts to local governments and businesses.

Response: The CHART determined that Arroyo Grande Creek met the definition of critical habitat, and was therefore eligible for designation, based on an extensive review of information, including observations and information obtained from site visits and field studies. This information allowed the CHART to identify the geographic areas occupied by steelhead and confirm that the creek contains physical and biological features essential to conservation. A draft HCP prepared by the San Luis Obispo County Flood Control and Water Conservation District Zone 3 (District) provides information regarding the quality and quantity of habitats in Arroyo Grande Creek for steelhead and discusses the abundance of steelhead. Although this ESU has a broad geographic distribution, there are relatively few representative streams in the southern portion of the ESU where steelhead actively spawn and rear. Arroyo Grande Creek is one of the few streams at the southern portion of the subject ESU where age-0 and older juvenile steelhead occur during summer and fall, and sexually ripe adults occur in winter and early spring. There are numerous streams in San Luis Obispo County, but a disproportionate number in the southern portion of the subject ESU currently do not appear suitable for steelhead owing in part to improper land-use activities. Arroyo Grande Creek is one of the notable exceptions. On the basis of this information, the CHART determined that the HSA watershed containing Arroyo Grande Creek had medium conservation value and that it was essential for the conservation of the ESU.

Based on information available to us, the only dam which is a full barrier to steelhead in Arroyo Grande Creek is Lopez Dam. Its presence and operation have certainly contributed to declines in the quality and quantity of habitat for

steelhead, but evidence indicates that steelhead still use Arroyo Grande Creek for spawning and rearing. More importantly, the effects of Lopez Dam on steelhead and its habitat in Arroyo Grande Creek underscore the need for special management considerations or protections in this watershed.

The purpose of the HCP in question is essentially to address the "take" of steelhead and other federally listed species associated with operation of Lopez Dam, not to manage the Arroyo Grande Creek as a whole. More importantly, the current draft HCP does not ensure that essential habitat functions necessary for long-term species survival would be attained through the proposed conservation program. For instance, the flow regime proposed in the draft HCP is conditioned upon reservoir-operation constraints, and, therefore, is not ecologically meaningful. The HCP requires considerable revision before being suitable for adoption in the application phase, and years may pass before it is ultimately approved and an incidental take permit issued.

The commenter is correct that we have determined through informal ESA section 7 consultations with the U.S. Army Corps of Engineers (COE) that off-road vehicle crossings of the creek at the mouth (a sandy tidally influenced area) are not likely to adversely affect steelhead. However, the decision to include Arroyo Grande Creek in the designation was not predicated on whether previous activities, such as off-road vehicle use, did or did not adversely affect the species. Rather, NMFS performed an extensive review and analysis to identify those habitats that are essential for conservation of the species and determined that Arroyo Grande Creek (including the creek mouth) is one such habitat area for this ESU. Inclusion of the creek mouth in the critical habitat designation is necessary because the mouth is an essential migratory habitat linking upstream spawning and rearing areas with the ocean.

Based on our past consultation experience in this area, we do not think that designation of the Arroyo Grande Creek, including the creek mouth, is likely to result in restricted recreational crossings of the creek mouth or cause significant economic impacts to local governments and businesses. Although not definitive on the outcome of future consultations, previous consultations involving such crossings have determined that steelhead were not likely to be adversely affected and that the value of the creek mouth as a

migration corridor for steelhead was not likely to be diminished.

Comment 64: One commenter (CDFG) recommended that the conservation value of the HSA watersheds containing Arroyo de la Cruz (HSA 331012) and San Carpofo (HSA 331011) creeks should be high because of the quality and quantity of steelhead habitat and the potential risks to these resources in the future.

Response: We agree with CDFG that the quality of steelhead habitat is high for both of these streams. However, the CHART considered a range of factors in assessing the conservation value of the HSA watersheds containing these streams, and on the basis of that analysis, concluded that a medium conservation value was appropriate for both watersheds. Based on the available information, we continue to believe that these two HSA watersheds have a medium conservation value to this ESU relative to other HSA occupied watersheds in the range of the ESU. Both HSA watersheds had a relatively low economic benefit of exclusion, and therefore, all occupied habitat in both watersheds, including the two streams in question, are included in the final critical habitat designation for this ESU.

ESU Specific Comments—Southern California Steelhead

Comment 65: Several commenters raised questions about whether or not the Sisquoc River and some of its tributaries are occupied by steelhead, and whether there are PCEs to support steelhead in this watershed. At least one commenter argued that any *O. mykiss* in this watershed were hatchery plants. One commenter criticized the economic analysis for the HSA containing the Sisquoc River watershed, and another was concerned that recreational fishing in one tributary would be adversely affected by a critical habitat designation.

Response: The CHART reconsidered whether the Sisquoc River and its tributaries should be considered occupied based on the issues raised by these commenters. Based on a reassessment of the available information (primarily the Stoecker and Stoecker 2003 barrier assessment for the Sisquoc River), the CHART concluded that the Sisquoc River and its tributaries (HSA 331220) should be considered occupied, and that this watershed contains PCEs supporting migration, spawning and rearing habitat. We recognize that flows in the Santa Maria River watershed are constrained by the operation of Twitchell Dam and that migration opportunities into the Sisquoc River are limited. For this reason, steelhead access to this watershed is not

available in all years, and occupancy of the watershed will be on a more infrequent, rather than annual, basis. Nevertheless, migration opportunities do occur in wet years when high flows breach the sand bar at the mouth of the Santa Maria River, and steelhead can and do migrate into the middle and upper reaches of the Sisquoc River watershed where over-summering/rearing habitat and spawning habitat occurs. Although rainbow trout may well have been planted in some areas historically, we are not aware of any current planting of fish except in Manzana Creek. Accordingly, we do not believe the vast majority of steelhead in the watershed are of hatchery origin. A revised economic impact analysis was prepared for the final critical habitat designation. Although it may not address all site specific potential economic impacts within each HSA watershed, we believe this analysis does consider the vast majority of projected activities which are subject to ESA section 7 consultation in each watershed and that it provides a reasonable basis for conducting an ESA section 4(b)(2) analysis. More detailed responses to comments on the economic analysis were presented earlier in this final rule. Lastly, the designation of critical habitat for this ESU is not expected to affect recreational fishing activities in this watershed because such activities are not subject to section 7 of the ESA and are unlikely to affect critical habitat. Nevertheless, such activities do need to ensure that they do not result in the "take" of listed steelhead.

Comment 66: One commenter questioned whether specific streams (Santa Agueda and Alamo Pintado, both tributaries to the lower Santa Ynez River in HSA 331440, and Santa Monica Creek in HSA 331534) should be designated as critical habitat.

Response: We have re-examined the available information supporting the inclusion of these tributaries in the proposed designation and concluded that although these streams may occasionally support steelhead, there is not sufficient information to consider them occupied for the purposes of this designation process. Accordingly, these tributaries were not considered occupied in the final critical habitat designation and a determination that they were essential to the conservation of the ESU was not made, so they have been removed from the final critical habitat designation and associated maps.

Comment 67: Many commenters responded to our request for comments regarding the designation of unoccupied

habitat above Bradbury, Matilija, Casitas, Santa Felicia and Rindge Dams. Several commenters recommended that these areas be designated because they are essential for the conservation of this ESU, while several other commenters were opposed to designating these unoccupied habitats. Some commenters were confused or misunderstood that we were only requesting information and thought we had proposed to designate these areas as critical habitat.

Response: As part of the proposed rule development process, the CHART was asked to identify unoccupied areas above dams within the range of this ESU that "may" be essential for its conservation. Based on its assessment, the CHART identified the unoccupied habitat found above the five dams listed above. The proposed rule did not include these unoccupied areas in the proposed designation for this ESU, but rather solicited public comment on our determination that these unoccupied areas "may" be essential for conservation of this ESU. As stated elsewhere in this rule, we believe that it is premature to designate such areas at this time, and that any designation of unoccupied areas above dams or in other areas must await the completion of technical recovery planning efforts that are currently underway. Our expectation is that the technical recovery planning process will provide the scientific foundation to support the inclusion of unoccupied habitat areas in any critical habitat designation. Once the technical recovery planning is completed, we intend to revisit the designation of unoccupied habitat and will use information provided by commenters to inform any subsequent proposal.

Comment 68: A large number of commenters were opposed to the inclusion of any portion of Rincon Creek in the critical habitat designation. They argued that steelhead did not occupy the stream, the habitat was unsuitable, and the economic impacts of designation would be significant. Some commenters were confused and thought that Rincon Creek upstream from the Highway 101 culvert had been proposed.

Response: The proposed designation of Rincon Creek only included that portion of the creek that is seaward of the Highway 101 culvert. The culvert is considered a complete barrier to steelhead migration, and therefore, areas upstream of the culvert are considered unoccupied. We continue to believe that the lagoon and that portion of Rincon Creek seaward of the culvert is periodically occupied and meets the definition of critical habitat.

Accordingly, this habitat reach was considered in the final ESA section 4(b)(2) analysis and has been retained in the final critical habitat designation for this ESU. Efforts are underway to improve fish passage at this culvert, and the designation of critical habitat downstream may support those efforts. If fish passage is successfully implemented at this location and steelhead reoccupy Rincon Creek upstream from the Highway 101 culvert, we will reconsider the possibility of designating critical habitat in the newly occupied habitat area.

Comment 69: Camp Pendleton Marine Corps Base and Vandenberg Air Force Base both provided supplementary comments and information to support the exclusion of their facilities from the final critical habitat designation for this ESU, based on the conservation benefits provided by their respective INRMPs. Both DOD facilities also provided information supporting the national security related impacts of a critical habitat designation on their activities and operations.

Response: As discussed elsewhere in this final rule, we have concluded that the INRMPs for both of these facilities provide conservation benefits to this steelhead ESU, and, therefore, the areas subject to these INRMPs are not eligible for designation pursuant to section 4(a)(3)(B)(i) of the ESA. Information provided by both DOD facilities concerning the impacts of critical habitat designation on their activities and operations support the view that designation of habitat will likely reduce the readiness capability of both the Marine Corps and Air Force, both of which are actively engaged in training, maintaining, and deploying forces in the current war on terrorism. On this basis, we also concluded that the benefits of excluding these facilities from the critical habitat designation for this ESU outweighed the benefits of designation.

Comment 70: Several commenters raised questions about steelhead access to, and occupancy in, upper San Antonio Creek (a tributary to the Ventura River) and its tributaries (e.g., Reeves, Thatcher, Gridley, Ladera, and Senior Canyon Creeks). These commenters argued that a migration impediment at the Soule Park golf course blocks steelhead access upstream and that the only occupied habitat in the San Antonio Creek watershed is downstream from that location.

Response: We agree with the commenters that steelhead access to some portions of upper San Antonio Creek watershed are in fact blocked and should not be considered occupied habitat for the purposes of this critical

habitat designation. For example, most of Thatcher Creek and Reeves Creek are presently inaccessible because of a passage impediment at Boardman Road on Thatcher Creek, and, therefore, these habitat reaches are clearly unoccupied by steelhead at present. Similarly, steelhead access into Gridley Canyon Creek, Senior Canyon Creek, and the lower portion of Thatcher Creek was blocked until this past winter when storms washed out a passage impediment at the Soule Park golf course. Although the passage impediment at the Soule Park golf course is no longer present, we have no information at present indicating that steelhead occur in the habitat reaches upstream of the former impediment to migration. Based on this information, we concluded it is appropriate to consider all stream reaches in the upper San Antonio Creek watershed above the Soule Park golf course to be unoccupied for the purposes of this critical habitat designation. We have revised our fish distribution maps accordingly and also removed these areas from the final critical habitat designation. It should be noted, however, that steelhead may now begin to occupy areas above the Soule Park golf course, and that efforts are underway to provide fish passage for steelhead at the Boardman Road location. If steelhead do access these currently unoccupied habitat areas, we will reconsider the exclusion of these areas from critical habitat for this ESU.

Comment 71: Some commenters questioned the distribution of occupied habitat and the proposed designation of occupied habitat in Hydrologic Unit 4901, particularly with regard to the upstream endpoints in San Juan Creek, Trabuco Creek (a tributary of San Juan Creek), and Devil's Canyon (a tributary of San Mateo Creek). Other commenters supported the proposed designation of habitat in the San Juan Creek and Trabuco Creek watersheds.

Response: We have reviewed the information provided by the commenters, re-evaluated the information used in developing the proposed designation, and also consulted with CDFG regarding the upstream limit of the distribution of steelhead in San Juan Creek and Trabuco Creek. After considering this information, we have substantially modified the upstream distribution limits of steelhead occupancy in Trabuco and San Juan Creeks. According to CDFG, the Trabuco Creek crossing under I-5 in San Juan Capistrano is a complete barrier to steelhead. Therefore, the occupied habitat reach in Trabuco Creek is now considered to end at the I-5 crossing

which is in HSA 490127. As a result of this distributional change, three HSA watershed units in upper Trabuco Creek that were previously considered occupied and proposed for designation (HSAs 490121, 490123, and 490122) are no longer considered occupied. Because these watersheds are not occupied and a determination that they are essential to the conservation of the species had not been made, they are not included in the final critical habitat designation. The I-5 does not serve as a barrier to steelhead migration in San Juan Creek. However, the upstream distributional limit of steelhead according to CDFG is basically at the I-5 bridge based on the available anecdotal information. As a result of this distributional change, three HSA watersheds upstream from this location that were previously considered occupied and proposed for designation (HSAs 491028, 490126, and 490125) are no longer considered occupied; and, because a determination that they are essential to the conservation of the ESU has not been made, they are not included in the final designation for this ESU. Those portions of Trabuco and San Juan Creeks that are occupied and occur in HSA 490127 as described above were considered eligible for designation and were considered in the final ESA section 4(b)(2) analysis. Based on this analysis, we concluded that the benefits of including the occupied habitat reaches in HSA 490127 outweighed the benefits of their exclusion, and, therefore, we have included these habitat areas in the final designation.

Comment 72: One commenter questioned why Pole Creek, a tributary to the Santa Clara River, was included in the proposed critical habitat designation when the habitat conditions were poor and there was little information indicating it was occupied.

Response: Based on information from the commenter and observations by agency biologists, we have reassessed the appropriateness of including Pole Creek in the final designation. We recognize that habitat conditions in Pole Creek are poor and upstream passage through the existing concrete channel in the lower portion of the creek is highly unlikely. Accordingly, we have concluded that Pole Creek should be considered unoccupied. Because it is considered unoccupied and we have not made a determination that it is essential for conservation, it is not included in the final critical habitat designation.

Comment 73: One commenter questioned why critical habitat was not proposed in the Santa Clara River upstream from its confluence with Piru Creek.

Response: The CHART did not consider that portion of the Santa Clara to be occupied, and we did not make a determination that it was essential for the conservation of the ESU; thus it was not considered further in the critical habitat analysis.

ESU Specific Comments—Central Valley Spring Run Chinook

Comment 74: Two commenters provided information regarding the distribution of occupied spring run Chinook habitat and habitat use, and recommended that additional critical habitat be designated in the upper Sacramento River Basin for this ESU. One commenter indicated that we should designate several west-side tributaries to the upper Sacramento River in the vicinity of Redding (HSA 550810) as critical habitat because these streams provide significant non-natal rearing and refugia habitat, especially since Shasta and Keswick Dams block access to hundreds of miles of historic rearing and refugia habitat. Another commenter recommended that small intermittent tributaries used for natal rearing in the Sacramento River, as well as lower Butte Creek, should be designated as critical habitat.

Response: The CHART reviewed the information provided by these commenters for the upper Sacramento River tributaries and concluded that it did not change the previously determined distribution of occupied habitat for this ESU. The CHART reassessed the conservation value of occupied habitat in HSA 550810 based on the new information and concluded that the conservation value of some reach specific tributaries was less than previously thought to be the case, but that the overall conservation value for the HSA remained high. All occupied spring run Chinook habitat in HSA 550810 was proposed for designation, and, as a result of the final ESA section 4(b)(2) analysis, this habitat has been included in the final designation for this ESU. The CHART agreed with the commenter that intermittent tributaries to the Sacramento River are used for non-natal rearing and that lower Butte Creek is important for the conservation of this ESU. In fact, the CHART previously analyzed these occupied habitat areas and rated them as having high conservation value. These areas were proposed for designation and are also included in the final designation for this ESU.

Comment 75: One commenter recommended that the lower American River from the outfall of the Natomas Main Drainage Canal downstream to the confluence with the Sacramento River

be designated because it is used for non-natal rearing (HSA 551921). The argument was that this habitat provides spawning, rearing and migration values for spring run Chinook that may require special management considerations.

Response: The HSA watershed (551921) containing the lower American River was originally rated by the CHART as having medium conservation value and was excluded from the proposed designation because of relatively high economic costs. In response to these comments, the CHART reassessed the conservation value of this HSA and determined that it should be rated as having a high conservation value to the ESU. Information provided by the commenter demonstrated the importance of the lower American River for non-natal rearing and the high improvement potential of the habitat conditions from ongoing restoration projects. In addition, the lower American River may be used during high winter flows for rearing and refugia by multiple populations of spring Chinook in the central valley (e.g., Feather and Yuba Rivers). Additionally, the commenter suggested that special management considerations may be required to maintain and improve habitat conditions and the conservation value of this HSA for spring run Chinook. In particular, special management considerations may be necessary to address flood control, residential and commercial development, agricultural management, and habitat restoration. Based on the change in conservation value and the final ESA section 4(b)(2) analysis, we concluded that all occupied habitat in HSA 551921, including the lower American River, should be designated as critical habitat for this ESU.

Comment 76: A commenter also recommended that the lower Bear River (HSA 551510) from the mouth of Dry Creek downstream to its confluence with the Feather River be designated as critical habitat because it is used for non-natal rearing and will require special management to maintain habitat value for this ESU.

Response: The HSA watershed (551510) containing the lower Bear River was originally considered unoccupied by the CHART, and its conservation value was not rated. Based on the information provided by the commenter, the CHART has reclassified the lower Bear River as occupied habitat for spring run Chinook. Information provided by the commenter indicates that the lower Bear River is used for non-natal rearing and that habitat values are likely to increase in the near future

as a result of planned restoration projects that will improve the condition of several PCEs. The CHART applied the PCE factor ranking criteria and rated the lower Bear River as having high conservation value to this ESU, primarily because: (1) the habitat area is likely to be used by at least two populations (*i.e.*, Feather and Yuba River); (2) non-natal rearing represents a unique life-history strategy that is essential for the conservation of the species (contributing to improved growth conditions); (3) the habitat serves as a refugia from high water conditions and catastrophic events; and (4) there is high improvement potential for this habitat from ongoing restoration efforts. Based on information from the commenter, the lower Bear River will require special management efforts to protect and maintain habitat values for this ESU. Special management considerations are likely to include flood control, residential and commercial development, agricultural management, and habitat restoration. Because this HSA is now considered occupied, contains the necessary PCEs, and has a need for special management considerations, it was considered eligible for designation in the final ESA section 4(b)(2) analysis conducted for this designation. Based on the results of the final 4(b)(2) analysis, we concluded that the benefits of including this area in the designation outweighed the benefits of its exclusion. Accordingly, occupied habitat in HSA 551510 is now included in the final critical habitat designation for this ESU.

Comment 77: Several commenters recommended that portions of the San Joaquin River and its major tributaries below impassable mainstem dams be designated as critical habitat for this ESU either because of future efforts to restore habitat or because of unpublished information from CDFG indicating specific habitat areas were occasionally occupied by spring run Chinook. These areas include the San Joaquin River from its confluence with the Merced River upstream to Friant Dam, the Tuolumne River downstream of La Grange Dam, the Merced River downstream of Crocker Huffman Dam, and the Stanislaus River downstream of Goodwin Dam.

Response: The recommendation to designate the San Joaquin River above the confluence with the Merced River confluence was primarily based on the historical occupancy of this habitat reach by spring Chinook and the expectation that future efforts will be undertaken to restore habitat in this reach. We recognize that this habitat in the San Joaquin River was historically

used by spring Chinook; however, it has been unoccupied for more than half a century. Moreover, plans to restore flows and habitat conditions downstream of Friant Dam are uncertain, and significant passage impediments and flow alterations in the San Joaquin above the Merced River confluence present potentially significant obstacles to future restoration success. Because this habitat is currently unoccupied and no determination has been made that it is essential for the conservation of this ESU, we have not included it in the final critical habitat designation.

The CHART reviewed information provided by the commenters regarding occupancy of the Tuolumne, Merced, and Stanislaus Rivers by spring Chinook and concluded there was insufficient data to consider them occupied. Although the CHART did evaluate these as unoccupied areas for the proposed critical habitat designation and concluded that they "may" be essential for the conservation of spring run Chinook ESU, we believe it is premature to include these unoccupied areas in the critical habitat designation for this ESU until ongoing recovery planning efforts provide information sufficient to make a determination that these areas are essential to the conservation of this ESU. Because these tributary rivers to the San Joaquin River are currently unoccupied and recovery planning efforts do not yet support a determination that these areas are essential for the conservation of this ESU, we have not included them in the final critical habitat designation.

Comment 78: One commenter argued that the lower Feather River below Oroville Dam should not be designated because of the introgression of fall run Chinook and spring run Chinook by the Feather River hatchery.

Response: We disagree with the commenter and believe that the lower Feather River below Oroville Dam should be designated as critical habitat. The extant Feather River population of spring-run Chinook salmon represents a legacy population of the fish that historically used the upper Feather River prior to construction of Oroville Dam, and it is an important population to conserve and protect because of its potential contribution to ESU recovery. This habitat area was proposed for critical habitat because the CHART considered it occupied by spring run Chinook, it contains PCEs, and it requires special management considerations for activities such as flood control, flow and temperature management, residential and commercial development, agricultural

management, and habitat restoration. HSA 551540, which contains much of the lower Feather River below Oroville Dam, was rated as having high conservation value by the CHART for the proposed designation, and that determination was not changed as a result of these comments. Based on the results the final ESA section 4(b)(2) analysis, occupied habitat in HSA 551540, including the lower Feather River below Oroville Dam, is included in the final critical habitat designation for this ESU.

Comment 79: Some commenters contended that NMFS should not designate any critical habitat for spring run Chinook in the Sacramento River, its major tributaries (*i.e.* Feather River), the Sacramento-San Joaquin Delta, or the Suisun-San Francisco Bay complex because existing protective efforts and mechanisms are sufficient to protect the ESU.

Response: We disagree with these commenters. These habitat areas comprise the entire freshwater and estuarine range of this ESU, contain one or more PCEs that are essential to the conservation of the ESU, including migration, holding, spawning, rearing, and refugia habitat, and require special management considerations or protections beyond those protective efforts that are already in place or available. For these reasons, they were considered for designation through this rulemaking process. In the course of the analysis supporting this rulemaking, we evaluated the quantity, quality and diversity of PCEs within the occupied portions of these waterbodies by watershed unit, assessed the benefits of designating these watershed units, and finally weighed the benefits of designation against the benefits of exclusion by watershed unit. The resultant critical habitat designation in this final rule, therefore, meets the definition of critical habitat and also represents that habitat which contains PCEs that we believe are essential for the conservation of this ESU.

Comment 80: One commenter recommended that several areas proposed for designation in the Sacramento River basin below impassable barriers not be designated in the final rule. These areas include: (1) the South Fork Cow Creek watershed because it is not occupied; (2) specific streams in the Tehama Hydrologic Unit (5504) including HSAs 550410 and 550420 because they do not support populations of spring run Chinook and also lack cool, deep pools for summer holding habitat; (3) specific streams in the Whitmore Hydrologic Unit (5507) including HSAs 550711 and 550722

because they do not support populations of spring run Chinook and also lack cool, deep pools for summer holding habitat; and (4) specific streams in the Redding Hydrologic Unit (5508) and HSA 550810 because they do not support a population of spring run Chinook and lack cool, deep pools for summer holding habitat.

Response: The CHART re-evaluated the South Fork Cow Creek based on these comments and agreed that it is unoccupied and therefore reclassified its occupancy status accordingly. Because the HSA containing South Fork Cow Creek (HSA 550731) is now considered unoccupied and we have not made a determination that it is essential to the conservation of the ESU, it was excluded from further consideration in the analysis and has not been included as critical habitat in the final designation for this ESU.

The CHART, however, disagreed with the commenter's recommendation to exclude the identified streams and HSAs in the Tehama (5504), Whitmore (5507), and Redding (5508) Hydrologic Units. The recommendation was based on the lack of cool, deep pools for summer holding habitat that is essential for adult holding, spawning, and summer rearing. The CHART's previous assessment of the conservation value of these streams and watershed units, however, was based on their use during winter and early-spring months for non-natal rearing by juvenile spring-run Chinook. Though current use is likely low, it is expected to increase in the near future as a result of habitat restoration and range expansion in Battle and Clear Creeks. The CHART concluded these streams provide several PCEs that are important for juvenile non-natal rearing, which represents a unique life-history strategy that is essential for the conservation of this ESU because of its contribution to improved growth conditions and refugia from high water and catastrophic events. In addition, the CHART concluded that these streams will require special management efforts for flood control, residential and commercial development, agricultural management, and habitat restoration to protect and maintain the conservation value of these habitats for spring-run Chinook. Based on these factors, the CHART rated most of the occupied HSAs in these three Hydrologic Units as having high conservation value to the ESU. After consideration of these comments, the CHART concluded there was no reason to change its previous assessment of spring Chinook distribution, habitat use, or conservation value for these streams and Hydrologic

Units. Accordingly, the occupied streams in these Hydrologic Units and associated HSAs were considered in the final 4(b)(2) analysis for this final designation.

Comment 81: Two commenters questioned the historical and current habitat use and occupancy of Putah, Alamo, and Ulatis Creeks by spring run Chinook and thus whether they should be designated as critical habitat.

Response: The proposed critical habitat designation for spring run Chinook did not include any of these three creeks, because the CHART considered all of them to be unoccupied in its original assessment and we had not made a determination that they were essential to the conservation of the ESU. The commenters likely were confused because these creeks all occur in the Valley Putah-Cache Hydrologic Unit (HSAs 551100 and 551120), and some portions of this Hydrologic unit were included in the proposed designation because they are occupied, have the requisite PCEs, may need special management considerations, and were not excluded as a result of the original ESA section 4(b)(2) exclusion process that led to the proposed rule. The CHART did not receive any new information indicating these creeks are occupied, so they were not reconsidered and are not included in the final critical habitat designation for this ESU.

Comment 82: Several commenters indicated that habitat above major impassable rim dams on tributaries to the San Joaquin River (Stanislaus, Tuolumne, and Merced Rivers) do not contain habitat that would support spring run Chinook and/or that the feasibility of providing fish passage for spring run Chinook has not been adequately evaluated.

Response: Although the CHART did evaluate these as unoccupied areas for the proposed critical habitat designation and concluded that some of the reaches above the rim dams "may" be essential for the conservation of spring run Chinook, we believe it is premature to include these unoccupied areas in the critical habitat designation for this ESU until ongoing recovery planning efforts provide technical information supporting a determination that one or more of these areas are essential to its conservation and recovery. Because these tributary rivers to the San Joaquin River are currently unoccupied and recovery planning efforts do not yet support a determination that these areas are essential for the conservation of this ESU, we have not included them in the final critical habitat designation.

ESU-Specific Comments—Central Valley Steelhead

Comment 83: One commenter recommended that we designate several west-side tributaries to the Sacramento River in the vicinity of Redding (HSA 550810) as critical habitat for this ESU because they are used as spawning and/or rearing habitat.

Response: The CHART reviewed the new information provided by the commenter and concluded that several of these streams are seasonally occupied and most likely used by steelhead as non-natal rearing habitat with occasional use as spawning habitat, and that they contain PCEs supporting non-natal habitat use. The CHART considered these additional occupied habitat areas important for steelhead because they are likely to be used by several populations (e.g., upper Sacramento River, Clear Creek, and Cow Creek), and because non-natal rearing represents a unique life-history strategy that is essential for the conservation since it contributes to improved growth conditions and serves as a refugia from high water and catastrophic events. The CHART concluded that these streams may require special management considerations to address activities such as flood control, residential and commercial development, agricultural management, and habitat restoration, and, therefore, evaluated the conservation value of these occupied habitat stream reaches and the overall HSA. This reassessment concluded that the conservation value of the additional occupied stream reaches ranged from low to high, but that the overall conservation value of HSA watershed 550810 remained high to the ESU. Based on the results of the final ESA section 4(b)(2) analysis, all occupied habitat in HSA 550810, including several stream reaches recommended by the commenter, is designated as critical habitat in the final rule.

Comment 84: One commenter recommended that we should designate upper little Dry Creek, a tributary to Butte Creek, as critical habitat for this ESU.

Response: The CHART originally evaluated the conservation value of upper Dry Creek (HSA 552110) as being low, and it was proposed for exclusion in the proposed rule based on the results of the ESA section 4(b)(2) analysis. In response to these comments, the CHART re-assessed the conservation value of this HSA and concluded it should be changed from low to medium. The original low rating was strongly influenced by the low number of stream miles in the HSA. The remainder of

little Dry Creek is located downstream in HSA 552040, which was rated as having a high conservation value by the CHART because of the number of occupied stream miles, its high restoration potential, and its use by multiple populations of steelhead. In its reassessment of the conservation value of HSA 552110, the CHART placed more emphasis on the restoration potential of this reach of upper little Dry Creek and the potential for the stream reach to support life history stages of high importance (i.e., spawning adults and over summering juveniles) for this ESU. Based on the increased conservation value of this HSA 552110 (increased from low to medium) and the results of the final ESA section 4(b)(2) analysis, the upper little Dry Creek has been included in the final critical habitat designation for this ESU.

Comment 85: One commenter recommended that we designate the lower Bear River as critical habitat for Central Valley steelhead from its confluence with Dry Creek downstream to its confluence with the Feather River because it is used for non-natal rearing and will require special management considerations to maintain habitat value for the ESU.

Response: The CHART originally evaluated the conservation value of HSA 551510, which contains the lower Bear River, as being low, and it was proposed for exclusion in the proposed critical habitat rule based on the results of the ESA section 4(b)(2) analysis conducted for that rulemaking. In response to the information provided by the commenter, the CHART re-assessed the conservation value and concluded that the overall conservation value for this HSA is medium rather than low. As a result of the revised 4(b)(2) analysis conducted for the final rule, however, this HSA watershed was considered to have a medium benefit of designation and a relatively high benefit of exclusion (i.e., high cost relative to benefit), making it potentially subject to exclusion from the final designation. However, the CHART felt the lower portion of the Bear River within this HSA was important because the habitat is likely to be used for non-natal rearing by several populations (i.e., Feather and Yuba River populations) and because non-natal rearing represents a unique life-history strategy that is essential for conservation since it contributes to improved growth conditions and serves as a refugia from high water and catastrophic events. Therefore the CHART concluded the benefit of including this area outweighed the benefit of excluding this area and we have included HSA 551510, which

includes the lower Bear River, in the final critical habitat designation for this ESU.

Comment 86: One commenter recommended that the Cosumnes River should be designated as critical habitat for this ESU based on unpublished documentation of steelhead presence.

Response: The original analysis conducted by the CHART for the proposed rule considered the Cosumnes River to be occupied, but its assessment concluded that the HSA watersheds (553111, 553221, 553223 and 553224) containing this river system were of low conservation value. Based on this assessment and the results of the ESA section 4(b)(2) analysis conducted for the proposed rule, the Cosumnes River and all other occupied habitat in these four watersheds were excluded from the proposed designation. The commenter did not provide any new information warranting a change in our proposed rule, and, therefore, the Cosumnes River and these four watersheds have been excluded from the final designation for this ESU.

Comment 87: Several commenters recommended that we designate the San Joaquin River from its confluence with the Merced River to Friant Dam as critical habitat for this ESU.

Response: The recommendations to designate the San Joaquin River above the confluence with the Merced River were primarily based on the historical occupancy of this habitat reach by steelhead and the expectation that future efforts will be undertaken to restore habitat in this reach. We recognize that this habitat in the San Joaquin River was historically used by steelhead, but we consider it presently unoccupied. Moreover, plans to restore flows and habitat conditions downstream of Friant Dam are uncertain, and significant passage impediments and flow alterations in the San Joaquin River above the Merced confluence present significant obstacles to future restoration success. Because this habitat is currently unoccupied, and ongoing recovery planning efforts have not identified areas in this reach of the San Joaquin River as being essential for the conservation of this ESU, we have not included it in the final critical habitat designation.

Comment 88: Two commenters recommended that we designate Dry Creek, a tributary to the Yuba River, as critical habitat for Central Valley steelhead.

Response: The commenters incorrectly interpreted the proposed designation. Dry Creek, a tributary to the Yuba River, occurs in two HSA watersheds (551712 and 551713).

However, the vast majority of this creek occurs within HSA 551712. The CHART originally concluded that watershed 551712 had a high conservation value and that watershed 551713 had a low conservation value. Based on this assessment and the original ESA section 4(b)(2) analysis, the proposed designation for this ESU included all occupied habitat in HSA 55172, including Dry Creek, but did exclude a small portion of Dry Creek occurring in HSA 551713 because of high economic costs. We did not receive any new information warranting a change in the proposed critical habitat with respect to Dry Creek, and, therefore, the final critical habitat designation for this ESU only includes that portion of Dry Creek contained in HSA 551712.

Comment 89: Some commenters contended that we should not designate any critical habitat for steelhead in the Sacramento River, San Joaquin River or its major tributaries, the Sacramento-San Joaquin Delta, or the Suisun-San Francisco Bay complex because existing protective efforts and mechanisms are sufficient to protect the ESU.

Response: We disagree with these commenters. These waterbodies comprise the entire freshwater and estuarine range of this ESU, contain one or more PCEs that are essential to the conservation of the ESU, including migration, holding, spawning, rearing, and refugia habitat, and may require special management beyond those protective efforts that are already in place or available. For these reasons, they were considered for designation through this rulemaking process. In the course of this rulemaking, we evaluated the quantity, quality, and diversity of PCEs within the occupied portions of these waterbodies by watershed unit, assessed the benefits of designating these watershed units, and finally weighed the benefits of designation against the benefits of exclusion by watershed unit. The resultant critical habitat designation in this final rule, therefore, meets the definition of critical habitat and also contains PCEs that we believe are essential for the conservation of this ESU.

Comment 90: One commenter recommended that we should not designate several streams in the upper Sacramento River (Red Bluff [550420 and Spring Creek [550440] HSAs) as critical habitat for Central Valley steelhead because they are low elevation streams without sufficient flow duration or suitable habitat to support the species.

Response: We disagree with the commenter's recommendation to exclude specific streams in these two

HSAs. The CHART has evaluated these streams and recognizes that they have limited flow duration. However, the team also concluded the streams in question support important winter and early spring non-natal rearing habitat for steelhead and thus contain PCEs that are important for juvenile rearing. The CHART previously rated both HSAs as having an overall high conservation value for this ESU and does not believe the comments warrant a revision in any of its previous conclusions regarding these two HSAs. Based on the CHART's previous conclusions and the results of the final ESA section 4(b)(2) analysis conducted for this rule, all occupied habitat in these two HSAs is included in the final designation for this ESU.

Comment 91: Some commenters argued that there was no basis for proposing to designate critical habitat for Central Valley steelhead in the Calaveras, Stanislaus, Tuolumne, or Merced Rivers.

Response: We disagree with the commenters. The CHART concluded that the HSA watersheds containing these rivers were occupied by steelhead, contained PCEs supporting the species for spawning, rearing and/or migration, and that there may be a need for special management considerations. On this basis, these rivers met the definition of occupied critical habitat, and, therefore, were eligible for designation. We weighed the benefits of including these areas in the designation against the benefits of their exclusion in the original ESA section 4(b)(2) analysis for the proposed rule, and again in a revised analysis for the final rule. In both instances, the benefits of designating the HSA watersheds containing these rivers outweighed the benefits of their exclusion. Accordingly, the HSA watershed containing these rivers were included in the proposed critical habitat designation and are also included in the final designation for this ESU.

Comment 92: One commenter argued that the Old River and Paradise Cut channels in the San Joaquin Delta Subbasin or Hydrologic Unit (5544) do not meet the definition of critical habitat for Central Valley steelhead.

Response: We disagree with the commenter. The CHART concluded that all of the estuarine habitat in this Hydrologic Unit, including the Old River and Paradise Cut channels, is used by steelhead smolts for rearing and migration from upstream freshwater rivers. On this basis the CHART considered the entire Hydrologic Unit to be occupied and to contain PCEs for rearing and migration that are essential to the conservation of this ESU. The

CHART also concluded that agricultural water and municipal water withdrawals, entrainment associated with water diversions, invasive/non-invasive species management, and point and non-point source water pollution could affect these PCEs and that there was a need for special management considerations. Based on all of the available information, the CHART rated this Hydrologic Unit as having high conservation value for the ESU. Based on the CHART's assessment and the original ESA section 4(b)(2) analysis conducted for the proposed rule, this Hydrologic Unit was proposed for designation. We have received no new information warranting a change in this proposal, and, therefore, all occupied habitat in this Hydrologic Unit including the Old River and Paradise Cut channels are included in the final critical habitat designation for this ESU.

Comment 93: One commenter recommended designating critical habitat above major dams in the central valley to ensure these habitats were protected and to encourage implementation of fish passage above these dams.

Response: As part of the proposed critical habitat designation process, the CHART did evaluate many unoccupied areas above dams in the central valley as potential critical habitat, and concluded that some of the reaches above the rim dams "may" be essential for the conservation of steelhead. Although the CHART believes these areas may be essential for conservation, and we recognize the historical importance of many of these areas to steelhead, we believe it is premature to include these unoccupied areas in the final designation for this ESU until ongoing recovery planning efforts provide technical information to support a determination that any such areas are essential to its conservation and recovery. Because these above-dam habitat areas are currently unoccupied and recovery planning efforts do not yet support a determination that any specific areas are essential for the conservation of this ESU, we have not included them in the final critical habitat designation. As recovery planning efforts mature and sufficient information is available to make a determination about whether any of these areas are essential for conservation of this ESU, we will conduct additional rulemaking as appropriate.

Comment 94: Two commenters addressed the issue of designating critical habitat above the Solano Irrigation District Dam on Putah Creek. One commenter argued that habitat between the Solano Irrigation Dam and

Monticello Dam on Putah Creek should be designated as critical habitat for steelhead even though it is unoccupied because: Suitable spawning and rearing habitat exists for steelhead above the dam; providing fish passage is likely to be economically and logistically feasible; and Central Valley steelhead populations are constrained by the lack of accessible habitat. The other commenter argued that this habitat should not be designated because of problems associated with providing passage.

Response: The CHART considered the information provided by these commenters and concluded that the unoccupied area above Solano Irrigation Dam may contain PCEs that would support steelhead and that providing passage would likely be feasible. However, the CHART did not make a determination about whether this above dam area may be essential for the conservation of this ESU. As noted previously, we believe it is premature to include any unoccupied areas above dams in the final critical habitat designation for this ESU until ongoing recovery planning efforts identify those specific unoccupied areas that are essential to its conservation and recovery. Because the habitat above the Solano Irrigation Dam is currently unoccupied and recovery planning efforts do not yet support a determination that this area is essential for the conservation of this ESU, we have not included this area in the final critical habitat designation.

ESU-Specific Comments—Central Valley Spring Run Chinook and Central Valley Steelhead

Comment 95: One commenter argued that west-side tributaries in Glenn County, and in particular Stony Creek, should not be designated as critical habitat for either spring-run Chinook salmon or steelhead because these habitats are unoccupied and water temperatures are too warm to support salmonids.

Response: We disagree with the commenter. The CHART has evaluated the available information, particularly with regard to Stony Creek (HSA 550410), and concluded that this stream is occupied by both spring run Chinook and steelhead. Juvenile spring run Chinook have been consistently documented using Stony Creek as rearing habitat since 2001 (Corwin and Grant, 2004), as well as in previous years (Maslin and McKinney, 1994). Similarly, juvenile steelhead have been periodically documented rearing in Stony Creek (Corwin and Grant, 2004; Maslin and McKinney, 1994). The

CHART also concluded that Stony Creek has PCEs that support both species. Water temperature monitoring from 2001 through 2004 has shown that temperatures in Stony Creek under current operations are generally suitable for adult and juvenile salmonids (below 65 °F) from mid-October through late May. Water temperatures have been found to be suitable for salmonid spawning and incubation (below 56 °F) from mid-November through early May (Corwin and Grant, 2004). Though successful steelhead spawning has not been documented recently in Stony Creek, habitat conditions under current operations are considered marginally suitable to support steelhead reproduction. Because of ongoing restoration actions and ESA section 7 consultations, progress is being made toward improving these habitat conditions, and we expect conditions to continue to improve into the future.

Comment 96: Numerous commenters raised issues concerning the designation of unoccupied and inaccessible habitat in the Yuba River. Several commenters recommended we designate unoccupied stream reaches above major impassable barriers in the Middle, North, and South Fork Yuba Rivers as critical habitat for both ESUs. In contrast, several other commenters recommended we delay any decision to designate unoccupied and inaccessible habitat for both ESUs in the Yuba River above Englebright Dam until the Upper Yuba River Studies Program is completed.

Response: The CHART reviewed information regarding unoccupied habitat above Englebright Dam for the proposed rule and concluded that unoccupied and inaccessible areas above the dam “may” be essential for the conservation of these ESUs. However, we have not made a final determination that these areas are essential to conservation. As noted previously for other unoccupied and inaccessible areas, we believe that it is premature to designate unoccupied areas in the Yuba River above Englebright Dam as critical habitat until ongoing recovery planning efforts identify those specific unoccupied habitat areas in the central valley that are essential to the conservation and recovery of these ESUs. The Upper Yuba River Studies Program is expected to provide relevant information for the recovery planning process of both ESUs, and we intend to await the findings of this program as well as recovery planning efforts before making a determination about whether or not the unoccupied habitat areas in question are essential to the conservation of either ESU. If such a determination is made,

we will undertake the appropriate rulemaking to propose the designation of these areas as critical habitat.

Comment 97: One commenter recommended designating the entire Butte Creek watershed, upstream from the Centerville Diversion Dam, as critical habitat for both the spring run Chinook and steelhead ESUs. Conversely, another commenter argued that we should not designate this unoccupied habitat in Butte Creek because there is no historical information that suggests this habitat was historically occupied by anadromous salmonids, and recent CDFG barrier assessments have concluded that barrier modifications are not desirable because of the high stream gradient and the presence of multiple natural barriers immediately above the Dam.

Response: The CHART reviewed information regarding unoccupied habitat above the Centerville Diversion Dam on Butte Creek for the proposed rule and concluded that this unoccupied and inaccessible habitat “may” be essential for the conservation of both the spring run Chinook and steelhead ESUs. As noted previously for other unoccupied and inaccessible areas above dams, however, we believe that it is premature to designate unoccupied areas in Butte Creek above the Centerville Diversion Dam as critical habitat until ongoing recovery planning efforts identify those specific unoccupied habitat areas in the central valley that are essential to the conservation and recovery of these ESUs. Because the habitat areas above the Centerville Diversion Dam are unoccupied and no final determination has been made that they are essential for conservation of the ESU, they are not included in the final critical habitat designation for these ESUs. If the agency makes such a determination in the future, we will undertake the appropriate rulemaking to designate these areas as critical habitat.

Comment 98: One commenter (CDFG) argued that it is premature to designate unoccupied habitat above Oroville Dam in the upper Feather River as critical habitat for either spring run Chinook or steelhead.

Response: As discussed in other responses, we agree with CDFG. Although the CHART concluded as part of the proposed critical habitat rule that specific unoccupied areas above Oroville Dam “may” be essential for the conservation of spring run Chinook and steelhead, we believe it is premature to make such a determination until ongoing recovery planning efforts in the central valley identify above-dam

unoccupied areas that are essential for conservation of these ESUs. For this reason, unoccupied areas above Oroville Dam are not included in the final designation.

Comment 99: Some commenters indicated that habitat above rim dams on tributaries (Tuolumne, Stanislaus, and Merced) to the San Joaquin River did not contain suitable habitat for either ESU and that the feasibility of passage had not been adequately studied.

Response: The CHART evaluated specific unoccupied and inaccessible stream reaches above rim dams on these San Joaquin River tributaries and concluded that they “may” be essential for the conservation of spring run Chinook and steelhead. However, as discussed previously, we believe it is premature to make such a determination until ongoing recovery planning efforts in the central valley identify above-dam unoccupied areas that are essential for conservation of these ESUs. For this reason, unoccupied areas above these rim dams on the San Joaquin River tributaries are not included in the final designation.

III. Summary of Revisions

We evaluated the comments and new information received on the proposed rule to ensure that they represented the best scientific data available and made a number of general types of changes to the critical habitat designations, including:

(1) We revised distribution maps and related biological assessments based on a final CHART assessment (NMFS, 2005a) of information provided by commenters, peer reviewers, and agency biologists. We also evaluated watersheds that may be low leverage (*i.e.*, unlikely to have an ESA section 7 consultation or where a section 7 consultation, if it did occur, would yield few conservation benefits) and identified several for possible exclusion in the final ESA section 4(b)(2) analysis.

(2) We revised our economic analysis based on information provided by commenters and peer reviewers as well as our own efforts as referenced in the proposed rule. Major changes included assessing new impacts associated with pesticide consultations, revising Federal land consultation costs to take into account wilderness areas, and modifying grazing impacts to more accurately reflect likely project modifications.

(3) We conducted a new ESA section 4(b)(2) analysis based on economic impacts to take into account the above revisions. This resulted in the final exclusion of many of the same

watersheds proposed for exclusion. It also resulted in some areas originally proposed for exclusion not being excluded and some areas proposed for designation now being excluded. The analysis is described further in the 4(b)(2) report (NMFS, 2005c).

(4) We did not conduct an ESA section 4(b)(2) analysis of lands covered by approved HCPs because existing HCP holders did not request exclusion from the critical habitat designation. We did not have sufficient information to conduct this analysis for the vast areas covered by Federal land management plans, but may do so in the future.

The following sections summarize the ESU-specific changes to the proposed

critical habitat rule. These changes are also reflected in final agency reports pertaining to the biological, economic, and policy assessments supporting these designations (NMFS, 2005a; NMFS, 2005b; NMFS, 2005c). We conclude that these changes are warranted based on new information and analyses that constitute the best scientific data available.

ESU Specific Changes—California Coastal Chinook Salmon

The CHART did not change conservation value ratings for any watershed within the geographical area occupied by this ESU. However, based on public comments and new

information reviewed by the CHART, we have identified minor changes to the extent of occupied habitat areas in some watersheds. Also, based on public comments we have added a migratory corridor in one watershed (HSA 111171) that was proposed to be fully excluded in order to provide connectivity between the ocean and an upstream watershed of high conservation value. Additionally, as a result of revised economic data for this ESU and our final ESA section 4(b)(2) analysis, we are excluding all occupied habitat in two watersheds that were previously proposed for designation (HSAs 111350 and 111423). Table 1 summarizes the specific changes made for this ESU.

TABLE 1.—ESU SPECIFIC CHANGES—CALIFORNIA COASTAL CHINOOK SALMON

Hydrologic unit	HSA watershed code	HSA watershed name	Changes from proposed rule
Trinidad	110810	Big Lagoon	Removed 0.7 mi (1.1 km) of occupied habitat area.
Trinidad	110820	Little River—Albion—Big Salmon	Added 1.2 miles (1.9 km) of occupied habitat area.
Mad River	110920	NF Mad River	Removed 0.8 miles (1.3 km) of occupied habitat area.
Mad River	110930	Butler Valley	Added 1.0 mile (1.6 km) of occupied habitat area.
Eel River	111171	Eden Valley	Excluded tributaries from final designation and retained migratory corridor.
Mendocino Coast	111350	Navarro River	Excluded all occupied habitat from final designation
Russian River	111423	Mark West	Excluded all occupied habitat from final designation.

ESU Specific Changes—Northern California Steelhead

The CHART did not change conservation value ratings for any watershed within the geographical area occupied by this ESU. However, based

on public comments and new information reviewed by the CHART, we have identified changes to the extent of occupied habitat areas in 13 watersheds. As a result of revised economic data for this ESU and our final ESA section 4(b)(2) analysis, we

did not make any changes to the areas that were previously proposed for designation or identify any new areas for exclusion in the final designation. Table 2 summarizes the specific changes made for this ESU.

TABLE 2.—ESU SPECIFIC CHANGES—NORTHERN CALIFORNIA STEELHEAD

Hydrologic unit	HSA watershed code	HSA watershed name	Changes from proposed rule
Redwood Creek	110720	Beaver	Removed 0.7 mi (1.1 km) of occupied habitat area.
Trinidad	110810	Big Lagoon	Added 0.3 mi (0.5 km) of occupied habitat area.
Trinidad	110820	Little River	Added 2.9 mi (4.7 km) of occupied habitat areas.
Mad River	110930	Butler Valley	Removed 0.4 mi (0.6 km) of occupied habitat area.
Eureka Plain	111000	Eureka Plain	Removed 0.8 mi (1.3 km) of occupied habitat area.
Eel River	111132	Benbow	Removed 0.7 mi (1.1 km) of occupied habitat area.
Eel River	111133	Laytonville	Removed 0.8 mi (1.3 km) of occupied habitat area.
Mendocino Coast	111311	Usal Creek	Removed 5.6 mi (9.0 km) of Coast occupied habitat areas.
Mendocino Coast	111312	Wages Creek	Removed 0.5 mi (0.8 km) of occupied habitat area.
Mendocino Coast	111313	Ten Mile Creek	Removed 7.6 mi (12.2 km) of occupied habitat area.
Mendocino Coast	111320	Noyo River	Removed 0.9 mi (1.4 km) of occupied habitat area
Mendocino Coast	111330	Big River	Removed 0.3 mi (0.5 km) of occupied habitat area.
Mendocino Coast	111340	Albion River	Removed 1.2 mi (1.9 km) of occupied habitat area.

ESU Specific Changes—Central California Coast Steelhead

The CHART did not change the conservation value of any occupied watersheds within the geographical area occupied by this ESU. Occupied habitat

was added to one watershed (220320) because of a mapping error in the proposed rule and to another watershed (220550) based on public comments and new information received by the CHART. The Upper Alameda Creek

watershed (220430) was removed from the final designation because it is occupied only by resident *O. mykiss*, and a final listing determination for this life form will not be made until December 2005 (70 FR 37219; June 28,

2005). As a result of this change, portions of the migratory corridor to upper Alameda Creek were also removed from two watersheds (220420 and 220520) in the final designation. As

a result of revised economic data for this ESU and our final ESA section 4(b)(2) analysis, we are excluding all occupied habitat areas in two watersheds that were not previously proposed for

designation (111421 and 220722). Table 3 summarizes the specific changes made for this ESU.

TABLE 3.—ESU SPECIFIC CHANGES—CENTRAL CALIFORNIA COAST STEELHEAD

Hydrologic unit	HSA watershed code	HSA watershed name	Changes from proposed rule
Russian River	111421	Laguna De Santa Rosa	Excluded all occupied habitat from final designation.
Bay Bridges	220320	San Rafael	Added 6.4 mi (10.3 km) of occupied habitat area (Arroyo Core Madera del Presidio).
South Bay	220420	Eastbay Cities	Removed 8.6 mi (13.8 km) migratory corridor to Upper Alameda Creek watershed (220430).
South Bay	220430	Upper Alameda Creek	Removed all occupied habitat (99.0 mi, or 159 km) from final designation.
Santa Clara	220520	Fremont Bayside	Removed portion of migratory corridor (1.0 mi, or 1.6 km) to Upper Alameda Creek watershed (220430).
Santa Clara	220550	Palo Alto	Added 1.9 mi (3.0 km) of occupied habitat area (San Francisquito Creek tributaries).
Suisun	220722	Suisun Creek	Excluded all occupied habitat area from final designation.

ESU Specific Changes—South-Central California Steelhead

The CHART did not change the conservation value rating for any watershed within the geographical area occupied by this ESU, nor were there any changes to the extent of occupied habitat areas. As a result of revised economic data for this ESU and our final ESA section 4(b)(2) analysis, we did not make any changes to the areas that were previously proposed for designation or identify any new areas for exclusion.

ESU Specific Changes—Southern California Steelhead

The CHART did not change the conservation value ratings for any of the occupied watersheds within the geographical area occupied by this ESU. However, based on information from the public comments and agency biologists and reviewed by the CHART, several watershed units (490121, 490122, 490125, 490126, and 490128) were determined to be unoccupied and, because we had not made a determination that they were essential to the conservation of the ESU, were not considered eligible for designation or considered in the final ESA section

4(b)(2) analysis for this final designation. These watershed units were located in the San Juan Creek/ Trabuco Creek watershed in the southern portion of the range of the ESU. Also, based on public comments and other information reviewed by the CHART, we have identified several changes to the extent of occupied habitat in a number of watersheds. Based on the revised economic data for this ESU and our final ESA section 4(b)(2) analysis, we did not make any changes to the watershed areas that were previously proposed for designation. Table 4 summarizes the specific changes made for this ESU.

TABLE 4.—ESU SPECIFIC CHANGES—SOUTHERN CALIFORNIA STEELHEAD

Hydrologic unit	HSA watershed code	HSA watershed/area name	Changes from proposed rule
Santa Ynez	331440	Santa Ynez to Bradbury	Removed 24.0 mi (38.6 km) of occupied tributary habitat area to the Santa Ynez River (Alamo Pintado and Santa Aguedo Creeks).
South Coast	331534	Carpenteria	Removed 0.8 mi (1.3 km) of occupied habitat (Santa Monica estuary).
Ventura River	440232	Thatcher	Removed 20.9 mi (33.6 km) of occupied tributary habitat area (San Antonio Creek and tributaries).
Santa Clara—Calleguas	440331	Sespe—Santa Clara	Removed 5.4 mi (8.7 km) of occupied habitat area (Pole Creek).
San Juan	490121	Trabuco	Changed to unoccupied. Removed small amount of occupied habitat area (Trabuco Creek).
San Juan	490122	Upper Trabuco	Changed to unoccupied. Removed 7.7 mi (12.4 km) of occupied habitat area (Trabuco Creek).
San Juan	490123	Middle Trabuco	Removed 12.4 mi (20.0 km) of occupied habitat area (Trabuco Creek).
San Juan	490125	Upper San Juan	Changed to unoccupied. Removed 12.5 mi (20.1 km) of occupied habitat area (San Juan Creek).
San Juan	490126	Mid upper San Juan	Changed to unoccupied. Removed 3.8 mi (6.1 km) of occupied habitat area (San Juan Creek).
San Juan	490128	Middle San Juan	Changed to unoccupied. Removed 3.4 mi (5.5 km) of occupied habitat area (San Juan Creek).

TABLE 4.—ESU SPECIFIC CHANGES—SOUTHERN CALIFORNIA STEELHEAD—Continued

Hydrologic unit	HSA watershed code	HSA watershed/area name	Changes from proposed rule
San Juan	490140	San Mateo	Removed 4.9 mi (7.9 km) of occupied habitat (Devil Creek).

ESU Specific Changes—Central Valley Spring Run Chinook Salmon

Based on information provided in the public comments and new information reviewed by the CHART, one watershed was changed from occupied to unoccupied (550731), one was changed from unoccupied to occupied and rated as having a high conservation value to

the ESU (551510), and one watershed was changed from a medium to a high conservation value (551921). Also, based on public comments and new information reviewed by the CHART, we have identified relatively minor changes to the extent of occupied habitat in some watersheds. Based on the results of the revised economic data for this ESU and our final ESA section

4(b)(2) analysis, we are excluding all occupied habitat areas in one watershed (551720) that were previously proposed for designation, and designating all occupied habitat areas in a second watershed (551921) that were previously proposed for exclusion. Table 5 summarizes the specific changes made for this ESU.

TABLE 5.—ESU SPECIFIC CHANGES—CENTRAL VALLEY SPRING RUN CHINOOK

Hydrologic unit	HSA watershed code	HSA Watershed name	Changes from proposed rule
Whitmore	550731	South Cow Creek	Changed from occupied to unoccupied. Removed 10.3 mi (16.6 km) of occupied habitat area.
Redding	550810	Enterprise Flat	Minor changes in distribution. No net change in occupied mi of habitat area.
Marysville	551510	Lower Bear River	Changed from unoccupied to occupied. Added 5.1 mi (8.2 km) of occupied habitat area. Rated as high in conservation value and included all occupied habitat in the final designation.
Yuba River	551720	Nevada City	Excluded all occupied habitat from final designation.
Valley-American	551921	Lower American	Changed conservation value from medium to high and included all occupied habitat in the final designation.

ESU Specific Changes—Central Valley Steelhead

Based on information provided in the public comments and new information reviewed by the CHART, the conservation value of two watersheds (551510 and 552110) within the geographical range of this ESU was

changed from low to medium. Additionally, based on public comments and new information reviewed by the CHART, we have identified changes to the extent of occupied habitat areas in two watersheds. As a result of the revised economic data for this ESU and our final ESA section 4(b)(2) analysis, we

are excluding all occupied habitat areas in two watersheds (550964 and 552435) proposed for designation and designating all occupied areas in two other watersheds (551510 and 552110) that were previously proposed for exclusion. Table 6 summarizes the specific changes made for this ESU.

TABLE 6.—ESU SPECIFIC CHANGES—CENTRAL VALLEY STEELHEAD

Hydrologic unit	HSA watershed code	HSA Watershed name	Changes from proposed rule
Redding	550810	Enterprise Flat	Added 5.7 mi (9.2 km) of occupied habitat area (several tributaries).
Eastern Tehama	550964	Paynes Creek	Excluded all occupied habitat Tehama from the final designation.
Marysville	551510	Lower Bear River	Changed conservation value from low to medium. Included all occupied habitat in the final designation.
Butte Creek	552110	Upper Dry Creek	Changed conservation value from low to medium. Included all occupied habitat in the final designation.
Shasta Bally	552435	Ono	Excluded all occupied habitat from the final designation.
Shasta Bally	552440	Spring Creek	Removed 3.1 mi (5.0 km) of occupied habitat area.

IV. Methods and Criteria Used To Designate Critical Habitat

The following sections describe the relevant definitions and guidance found in the ESA and our implementing regulations, and the key methods and criteria we used to make these final critical habitat designations after incorporating, as appropriate, comments and information received on the proposed rule. Section 4 of the ESA (16 U.S.C. 1533(b)(2)) and our regulations at 50 CFR 424.12(a) require that we designate critical habitat, and make revisions thereto, "on the basis of the best scientific data available."

Section 3 of the ESA (16 U.S.C. 1532(5)) defines critical habitat as "(i) the specific areas within the geographical area occupied by the species, at the time it is listed * * * on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed upon a determination by the Secretary that such areas are essential for the conservation of the species." Section 3 of the ESA (16 U.S.C. 1532(3)) also defines the terms "conserve," "conserving," and "conservation" to mean "to use, and the use of, all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary."

Pursuant to our regulations, when designating critical habitat we consider the following requirements of the species: (1) Space for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for breeding, reproduction, or rearing of offspring; and, generally, (5) habitats that are protected from disturbance or are representative of the historical geographical and ecological distributions of the species (see 50 CFR 424.12(b)). In addition to these factors, we also focus on the known physical and biological features (primary constituent elements or PCEs) within the occupied areas that are essential to the conservation of the species and that may require special management considerations or protection. Both the ESA and our regulations, in recognition of the divergent biological needs of species, establish criteria that are fact specific rather than "one size fits all."

Our regulations state that, "The Secretary shall designate as critical habitat areas outside the geographic area presently occupied by the species only when a designation limited to its present range would be inadequate to ensure the conservation of the species" (50 CFR 424.12(e)). Accordingly, when the best available scientific and commercial data do not demonstrate that the conservation needs of the species so require, we will not designate critical habitat in areas outside the geographic area occupied by the species.

Section 4 of the ESA requires that before designating critical habitat we must consider the economic impacts, impacts on national security, and other relevant impacts of specifying any particular area as critical habitat, and the Secretary may exclude any area from critical habitat if the benefits of exclusion outweigh the benefits of inclusion, unless excluding an area from critical habitat will result in the extinction of the species concerned. Once critical habitat for a salmon or steelhead ESU is designated, section 7(a)(2) of the ESA requires that each Federal agency shall, in consultation with and with the assistance of NMFS, ensure that any action authorized, funded or carried out by such agency is not likely to result in the destruction or adverse modification of critical habitat.

Salmon Life History

Pacific salmon are anadromous fish, meaning adults migrate from the ocean to spawn in freshwater lakes and streams where their offspring hatch and rear prior to migrating back to the ocean to forage until maturity. The migration and spawning times vary considerably across and within species and populations (Groot and Margolis, 1991). At spawning, adults pair to lay and fertilize thousands of eggs in freshwater gravel nests or "redds" excavated by females. Depending on lake/stream temperatures, eggs incubate for several weeks to months before hatching as "alevins" (a larval life stage dependent on food stored in a yolk sac). Following yolk sac absorption, alevins emerge from the gravel as young juveniles called "fry" and begin actively feeding. Depending on the species and location, juveniles may spend from a few hours to several years in freshwater areas before migrating to the ocean. The physiological and behavioral changes required for the transition to salt water result in a distinct "smolt" stage in most species. On their journey juveniles must migrate downstream through every riverine and estuarine corridor between their natal lake or stream and the ocean. For example, smolts from Idaho will

travel as far as 900 miles (1,448 km) from the inland spawning grounds. En route to the ocean the juveniles may spend from a few days to several weeks in the estuary, depending on the species. The highly productive estuarine environment is an important feeding and acclimation area for juveniles preparing to enter marine waters.

Juveniles and subadults typically spend from 1 to 5 years foraging over thousands of miles in the North Pacific Ocean before returning to spawn. Some species, such as coho and Chinook salmon, have precocious life history types (primarily male fish known as "jacks") that mature and spawn after only several months in the ocean. Spawning migrations known as "runs" occur throughout the year, varying by species and location. Most adult fish return or "home" with great fidelity to spawn in their natal stream, although some do stray to non-natal streams. Salmon species die after spawning, except anadromous *O. mykiss* (steelhead), which may return to the ocean and make one or more repeat spawning migrations. This complex life cycle gives rise to complex habitat needs, particularly during the freshwater phase (see review by Spence *et al.*, 1996). Spawning gravels must be of a certain size and free of sediment to allow successful incubation of the eggs. Eggs also require cool, clean, and well-oxygenated waters for proper development. Juveniles need abundant food sources, including insects, crustaceans, and other small fish. They need places to hide from predators (mostly birds and bigger fish), such as under logs, root wads and boulders in the stream, and beneath overhanging vegetation. They also need places to seek refuge from periodic high flows (side channels and off channel areas) and from warm summer water temperatures (coldwater springs and deep pools). Returning adults generally do not feed in fresh water but instead rely on limited energy stores to migrate, mature, and spawn. Like juveniles, they also require cool water and places to rest and hide from predators. During all life stages salmon require cool water that is free of contaminants. They also require rearing and migration corridors with adequate passage conditions (water quality and quantity available at specific times) to allow access to the various habitats required to complete their life cycle.

The homing fidelity of salmon has created a metapopulation structure with distinct populations distributed among watersheds (McElhany *et al.*, 2000). Low levels of straying result in regular genetic exchange among populations,

creating genetic similarities among populations in adjacent watersheds. Maintenance of the metapopulation structure requires a distribution of populations among watersheds where environmental risks (e.g., from landslides or floods) are likely to vary. It also requires migratory connections among the watersheds to allow for periodic genetic exchange and alternate spawning sites in the case that natal streams are inaccessible due to natural events such as a drought or landslide. More detailed information describing habitat and life history characteristics of the ESUs is contained in the proposed rule (69 FR 71880; December 10, 2004), agency status reviews for each ESU, technical recovery team products, and in a biological report supporting these designations (NMFS, 2005a).

Identifying the Geographical Area Occupied by the Species and Specific Areas Within the Geographical Area

In past critical habitat designations, we had concluded that the limited availability of species distribution data prevented mapping salmonid critical habitat at a scale finer than occupied river basins (65 FR 7764; February 16, 2000). Therefore, the 2000 designations defined the "geographical area occupied by the species, at the time of listing" as all accessible river reaches within the current range of the listed species.

In the proposed rule we described in greater detail that since the previous designations in 2000, we can now be somewhat more precise about the "geographical area occupied by the species" because of efforts by agency biologists, in coordination with Federal and state co-managers, to compile information and map actual species distribution at the level of stream reaches. Moreover, much of the available data can now be accessed and analyzed using geographic information systems (GIS) to produce consistent and fine-scale maps. The current mapping effort for these ESUs documents fish presence and identifies occupied stream reaches where the species has been observed. It also identifies stream reaches where the species is presumed to occur based on the professional judgment of biologists familiar with the watershed. We made use of these finer-scale data for the current critical habitat designations, and we now believe that they enable a more accurate delineation of the "geographical area occupied by the species" referred to in the ESA definition of critical habitat.

We are now also able to identify "specific areas" (ESA section 3(5)(a)) and "particular areas" (ESA section 4(b)(2)) at a finer scale than in 2000. As

described in the proposed rule, we have used the State of California's CALWATER watershed classification system, which is similar to the USGS watershed classification system that was used for salmonid critical habitat designations in the Northwest. This information is now generally available via the internet, and we have expanded our GIS resources to use these data. We used the CALWATER Hydrologic Subarea (HSA) unit (which is generally similar in size to USGS HUC5s) to organize critical habitat information systematically and at a scale that, while somewhat broad geographically, is applicable to the spatial distribution of salmon. Organizing information at this scale is especially relevant to salmonids, since their innate homing ability allows them to return to the watersheds where they were born. Such site fidelity results in spatial aggregations of salmonid populations that generally correspond to the area encompassed by HSA watersheds or aggregations of these watersheds.

The CALWATER system maps watershed units as polygons, bounding a drainage area from ridge-top to ridge-top, encompassing streams, riparian areas and uplands. Within the boundaries of any HSA watershed, there are stream reaches not occupied by the species. Land areas within the CALWATER HSA boundaries are also generally not "occupied" by the species (though certain areas such as flood plains or side channels may be occupied at some times of some years). We used the watershed boundaries as a basis for aggregating occupied stream reaches, for purposes of delineating "specific" areas at a scale that often corresponds well to salmonid population structure and ecological processes. This designation refers to the occupied stream reaches within the watershed boundary as the "habitat area" to distinguish it from the entire area encompassed by the watershed boundary. Each habitat area was reviewed by the CHARTs to verify occupation, PCEs, and special management considerations (see "Critical Habitat Analytical Review Teams" section below).

The watershed-scale aggregation of stream reaches also allowed us to analyze the impacts of designating a "particular area," as required by ESA section 4(b)(2). As a result of watershed processes, many activities occurring in riparian or upland areas and in non-fish-bearing streams may affect the physical or biological features essential to conservation in the occupied stream reaches. The watershed boundary thus describes an area in which Federal activities have the potential to affect

critical habitat (Spence *et al.*, 1996). Using watershed boundaries for the economic analysis ensured that all potential economic impacts were considered. Section 3(5) defines critical habitat in terms of "specific areas," and section 4(b)(2) requires the agency to consider certain factors before designating "particular areas." In the case of Pacific salmonids, the biology of the species, the characteristics of its habitat, the nature of the impacts and the limited information currently available at finer geographic scales made it appropriate to consider "specific areas" and "particular areas" as the same unit.

Occupied estuarine areas were also considered in the context of defining "specific areas." In our proposed rule we noted that estuarine areas are crucial for juvenile salmonids, given their multiple functions as areas for rearing/feeding, freshwater-saltwater acclimation, and migration (Simenstad *et al.*, 1982; Marriott *et al.*, 2002). The San Francisco Bay estuary complex consists of five CALWATER HSA watershed units that are separate from upstream freshwater habitats that drain into the estuarine complex, and these units were analyzed separately. Some other small estuaries did not correspond to HSA watershed units nor were they part of defined HSA watershed units, and so we defined specific polygons which were analyzed separately. In all occupied estuarine areas we were able to identify physical or biological features essential to the conservation of the species, and that may require special management considerations or protection. For those estuarine areas designated as critical habitat we are again delineating them in similar terms to our past designations, as being defined by a line connecting the furthest land points at the estuary mouth.

In previous designations of salmonid critical habitat we did not designate offshore marine areas. In the Pacific Ocean, we concluded that there may be essential habitat features, but we could not identify any special management considerations or protection associated with them as required under section 3(5)(A)(i) of the ESA (65 FR 7776; February 16, 2000). Since that time we have carefully considered the best available scientific information, and related agency actions, such as the designation of Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act. In contrast to estuarine areas, we conclude that it is not possible to identify "specific areas" in the Pacific Ocean that contain essential features for salmonids. Also, links between human

activity, habitat conditions and impacts to listed salmonids are less direct in offshore marine areas. Perhaps the closest linkage exists for salmon prey species that are harvested commercially (e.g., Pacific herring) and, therefore, may require special management considerations or protection. However, because salmonids are opportunistic feeders we could not identify "specific areas" where these or other essential features are found within this vast geographic area occupied by salmon and steelhead. Moreover, prey species move or drift great distances throughout the ocean and would be difficult to link to any "specific" areas. Therefore, we are not designating critical habitat in offshore marine areas. We requested comment on this issue in our proposed rule but did not receive comments or information that would change our conclusion.

Primary Constituent Elements

In determining what areas are critical habitat, agency regulations at 50 CFR 424.12(b) require that we must "consider those physical or biological features that are essential to the conservation of a given species * * *, including space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, and rearing of offspring; and habitats that are protected from disturbance or are representative of the historical geographical and ecological distribution of a species." The regulations further direct us to "focus on the principal biological or physical constituent elements * * * that are essential to the conservation of the species," and specify that the "known primary constituent elements shall be listed with the critical habitat description." The regulations identify primary constituent elements (PCEs) as including, but not limited to: "roost sites, nesting grounds, spawning sites, feeding sites, seasonal wetland or dryland, water quality or quantity, host species or plant pollinator, geological formation, vegetation type, tide, and specific soil types."

NMFS biologists developed a list of PCEs that are essential to the species' conservation and based on the unique life history of salmon and steelhead and their biological needs (Hart, 1973; Beauchamp *et al.*, 1983; Laufle *et al.*, 1986; Pauley *et al.*, 1986, 1988, and 1989; Groot and Margolis, 1991; Spence *et al.*, 1996). Guiding the identification of PCEs was a decision matrix we developed for use in ESA section 7

consultations (NMFS, 1996) which describes general parameters and characteristics of most of the essential features under consideration in this critical habitat designation. We identified these PCEs and requested comment on them in the ANPR (68 FR 55931; September 29, 2003) and proposed rule (69 FR 74636; December 14, 2005) but did not receive information to support changing them. The ESUs addressed in this final rule share many of the same rivers and estuaries and have similar life history characteristics and, therefore, many of the same PCEs. These PCEs include sites essential to support one or more life stages of the ESU (sites for spawning, rearing, migration and foraging). These sites in turn contain physical or biological features essential to the conservation of the ESU (for example, spawning gravels, water quality and quantity, side channels, forage species). The specific PCEs include:

1. Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development. These features are essential to conservation because without them the species cannot successfully spawn and produce offspring.
2. Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks. These features are essential to conservation because without them juveniles cannot access and use the areas needed to forage, grow, and develop behaviors (e.g., predator avoidance, competition) that help ensure their survival.
3. Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival. These features are essential to conservation because without them juveniles cannot use the variety of habitats that allow them to avoid high flows, avoid predators, successfully compete, begin the behavioral and physiological changes needed for life in the ocean, and reach the ocean in a timely manner. Similarly, these features are essential for adults because they allow fish in a non-feeding condition to successfully swim

upstream, avoid predators, and reach spawning areas on limited energy stores.

4. Estuarine areas free of obstruction with water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels; and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation. These features are essential to conservation because without them juveniles cannot reach the ocean in a timely manner and use the variety of habitats that allow them to avoid predators, compete successfully, and complete the behavioral and physiological changes needed for life in the ocean. Similarly, these features are essential to the conservation of adults because they provide a final source of abundant forage that will provide the energy stores needed to make the physiological transition to fresh water, migrate upstream, avoid predators, and develop to maturity upon reaching spawning areas.

5. Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels. As in the case with freshwater migration corridors and estuarine areas, nearshore marine features are essential to conservation because without them juveniles cannot successfully transition from natal streams to offshore marine areas.

6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation. These features are essential for conservation because without them juveniles cannot forage and grow to adulthood. However, for the reasons stated previously in this document, it is difficult to identify specific areas containing this PCE as well as human activities that may affect the PCE condition in those areas. Therefore, we have not designated any specific areas based on this PCE but instead have identified it because it is essential to the species' conservation and specific offshore areas may be identified in the future (in which case any designation would be subject to separate rulemaking).

The occupied habitat areas designated in this final rule contain PCEs required to support the biological processes for

which the species use the habitat. The CHARTs verified this for each watershed/nearshore zone by relying on the best available scientific data (including species distribution maps, watershed analyses, and habitat surveys) during their review of occupied areas and resultant assessment of area conservation values (NMFS, 2005a). The contribution of the PCEs varies by site and biological function such that the quality of the elements may vary within a range of acceptable conditions. The CHARTs took this variation into account when they assessed the conservation value of an area.

Special Management Considerations or Protections

An occupied area cannot be designated as critical habitat unless it contains physical and biological features that “may require special management considerations or protection.” Agency regulations at 424.02(j) define “special management considerations or protection” to mean “any methods or procedures useful in protecting physical and biological features of the environment for the conservation of listed species.”

As part of the biological assessment described below under “Critical Habitat Analytical Review Teams,” teams of biologists examined each habitat area to determine whether the physical or biological features may require special management consideration. These determinations are identified for each area in the CHART report (NMFS, 2005a). In the case of salmon and steelhead, the CHARTs identified a variety of activities that threaten the physical and biological features essential to listed salmon and steelhead (see review by Spence *et al.*, 1996), including: (1) Forestry; (2) grazing and other associated rangeland activities; (3) agriculture; (4) road building/maintenance; (5) channel modifications/diking/stream bank stabilization; (6) urbanization; (7) sand and gravel mining; (8) mineral mining; (9) dams; (10) irrigation impoundments and withdrawals; (11) wetland loss/removal; (12) exotic/invasive species introductions; and (13) impediments to migration. In addition to these, the harvest of salmonid prey species (*e.g.*, forage fishes such as herring, anchovy, and sardines) may present another potential habitat-related management activity (Pacific Fishery Management Council, 1999).

Unoccupied Areas

ESA section 3(5)(A)(ii) defines critical habitat to include “specific areas outside the geographical area occupied”

if the areas are determined by the Secretary to be “essential for the conservation of the species.” NMFS regulations at 50 CFR 424.12(e) emphasize that we “shall designate as critical habitat areas outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species.” The CHARTs did identify several unoccupied areas above dams that may be essential for the conservation of specific ESUs, primarily within the historical range of the Central Valley spring run Chinook, Central Valley steelhead, and Southern California steelhead ESUs (see proposed rule; 69 FR 71880; December 10, 2004); however, we are not designating unoccupied areas at this time. Though it is not possible to conclude at this time that any of these historically occupied areas warrant designation, we believe it is useful to signal to the public that these specific areas may be considered for possible designation in the future. However, any designation of unoccupied areas would be based on the required determination that such area is essential for the conservation of an ESU and would be subject to separate rulemaking with the opportunity for notice and comment.

Lateral Extent of Critical Habitat

In past designations we have described the lateral extent of critical habitat in various ways ranging from fixed distances to “functional” zones defined by important riparian functions (65 FR 7764; February 16, 2000). Both approaches presented difficulties, and this was highlighted in several comments (most of which requested that we focus on aquatic areas only) received in response to the ANPR (68 FR 55926; September 29, 2003). Designating a set riparian zone width will (in some places) accurately reflect the distance from the stream on which PCEs might be found, but in other cases may over- or understate the distance. Designating a functional buffer avoids that problem, but makes it difficult for Federal agencies to know in advance what areas are critical habitat. To address these issues we are proposing to define the lateral extent of designated critical habitat as the width of the stream channel defined by the ordinary high-water line as defined by the COE in 33 CFR 329.11. This approach is consistent with the specific mapping requirements described in agency regulations at 50 CFR 424.12(c). In areas for which ordinary high-water has not been defined pursuant to 33 CFR 329.11, the width of the stream channel shall be

defined by its bankfull elevation. Bankfull elevation is the level at which water begins to leave the channel and move into the floodplain (Rosgen, 1996) and is reached at a discharge which generally has a recurrence interval of 1 to 2 years on the annual flood series (Leopold *et al.*, 1992). Such an interval is commensurate with nearly all of the juvenile freshwater life phases of most salmon and steelhead ESUs. Therefore, it is reasonable to assert that for an occupied stream reach this lateral extent is regularly “occupied”. Moreover, the bankfull elevation can be readily discerned for a variety of stream reaches and stream types using recognizable water lines (*e.g.*, marks on rocks) or vegetation boundaries (Rosgen, 1996).

As underscored in previous critical habitat designations, the quality of aquatic habitat within stream channels is intrinsically related to the adjacent riparian zones and floodplain, to surrounding wetlands and uplands, and to non-fish-bearing streams above occupied stream reaches. Human activities that occur outside the stream can modify or destroy physical and biological features of the stream. In addition, human activities that occur within and adjacent to reaches upstream (*e.g.*, road failures) or downstream (*e.g.*, dams) of designated stream reaches can also have demonstrable effects on physical and biological features of designated reaches.

In estuarine areas we believe that extreme high water is the best descriptor of lateral extent. We are designating the area inundated by extreme high tide because it encompasses habitat areas typically inundated and regularly occupied during the spring and summer when juvenile salmon are migrating in the nearshore zone and relying heavily on forage, cover, and refuge qualities provided by these occupied habitats. As noted above for stream habitat areas, human activities that occur outside the area inundated by extreme or ordinary high water can modify or destroy physical and biological features of the nearshore habitat areas, and Federal agencies must be aware of these important habitat linkages as well.

Military Lands

The Sikes Act of 1997 (Sikes Act) (16 U.S.C. 670a) required each military installation that includes land and water suitable for the conservation and management of natural resources to complete, by November 17, 2001, an INRMP. An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found there. Each INRMP includes: an assessment of the

ecological needs on the installation, including the need to provide for the conservation of listed species; a statement of goals and priorities; a detailed description of management actions to be implemented to provide for these ecological needs; and a monitoring and adaptive management plan. Among other things, each INRMP must, to the extent appropriate and applicable, provide for fish and wildlife management, fish and wildlife habitat enhancement or modification, wetland protection, enhancement, and restoration where necessary to support fish and wildlife and enforcement of applicable natural resource laws.

The National Defense Authorization Act for Fiscal Year 2004 (Pub. L. No. 108-136) amended the ESA to address designation of military lands as critical habitat. Specifically, section 4(a)(3)(B)(i) of the ESA (16 U.S.C. 1533(a)(3)(B)(i)) now provides: "The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation."

To address this new provision we contacted the DOD and requested information on all INRMPs that might benefit Pacific salmon. In response to the ANPR (68 FR 55926; September 29, 2003) we had already received a letter from the U.S. Marine Corps regarding this and other issues associated with a possible critical habitat designation on its facilities in the range of the Southern California Steelhead ESU. In response to our request, the military services identified 25 installations in California with INRMPs in place or under development. Based on information provided by the military, as well as GIS analysis of fish distributional information compiled by NMFS' Southwest Region (NMFS, 2004b; NMFS, 2005a) and land use data, we determined that the following facilities with INRMPs overlap with habitat areas under consideration for critical habitat designation in California: (1) Camp Pendleton Marine Corps Base; (2) Vandenberg Air Force Base; (3) Camp San Luis Obispo; (4) Camp Roberts; and (5) Mare Island Army Reserve Center. Two additional facilities are adjacent to, but do not overlap with, habitat areas under consideration for critical habitat in California: (1) Naval Weapons Station, Seal Beach/Concord Detachment; and (2) Point Mugu Naval

Air Station. None of the remaining facilities with INRMPs in place overlapped with or were adjacent to habitat under consideration for critical habitat based on the information available to us. All of these INRMPs are final except for the Vandenberg Air Force Base INRMP, which is expected to be finalized in the near term.

We identified habitat of value to listed salmonids in each INRMP and reviewed these plans, as well as other information available regarding the management of these military lands. Our review indicates that each of these INRMPs addresses habitat for salmonids, and all contain measures that provide benefits to ESA-listed salmon and steelhead. Examples of the types of benefits include actions that control erosion, protect riparian zones, minimize stormwater and construction impacts, reduce contaminants, and monitor listed species and their habitats. As a result of our review, we have determined that the final INRMPs and the draft INRMP for Vandenberg Air Force Base provide a benefit to the species for which critical habitat is proposed for designation, and, therefore, we are not designating critical habitat in those areas. Also, we have received information from the Vandenberg Air Force Base and Camp Pendleton Marine Corps Base identifying national security impacts to their operations from critical habitat designation. Our consideration of such impacts is separate from our assessment of INRMPs, but serves as an independent and sufficient basis for our determination not to designate those areas as critical habitat.

Critical Habitat Analytical Review Teams

To assist in the designation of critical habitat, we convened several CHARTs organized by major geographic domains that roughly correspond to salmon recovery planning domains in California. The CHARTs consisted of NMFS fishery biologists from the Southwest Region with demonstrated expertise regarding salmonid habitat and related protective efforts within the domain. The CHARTs were tasked with compiling and assessing biological information pertaining to areas under consideration for designation as critical habitat. Each CHART worked closely with GIS specialists to develop maps depicting the spatial distribution of habitat occupied by each ESU and the use of occupied habitat on stream hydrography at a scale of 1:100,000. The CHARTs also reconvened to review the public comments and any new information regarding the ESUs and habitat in their domain.

The CHARTs examined each habitat area within the watershed to determine whether the stream reaches or lakes occupied by the species contain the physical or biological features essential to conservation. As noted previously, the CHARTs also relied on their experience conducting ESA section 7 consultations and existing management plans and protective measures to determine whether these features may require special management considerations or protection.

In addition to occupied areas, the definition of critical habitat also includes unoccupied areas if we determine that area is essential for conservation of a species. Accordingly the CHARTs were also asked whether there were any unoccupied areas within the historical range of the ESUs that may be essential for conservation. For the seven ESUs addressed in this rulemaking, the CHARTs did not have sufficient information that would allow them to conclude that specific unoccupied areas were essential for conservation; however, in many cases they were able to identify areas they believed may be determined essential through future recovery planning efforts. These were described in the proposed critical habitat designation rule (69 FR 71880).

The CHARTs were next asked to determine the relative conservation value of each occupied HSA watershed area for each ESU. The CHARTs scored each habitat area based on several factors related to the quantity and quality of the physical and biological features. They next considered each area in relation to other areas and with respect to the population occupying that area. Based on a consideration of the raw scores for each area, and a consideration of that area's contribution in relation to other areas and in relation to the overall population structure of the ESU, the CHARTs rated each habitat area as having a "high," "medium," or "low" conservation value. The preliminary CHART ratings were reviewed by several state and tribal co-managers in advance of the proposed rule and the CHARTs made needed changes prior to that rule. State co-managers also evaluated our proposed rule and provided comments and new information which were also reviewed and incorporated as needed by the CHARTs in the preparation of the final designations.

The rating of habitat areas as having a high, medium, or low conservation value provided information useful to inform the Secretary's exercise of discretion in balancing whether the benefits of exclusion outweigh the

benefits of designation in ESA section 4(b)(2). The higher the conservation value for an area, the greater may be the likely benefit of the ESA section 7 protections. We recognized that the “benefit of designation” would also depend on the likelihood of a consultation occurring and the improvements in species’ conservation that may result from changes to proposed Federal actions. To address this concern, we developed a profile for a “low leverage” watershed—that is, a watershed where it was unlikely there would be a section 7 consultation, or where a section 7 consultation, if it did occur, would yield few conservation benefits. For watersheds not meeting the “low leverage” profile, we considered their conservation rating to be a fair assessment of the benefit of designation, for purposes of our cost-effectiveness framework (NMFS 2005c). For watersheds meeting the “low leverage” profile, we considered the benefit of designation to be an increment lower than the conservation rating. For example, therefore, a watershed with a “high” conservation value but “low leverage” was considered to have a “medium” benefit of designation, and so forth. We then applied the dollar thresholds for exclusion appropriate to the adjusted “benefit of designation.”

As discussed earlier, the scale chosen for the “specific area” referred to in section 3(5)(a) was an HSA watershed as delineated by the CALWATER watershed classification system. This delineation required us to adapt the approach for some areas. For example, a large stream or river might serve as a rearing and migration corridor to and from many watersheds, yet be embedded itself in a watershed. In any given watershed through which it passes, the stream may have a few or several tributaries. For rearing/migration corridors embedded in a watershed, the CHARTs were asked to rate the conservation value of the watershed based on the tributary habitat. We assigned the rearing/migration corridor the rating of the highest-rated watershed for which it served as a rearing/migration corridor. The reason for this treatment of migration corridors is the role they play in the salmon’s life cycle. Salmon are anadromous—born in fresh water, migrating to salt water to feed and grow, and returning to fresh water to spawn. Without a rearing/migration corridor to and from the sea, salmon cannot complete their life cycle. It would be illogical to consider a spawning and rearing area as having a particular conservation value and not consider the associated rearing/

migration corridor as having a similar conservation value.

V. Application of ESA Section 4(b)(2)

The foregoing discussion describes those areas that are eligible for designation as critical habitat—the specific areas that fall within the ESA section 3(5)(A) definition of critical habitat, minus those lands owned or controlled by the DOD, or designated for its use, that are covered by an INRMP that we have determined provides a benefit to the species.

Specific areas eligible for designation are not automatically designated as critical habitat. Section 4(b)(2) of the ESA requires that the Secretary first considers the economic impact, impact on national security, and any other relevant impact. The Secretary has the discretion to exclude an area from designation if he determines the benefits of exclusion (that is, avoiding the impact that would result from designation) outweigh the benefits of designation. The Secretary may not exclude an area from designation if exclusion will result in the extinction of the species. Because the authority to exclude is discretionary, exclusion is not required for any areas. In this rulemaking, the Secretary has applied his statutory discretion to exclude areas from critical habitat for several different reasons.

In this exercise of discretion, the first issue we must address is the scope of impacts relevant to the 4(b)(2) evaluation. As discussed in the Background and Previous Federal Action section, we are re-designating critical habitat for these seven ESUs because the previous designations were vacated (*National Association of Homebuilders v. Evans*, 2002 WL 1205743 No. 00–CV–2799 (D.D.C.) (NAHB)). The NAHB court had agreed with the reasoning of the Court of Appeals for the Tenth Circuit in *New Mexico Cattle Growers Association v. U.S. Fish and Wildlife Service*, 248 F.3d 1277 (10th Cir. 2001). In that decision, the Tenth Circuit stated “[t]he statutory language is plain in requiring some kind of consideration of economic impact in the critical habitat designation phase.” The Tenth Circuit concluded that, given the USFWS’ failure to distinguish between “adverse modification” and “jeopardy” in its 4(b)(2) analysis, the USFWS must analyze the full impacts of critical habitat designation, regardless of whether those impacts are coextensive with other impacts (such as the impact of the jeopardy requirement).

In re-designating critical habitat for these salmon ESUs, we have followed the Tenth Circuit Court’s directive

regarding the statutory requirement to consider the economic impact of designation. Areas designated as critical habitat are subject to ESA section 7 requirements, which provide that Federal agencies ensure that their actions are not likely to destroy or adversely modify critical habitat. To evaluate the economic impact of critical habitat we first examined our voluminous section 7 consultation record for these as well as other ESUs of salmon. (For thoroughness, we examined the consultation record for other ESUs to see if it shed light on the issues.) That record includes consultations on habitat-modifying Federal actions both where critical habitat has been designated and where it has not. We could not discern a distinction between the impacts of applying the jeopardy provision versus the adverse modification provision in occupied critical habitat. Given our inability to detect a measurable difference between the impacts of applying these two provisions, the only reasonable alternative seemed to be to follow the recommendation of the Tenth Circuit, approved by the NAHB court—to measure the coextensive impacts; that is, measure the entire impact of applying the adverse modification provision of section 7, regardless of whether the jeopardy provision alone would result in the identical impact.

The Tenth Circuit’s opinion only addressed ESA section 4(b)(2)’s requirement that economic impacts be considered. The court did not address how “other relevant impacts” were to be considered, nor did it address the benefits of designation. Because section 4(b)(2) requires a consideration of other relevant impacts of designation, and the benefits of designation, and because our record did not support a distinction between impacts resulting from application of the adverse modification provision versus the jeopardy provision, we are uniformly considering coextensive impacts and coextensive benefits, without attempting to distinguish the benefit of a critical habitat consultation from the benefit that would otherwise result from a jeopardy consultation that would occur even if critical habitat were not designated. To do otherwise would distort the balancing test contemplated by section 4(b)(2).

The principal benefit of designating critical habitat is that Federal activities that may affect such habitat are subject to consultation pursuant to section 7 of the ESA. Such consultation requires every Federal agency to ensure that any action it authorizes, funds or carries out is not likely to result in the destruction

or adverse modification of critical habitat. This complements the section 7 provision that Federal agencies ensure that their actions are not likely to jeopardize the continued existence of a listed species. Another benefit is that the designation of critical habitat can serve to educate the public regarding the potential conservation value of an area and thereby focus and contribute to conservation efforts by clearly delineating areas of high conservation value for certain species. It is unknown to what extent this process actually occurs, and what the actual benefit is, as there are also concerns, noted above, that a critical habitat designation may discourage such conservation efforts.

The balancing test in ESA section 4(b)(2) contemplates weighing benefits that are not directly comparable—the benefit associated with species conservation balanced against the economic benefit, benefit to national security, or other relevant benefit that results if an area is excluded from designation. Section 4(b)(2) does not specify a method for the weighing process. Agencies are frequently required to balance benefits of regulations against impacts; E.O. 12866 established this requirement for Federal agency regulation. Ideally such a balancing would involve first translating the benefits and impacts into a common metric. Executive branch guidance from the OMB suggests that benefits should first be monetized (*i.e.*, converted into dollars). Benefits that cannot be monetized should be quantified (for example, numbers of fish saved). Where benefits can neither be monetized nor quantified, agencies are to describe the expected benefits (OMB, 2003).

It may be possible to monetize benefits of critical habitat designation for a threatened or endangered species in terms of willingness-to-pay (OMB, 2003). However, we are not aware of any available data that would support such an analysis for salmon. In addition, ESA section 4(b)(2) requires analysis of impacts other than economic impacts that are equally difficult to monetize, such as benefits to national security of excluding areas from critical habitat. In the case of salmon designations, impacts to Northwest tribes are an “other relevant impact” that also may be difficult to monetize.

An alternative approach, approved by OMB (OMB, 2003), is to conduct a cost-effectiveness analysis. A cost-effectiveness analysis ideally first involves quantifying benefits, for example, percent reduction in extinction risk, percent increase in productivity, or increase in numbers of fish. Given the state of the science, it

would be difficult to quantify reliably the benefits of including particular areas in the critical habitat designation. Although it is difficult to monetize or quantify benefits of critical habitat designation, it is possible to differentiate among habitat areas based on their relative contribution to conservation. For example, habitat areas can be rated as having a high, medium, or low conservation value. The qualitative ordinal evaluations can then be combined with estimates of the economic costs of critical habitat designation in a framework that essentially adopts that of cost-effectiveness. Individual habitat areas can then be assessed using both their biological evaluation and economic cost, so that areas with high conservation value and lower economic cost might be considered to have a higher priority for designation, while areas with a low conservation value and higher economic cost might have a higher priority for exclusion. While this approach can provide useful information to the decision-maker, there is no rigid formula through which this information translates into exclusion decisions. Every geographical area containing habitat eligible for designation is different, with a unique set of “relevant impacts” that may be considered in the exclusion process. Regardless of the analytical approach, section 4(b)(2) makes clear that what weight the agency gives various impacts and benefits, and whether the agency excludes areas from the designation, is discretionary.

Exclusions Based on Impacts to Tribes

The principal benefit of designating critical habitat is that Federal activities that may affect such habitat are subject to consultation pursuant to section 7 of the ESA. We believe there is very little benefit to designating critical habitat on Indian lands for these seven ESUs. Although there are potentially a number of activities on Indian lands that may trigger section 7 consultation, Indian lands comprise only a very minor portion (substantially less than 1 percent) of the total habitat under consideration for these seven California ESUs. Specifically, occupied stream reaches on Indian lands only occur within the range of the California Coastal Chinook, Northern California steelhead, and Central California Coast steelhead ESUs, and these areas represent less than 0.1 percent of the total occupied habitat under consideration for these three ESUs. Based on our analysis, the remaining four ESUs did not contain any Indian lands that overlapped with occupied

stream habitat. These percentages are likely overestimates as they include all habitat area within reservation boundaries.

There are several benefits to excluding Indian lands. The longstanding and distinctive relationship between the Federal and tribal governments is defined by treaties, statutes, executive orders, judicial decisions, and agreements, which differentiate tribal governments from the other entities that deal with, or are affected by, the Federal government. This relationship has given rise to a special Federal trust responsibility involving the legal responsibilities and obligations of the United States toward Indian Tribes and the application of fiduciary standards of due care with respect to Indian lands, tribal trust resources, and the exercise of tribal rights. Pursuant to these authorities lands have been retained by Indian Tribes or have been set aside for tribal use. These lands are managed by Indian Tribes in accordance with tribal goals and objectives within the framework of applicable treaties and laws.

In addition to the distinctive trust relationship for Pacific salmon and steelhead in California and in the Northwest, there is a unique partnership between the Federal government and Indian tribes regarding salmon management. Indian tribes in California and the Northwest are regarded as “co-managers” of the salmon resource, along with Federal and State managers. This co-management relationship evolved as a result of numerous court decisions clarifying the tribes’ treaty right to take fish in their usual and accustomed places.

The benefits of excluding Indian lands from designation include: (1) The furtherance of established national policies, our Federal trust obligations and our deference to the tribes in management of natural resources on their lands; (2) the maintenance of effective long-term working relationships to promote the conservation of salmonids on an ecosystem-wide basis; (3) the allowance for continued meaningful collaboration and cooperation in scientific work to learn more about the conservation needs of the species on an ecosystem-wide basis; and (4) continued respect for tribal sovereignty over management of natural resources on Indian lands through established tribal natural resource programs.

We believe that the current co-manager process addressing activities on an ecosystem-wide basis across the State is currently beneficial for the conservation of the salmonids. Because

the co-manager process provides for coordinated ongoing focused action through a variety of forums, we find the benefits of this process to be greater than the benefits of applying ESA section 7 to Federal activities on Indian lands, which comprise much less than one percent of the total area under consideration for these ESUs. Additionally, we have determined that the exclusion of tribal lands will not result in the extinction of the species concerned. We also believe that maintenance of our current co-manager relationship consistent with existing policies is an important benefit to continuance of our tribal trust responsibilities and relationship. Based upon our consultation with the Round Valley Indian Tribes and the BIA, we believe that designation of Indian lands as critical habitat would adversely impact our working relationship and the benefits resulting from this relationship.

Based upon these considerations, we have decided to exercise agency discretion under ESA section 4(b)(2) and exclude Indian lands from the critical habitat designation for these ESUs of salmonids. The Indian lands specifically excluded from critical habitat are those defined in the Secretarial Order, including: (1) Lands held in trust by the United States for the benefit of any Indian tribe; (2) land held in trust by the United States for any Indian Tribe or individual subject to restrictions by the United States against alienation; (3) fee lands, either within or outside the reservation boundaries, owned by the tribal government; and (4) fee lands within the reservation boundaries owned by individual Indians. The Indian tribes for which these exclusions apply in California include: Big Lagoon Reservation, Blue Lake Rancheria, Round Valley Indian Tribes, Laytonville Rancheria, Redwood Valley Rancheria, Coyote Valley Reservation, and Manchester-Point Arena Rancheria. We have determined that these exclusions, together with the other exclusions described in this rule, will not result in the extinction of any of the seven ESUs in this designation.

Impacts to Landowners With Contractual Commitments to Conservation

Conservation agreements with non-Federal landowners (e.g., HCPs) enhance species conservation by extending species' protections beyond those available through section 7 consultations. In the past decade we have encouraged non-Federal landowners to enter into conservation agreements, based on a view that we can achieve greater species' conservation on

non-Federal land through such partnerships than we can through coercive methods (61 FR 63854; December 2, 1996).

Section 10(a)(1)(B) of the ESA authorizes us to issue to non-Federal entities a permit for the incidental take of endangered and threatened species. This permit allows a non-Federal landowner to proceed with an activity that is legal in all other respects, but that results in the incidental taking of a listed species (i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). The ESA specifies that an application for an incidental take permit must be accompanied by a conservation plan, and specifies the content of such a plan. The purpose of such an HCP is to describe and ensure that the effects of the permitted action on covered species are adequately minimized and mitigated, and that the action does not appreciably reduce the survival and recovery of the species.

To date we have not excluded critical habitat on lands covered by an HCP, but we acknowledged in our proposed rule that this was an emerging issue and that the benefits of such exclusions may outweigh the benefits of designation (69 FR 74623; December 14, 2004). As described in greater detail above (see Comment 42) and in our assessment of HCPs associated with this final rulemaking (NMFS, 2005e), the analysis required for these types of exclusions requires careful consideration of the benefits of designation versus the benefits of exclusion to determine whether benefits of exclusion outweigh benefits of designation. The benefits of designation typically arise from additional section 7 protections as well as enhanced public awareness once specific areas are identified as critical habitat. The benefits of exclusion generally relate to relieving regulatory burdens on existing conservation partners, maintaining good working relationships with them, and encouraging the development of new partnerships.

Based on comments received on our proposed rule, we could not conclude that all landowners view designation of critical habitat as imposing a burden, and exclusion from designation as removing that burden and thereby strengthening the ongoing relationship. Where an HCP partner affirmatively requests designation, exclusion is likely to harm rather than benefit the relationship. Where an HCP partner has remained silent on the benefit of exclusion of its land, we do not believe the record supports a presumption that exclusion will enhance the relationship.

Similarly, we do not believe it provides an incentive to other landowners to seek an HCP if our exclusions are not in response to an expressed landowner preference. We anticipate further rulemaking in the near future to refine these designations, for example, in response to developments in recovery planning. As part of future revisions, we will consider information we receive from those with approved HCPs regarding the effect of designation on our ongoing partnership. We did not consider pending HCPs for exclusion, both because we do not want to prejudge the outcome of the ongoing HCP process, and because we expect to have future opportunities to refine the designation and consider whether exclusion will outweigh the benefit of designation in a particular case.

Exclusions Based on National Security Impacts

As previously noted (see *Military Lands* section), we evaluated several DOD sites with draft or final INRMPs and determined that each INRMP provides a benefit to the listed salmon or steelhead ESUs under consideration at the site. Therefore, we conclude that those areas subject to final INRMPs are not eligible for designation pursuant to section 4(a)(3)(B)(I) of the ESA (16 U.S.C. 1533(A)(3)). At the request of the DOD (and in the case that an INRMP might not provide a benefit to the species), we also assessed the impacts on national security that may result from designating these and other DOD sites as critical habitat.

The U.S. Marine Corps provided comments in response to the ANPR (68 FR 55926; September 29, 2003) regarding its INRMP for Camp Pendleton Marine Corps Base and potential impacts to national security for this facility, which is within the range of the Southern California *O. mykiss* ESU. By letter, NMFS subsequently provided the DOD with information about the areas we were considering to designate as critical habitat for the seven ESUs in California (as well as the 13 ESUs in the Pacific Northwest), and, in addition to a request for information about DOD's INRMPs, requested information about potential impacts to national security as a result of any critical habitat designation. In response to that request and also in comments on the proposed critical habitat designation (69 FR 71880), the Camp Pendleton Marine Corps Base and Vandenberg Air Force Base provided detailed information on such impacts to their operations. Both military agencies concluded that critical habitat designation at either of these sites

would likely impact national security by diminishing military readiness, with possible impacts including: (1) The prevention, restriction, or delay in training or testing exercises or access to such sites; (2) the restriction or delay in activities associated with space launches; (3) a delay in response times for troop deployments and overall operations; and (4) the creation of uncertainties regarding ESA consultation (e.g., reinitiation requirements) or imposition of compliance conditions that would divert military resources. Also, both military agencies cited their ongoing and positive consultation history with NMFS and underscored cases where they are implementing best management practices to reduce impacts on listed salmonids. The occupied fish habitat occurring on Camp Pendleton and Vandenberg AFB have important conservation value, but they are primarily migratory corridors and represent only a small percentage of the total occupied habitat area for the Southern California steelhead ESU. Designating habitat on these two installations will likely reduce the readiness capability of the Marine Corps and the Air Force, both of which are actively engaged in training, maintaining, and deploying forces in the current war on terrorism. Therefore, we conclude that the benefits of exclusion outweigh the benefits of designation, and we are not proposing to designate these DOD sites as critical habitat.

Exclusions Based on Economic Impacts

Our assessment of economic impact generated considerable interest from commenters on the ANPR (68 FR 55926; September 29, 2003) and the proposed rule (69 FR 71880; December 10, 2004). Based on new information and comments received on the proposed rule, we have updated the economics report wherein we document our conclusions regarding the economic impacts of designating each of the particular areas found to meet the definition of critical habitat (NMFS, 2005b). This report is available from NMFS (see **ADDRESSES**).

The first step in the overall economic analysis was to identify existing legal and regulatory constraints on economic activity that are independent of critical habitat designation, such as Clean Water Act (CWA) requirements. Coextensive impacts of the ESA section 7 requirement to avoid jeopardy were not considered part of the baseline. Also, we have stated our intention to revisit the existing critical habitat designations for Sacramento River winter run Chinook salmon and two California coastal coho

salmon ESUs, if appropriate, following completion of related rulemaking (67 FR 6215; February 11, 2002). Given the uncertainty that these designations will remain in place in their current configuration, we decided not to consider them as part of the baseline for the ESA section 4(b)(2) analysis.

From the consultation record, we identified Federal activities that might affect habitat and that might result in an ESA section 7 consultation. (We did not consider Federal actions, such as the approval of a fishery, that might affect the species directly but not affect its habitat.) We identified ten types of activities including: Hydropower dams; non-hydropower dams and other water supply structures; federal lands management, including grazing (considered separately); transportation projects; utility line projects; instream activities, including dredging (considered separately); activities permitted under EPA's National Pollution Discharge Elimination System; sand & gravel mining; residential and commercial development; and agricultural pesticide applications. Based on our consultation record and other available information, we determined the modifications each type of activity was likely to undergo as a result of section 7 consultation (regardless of whether the modification might be required by the jeopardy or the adverse modification provision). We developed an expected direct cost for each type of action and projected the likely occurrence of each type of project in each watershed, using existing spatial databases (e.g., the COE 404(d) permit database). Finally, we aggregated the costs from the various types of actions and estimated an annual impact, taking into account the probability of consultation occurring and the likely rate of occurrence of that project type.

This analysis allowed us to estimate the coextensive economic impact of designating each "particular area" (that is, each habitat area, or aggregated occupied stream reaches in an HSA watershed). Expected economic impacts ranged from zero to in excess of 1 million dollars per habitat area. Where a watershed included both tributaries and a migration corridor that served other watersheds, we attempted to estimate the separate impacts of designating the tributaries and the migration corridor. We did this by identifying those categories of activities most likely to affect tributaries and those most likely to affect larger migration corridors.

Because of the methods we selected and the data limitations, portions of our analysis both under- and over-estimate

the coextensive economic impact of ESA section 7 requirements. For example, we lacked data on the likely impact on flows at non-Federal hydropower projects, which would increase economic impacts. In addition, we did not have information about potential changes in irrigation flows associated with section 7 consultation which would likely increase the estimate of coextensive costs. On the other hand, we estimated an impact on all activities occurring within the geographic boundaries of a watershed, even though in some cases activities would be far removed from occupied stream reaches and so might not require modification. In addition, we were unable to document significant costs of critical habitat designation that occur outside the section 7 consultation process, including costs resulting from state or local regulatory burdens imposed on developers and landowners as a result of a Federal critical habitat designation.

In determining whether the economic benefit of excluding a habitat area might outweigh the benefit of designation to the species, we took into consideration the many data limitations described above. The ESA requires that we make critical habitat designations within a short time frame "with such data as may be available" at the time. Moreover the cost-effectiveness approach we adopted accommodated many of these data limitations by considering the relative benefits of designation and exclusion, giving priority to excluding habitat areas with a relatively lower benefit of designation and a relatively higher economic impact.

The circumstances of most of the listed ESUs can make a cost-effectiveness approach useful. Pacific salmon are wide-ranging species and occupy numerous habitat areas with thousands of stream miles. Not all occupied areas, however, are of equal importance to conserving an ESU. Within the currently occupied range there are areas that support highly productive populations, areas that support less productive populations, and areas that support production in only some years. Some populations within an ESU may be more important to long-term conservation of the ESU than other populations. Therefore, in many cases it may be possible to construct different scenarios for achieving conservation. Scenarios might have more or less certainty of achieving conservation, and more or less economic impact.

Our first step in constructing an exclusion scenario was to identify all watershed areas we would consider for

an economic exclusion based on dollar thresholds. The next step was to examine those areas potentially eligible for exclusion based on dollar thresholds to determine whether or not any of them would make an important contribution to conservation for the ESU. Based on the rating process used by the CHARTs, we judged that all of the high conservation value habitat areas make an important contribution to conservation, and therefore, we did not consider them for exclusion.

In developing criteria for the first step, we chose dollar thresholds that we anticipated would lead most directly to a cost effective scenario. We considered for exclusion, low value habitat areas with an economic impact greater than \$70,000–85,000, and medium value areas with an economic impact greater than \$300,000.

The criteria we selected for identifying habitat areas eligible for exclusion do not represent an objective judgment that, for example, a low value habitat area is worth a certain dollar amount and no more. The ESA directs us to balance dissimilar values with a limited amount of time and therefore information. It emphasizes the discretionary nature of the balancing task. Moreover, while our approach

follows the Tenth Circuit’s direction to consider coextensive economic impacts, we nevertheless must acknowledge that not all of the costs will be avoided by exclusion from designation. Finally, the cost estimates developed by our economic analysis do not have obvious break points that would lead to a logical division between high, medium and low costs.

Given these factors, a judgment that any particular dollar threshold is objectively correct would be neither necessary or possible. Rather, what economic impact is high, and therefore, might outweigh the benefit of designating a medium or low value habitat area is a matter of discretion and depends on the policy context. The policy context in which we carry out this task led us to select dollar thresholds that would likely lead to a cost effective designation in a limited amount of time with a relatively simple process.

In the second step of the process, we asked the CHARTs whether any of the habitat areas (*i.e.*, watersheds) eligible for exclusion make an important contribution to conservation of the ESU in question. The CHARTs considered this question in the context of all of the areas eligible for exclusion as well as

the information they had developed in providing the initial conservation ratings. The following section describes the results of applying the two-step process to each ESU. The results are discussed in more detail in a separate report that is available for public review (NMFS, 2005c). We have determined that these exclusions, together with the other exclusions described in this rule, will not result in the extinction of any of the seven ESUs.

VI. Critical Habitat Designation

We are designating approximately 8,935 net mi (14,296 km) of riverine habitat and 470 mi² (1,212 km²) of estuarine habitat in California within the geographical areas presently occupied by the seven ESUs. This designation excludes approximately 771 net mi (1,233 km) of occupied riverine habitat as a result of economic considerations, 32 mi (51 km) of occupied riverine habitat on Tribal lands, and 44 mi (70 km) of occupied riverine habitat on DOD lands. Some of these areas in the final designation overlap substantially for two ESUs. The net economic impacts (coextensive with ESA section 7) associated with the areas designated for all ESUs are estimated to be approximately \$81,647,439.

TABLE 7.—APPROXIMATE QUANTITY OF HABITAT * AND OWNERSHIP WITHIN WATERSHEDS CONTAINING HABITAT AREAS DESIGNATED AS CRITICAL HABITAT.

ESU	Streams (mi) (km)	Estuary Habitat (Sq mi) (Sq km)	Ownership (percent)			
			Federal	Tribal	State	Private
California Coastal Chinook Salmon	1,475	25	16.4	0.4	3.4	79.8
	2,360	65				
Northern California Steelhead	3,028	25	18.8	0.5	3.7	77.1
	4,844	65				
Central California Coast Steelhead	1,465	386	4.5	0.0	7.2	88.3
	2,344	996				
South-Central California Coast Steelhead	1,249	3	16.3	0.0	2.2	81.6
	2,000	8				
Southern California Steelhead	708	25.0	1.0	2.4	71.6
	1,132				
Central Valley Spring Run Chinook Salmon	1,158	254	12.1	0.0	3.3	84.5
	1,853	655				
Central Valley Steelhead	2,308	254	8.6	0.0	3.1	88.3
	3,693	655				

* These estimates are the total amount for each ESU. They do not account for overlapping areas designated for multiple ESUs.

These areas designated, summarized below by ESU, are considered occupied and contain physical and biological features essential to the conservation of the species and that may require special management considerations or protection.

California Coastal Chinook Salmon

There are 45 occupied HSA watersheds within the freshwater and

estuarine range of this ESU. Eight watersheds received a low rating, 10 received a medium rating, and 27 received a high rating of conservation value to the ESU (NMFS, 2005a). Two estuarine habitat areas used for rearing and migration (Humboldt Bay and the Eel River Estuary) also received a high conservation value rating.

HSA watershed habitat areas for this ESU include approximately 1,634 mi

(2,614 km) of stream habitat and approximately 25 mi² (65 km²) of estuarine habitat (principally Humboldt Bay). Of these, 10.3 stream miles (16.5 km) are being excluded because they overlap with Indian lands (see *Government-to-Government Relationship With Tribes*). No lands controlled by the DOD or covered by HCPs are being excluded from the final designation. As a result of the balancing

process for economic impacts described above, the Secretary is excluding from the designation the habitat areas shown in Table 8. Of the habitat areas eligible for designation, approximately 158

stream miles (253 km) are being excluded because the economic benefits of exclusion outweigh the benefits of designation. The total potential estimated economic impact, with no

exclusions, would be \$10,993,337. The exclusions identified in Table 8 would reduce the total estimated economic impact by 33 percent to \$7,333,751.

TABLE 8.—HSA WATERSHEDS WITHIN THE GEOGRAPHICAL RANGE OF THE CALIFORNIA COASTAL CHINOOK SALMON ESU AND EXCLUDED FROM CRITICAL HABITAT

Watershed code	Watershed name	Area excluded
111122	Bridgeville	Entire watershed.
111142	Spy Rock	Indian lands.
111150	North Fork Eel River	Indian lands.
111171	Eden Valley	Tributaries only; Indian lands.
111172	Round Valley	Indian lands.
111173	Black Butte River	Entire watershed.
111174	Wilderness	Entire watershed.
111350	Navarro River	Entire watershed.
111422	Santa Rosa	Entire watershed.
111423	Mark West	Entire watershed.

Northern California Steelhead

There are 50 occupied HSA watersheds within the freshwater and estuarine range of this ESU. Nine watersheds received a low rating, 14 received a medium rating, and 27 received a high rating of conservation value to the ESU (NMFS, 2005a). Two estuarine habitat areas used for rearing and migration (Humboldt Bay and the Eel River Estuary) also received a high conservation value rating.

HSA watershed habitat areas for this ESU include approximately 3,148 mi (5,037 km) of stream habitat and approximately 25 mi² (65 km²) of estuarine habitat (principally Humboldt Bay). Of these, approximately 21 stream miles (33.5 km) are being excluded because they overlap with Indian lands (see *Government-to-Government Relationship With Tribes*). No lands controlled by the DOD or covered by HCPs are being excluded from the final designation. As a result of the balancing process for economic impacts described

above, the Secretary is excluding from the designation the habitat areas shown in Table 9. Of the habitat areas eligible for designation, approximately 120 stream miles (192 km) are being excluded because the economic benefits of exclusion outweigh the benefits of designation. Total potential estimated economic impact, with no exclusions, would be \$8,773,432. The exclusions identified in Table 9 would reduce the total estimated economic impact by 31 percent to \$6,063,568.

TABLE 9.—HSA WATERSHEDS WITHIN THE GEOGRAPHICAL RANGE OF THE NORTHERN CALIFORNIA STEELHEAD ESU AND EXCLUDED FROM CRITICAL HABITAT

Watershed code	Watershed name	Area excluded
110940	Ruth	Entire watershed.
111142	Spy Rock	Tribal land.
111150	North Fork Eel	Entire watershed; Indian lands.
111163	Lake Pillsbury	Entire watershed.
111171	Eden Valley	Indian lands.
111172	Round Valley	Indian lands.

Central California Coast Steelhead

There are 46 occupied HSA watersheds within the freshwater and estuarine range of this ESU. Fourteen watersheds received a low rating, 13 received a medium rating, and 19 received a high rating of conservation value to the ESU (NMFS, 2005a). Five of these HSA watersheds comprise portions of the San Francisco-San Pablo-Suisun Bay estuarine complex which provides rearing and migratory habitat for this ESU.

HSA watershed habitat areas for this ESU include approximately 1,832 mi (2,931 km) of stream habitat and approximately 442 mi² (1,140 km²) of estuarine habitat (principally San Francisco Bay-San Pablo Bay). Of these, approximately 0.6 stream miles (1.0 km) are being excluded because they overlap with Indian lands (Coyote Valley and Redwood Valley Rancherias) (see *Government-to-Government Relationship With Tribes*). No lands controlled by the DOD are excluded.

As a result of the balancing process for economic impacts described above,

the Secretary is excluding from the designation the habitat areas shown in Table 10. Of the habitat areas eligible for designation, approximately 367 stream miles (587 km) and 56 mi² of estuarine habitat are being excluded because the economic benefits of exclusion outweigh the benefits of designation. Total potential estimated economic impact, with no exclusions, would be \$18,577,246. The exclusions identified in Table 10 would reduce the total estimated economic impact by 31 percent to \$12,917,247.

TABLE 10.—HSA WATERSHEDS WITHIN THE GEOGRAPHICAL RANGE OF THE CENTRAL CALIFORNIA COASTAL STEELHEAD ESU AND EXCLUDED FROM CRITICAL HABITAT

Watershed code	Watershed name	Area excluded
111421	Laguna de Santa Rosa	Entire watershed.
111422	Santa Rosa	Entire watershed.
111431	Ukiah	Tributaries only.
111433	Forsythe Creek	Indian lands.
220330	Berkeley	Entire watershed.
220440	San Mateo Bayside	Entire watershed.
220420	Eastbay Cities	Entire watershed.
220540	Guadalupe River	Entire watershed.
220620	Novato	Entire watershed.
220660	Pinole	Entire watershed.
220710	Suisun Bay	Entire unit.
220722	Suisun Creek	Entire watershed.
220721	Benecia	Entire watershed.
220731	Pittsburg	Entire watershed.
220733	Martinez	Entire watershed.

South-Central California Coast Steelhead

There are 30 occupied HSA watersheds within the freshwater and estuarine range of this ESU. Six watersheds received a low rating, 11 received a medium rating, and 13 received a high rating of conservation value to the ESU (NMFS, 2005a). One of these occupied watershed units is Morro Bay, which is used as rearing and migratory habitat for steelhead populations that spawn and rear in tributaries to the Bay.

HSA watershed habitat areas for this ESU include approximately 1,251 mi (2,000 km) of stream habitat and approximately 3 mi² (8 km²) of estuarine habitat (e.g., Morro Bay). Approximately 22 stream miles (35 km) are not eligible for designation because they are within lands controlled by the DOD (Camp San Luis Obispo and Camp Roberts) that have qualifying INRMPs (Table 11). The reduction in economic impacts resulting from these exclusions could not be estimated. As a result of the balancing process for economic impacts described above, the Secretary is excluding from the

designation the habitat areas shown in Table 11. Of the habitat eligible for designation, approximately 2 stream miles (3.2 km) are being excluded because the economic benefits of exclusion outweigh the benefits of designation. The total potential estimated economic impact, with no exclusions, would be \$16,857,365. It was not possible to estimate the reduced economic impacts associated with the habitat exclusions in Table 11, therefore, the total potential economic impact is the same as if there were no exclusions.

TABLE 11.—HSA WATERSHEDS WITHIN THE GEOGRAPHICAL RANGE OF THE SOUTH-CENTRAL CALIFORNIA COAST STEELHEAD ESU AND EXCLUDED FROM CRITICAL HABITAT

Watershed code	Watershed name	Area excluded
330911	Neponset	Tributaries only.
330930	Soledad	Tributaries only.
330940	Upper Salinas Valley	Tributaries only.
330981	Paso Robles	DOD lands.
331022	Chorro	DOD lands.

Southern California Steelhead ESU

There are 32 occupied HSA watersheds within the freshwater and estuarine range of this ESU. Five watersheds received a low rating, 6 received a medium rating, and 21 received a high rating of conservation value to the ESU (NMFS, 2005a).

HSA watershed habitat areas for this ESU include approximately 741 mi (1,186 km) of stream habitat. Of these, approximately 22 mi (35 km) of

occupied stream miles are excluded because they are within lands controlled by the DOD (Vandenberg AFB and Camp Pendleton Marine Corps Base) that have qualifying INRMPs and for which the benefits of exclusion outweigh the benefits of designation. The reduction in economic impacts resulting from these exclusions could not be estimated. As a result of the balancing process for economic impacts described above, the Secretary is excluding from the

designation the habitat areas shown in Table 12. Of the habitat areas eligible for designation, approximately 33 stream miles (53 km) are being excluded because the economic benefits of exclusion outweigh the benefits of designation. Total potential estimated economic impact, with no exclusions, would be \$19,443,413. The exclusions identified in Table 12 would reduce the total estimated economic impact by 40 percent to \$11,586,752.

TABLE 12.—HSA WATERSHEDS WITHIN THE GEOGRAPHICAL RANGE OF THE SOUTHERN CALIFORNIA STEELHEAD ESU AND EXCLUDED FROM CRITICAL HABITAT

Watershed code	Watershed name	Area excluded
331210	Guadalupe	Tributaries only.
331230	Cuyama Valley	Entire watershed.
331410	Lompoc	DOD lands.
331430	Buelton	Tributaries only.
331451	Santa Cruz Creek	Entire watershed.
440811	East of Oxnard	Entire watershed.
490140	San Mateo Canyon	DOD lands.

Central Valley Spring Run Chinook Salmon ESU

There are 37 occupied HSA watersheds within the freshwater and estuarine range of this ESU. Seven watersheds received a low rating, 3 received a medium rating, and 27 received a high rating of conservation value to the ESU (NMFS, 2005a). Four of these HSA watersheds comprise portions of the San Francisco-San Pablo-Suisun Bay estuarine complex which

provides rearing and migratory habitat for this ESU.

HSA watershed habitat areas for this ESU include approximately 1,373 mi (2,197 km) of occupied stream habitat and approximately 427 mi² (1,102 km²) of estuarine habitat in the San Francisco-San Pablo-Suisun Bay complex. There are no DOD, tribal or HCP managed lands excluded from the designation. As a result of the balancing process for economic impacts described above, the Secretary is excluding from

the designation the habitat areas shown in Table 13. Of the habitat areas eligible for designation, approximately 215 stream miles (344 km) and 173 mi² of estuarine habitat are being excluded because the economic benefits of exclusion outweigh the benefits of designation. The total potential estimated economic impact, with no exclusions, would be \$29,223,186. The exclusions identified in Table 13 would reduce the total estimated economic impact by 25 percent to \$22,066,974.

TABLE 13.—HSA WATERSHEDS WITHIN THE GEOGRAPHICAL RANGE OF THE CENTRAL VALLEY SPRING RUN CHINOOK SALMON ESU AND EXCLUDED FROM CRITICAL HABITAT

Watershed code	Watershed name	Area excluded
551000	Sacramento Delta	Deep Water Ship Channel.
551713	Mildred Lake	Entire watershed.
551720	Nevada City	Entire watershed.
552310	Thomes Creek	Entire watershed.
552433	South Fork	Entire watershed.
554300	No. Diablo Range	Entire watershed.
554400	San Joaquin Delta	Entire watershed.
220410	South SF Bay	Entire unit.

Central Valley Steelhead ESU

There are 67 occupied HSA watersheds within the freshwater and estuarine range of this ESU. Twelve watersheds received a low rating, 18 received a medium rating, and 37 received a high rating of conservation value to the ESU (NMFS, 2005a). Four of these HSA watersheds comprise portions of the San Francisco-San Pablo-Suisun Bay estuarine complex which

provides rearing and migratory habitat for this ESU.

HSA watershed habitat areas for this ESU include approximately 2,604 mi (4,168 km) of stream habitat and approximately 427 mi² (1,102 km²) of estuarine habitat. There are no DOD, tribal or HCP managed lands excluded from the designation. As a result of the balancing process for economic impacts described above, the Secretary is excluding from the designation the

habitat areas shown in Table 14. Of the habitat areas eligible for designation, approximately 296 stream miles (473 km) and 173 mi² of estuarine habitat are being excluded because the economic benefits of exclusion outweigh the benefits of designation. Total potential estimated economic impact, with no exclusions, would be \$38,235,233. The exclusions identified in Table 14 would reduce the total estimated economic impact by 11 percent to \$34,389,278.

TABLE 14.—HSA WATERSHEDS WITHIN THE GEOGRAPHICAL RANGE OF THE CENTRAL VALLEY STEELHEAD ESU AND EXCLUDED FROM CRITICAL HABITAT

Watershed code	Watershed name	Area excluded
550964	Paynes Creek	Entire watershed.
551000	Sacramento Delta	Deep Water Ship Channel.
551110	Elmira	Entire watershed.
551713	Mildred Lake	Entire watershed.
551720	Nevada City	Entire watershed.
552435	Ono	Entire watershed.
553111	Herald	Entire watershed.
553120	Lower Mokelumne	Partial watershed.
553221	Big Canyon Creek	Entire watershed.
553223	NF Cosumnes	Entire watershed.

TABLE 14.—HSA WATERSHEDS WITHIN THE GEOGRAPHICAL RANGE OF THE CENTRAL VALLEY STEELHEAD ESU AND EXCLUDED FROM CRITICAL HABITAT—Continued

Watershed code	Watershed name	Area excluded
553224	Omo Ranch	Entire watershed.
553240	Sutter Creek	Entire watershed.
554300	No. Diablo Range	Entire watershed.
220410	So. SF Bay	Entire unit.

VII. Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a) of the ESA requires Federal agencies, including NMFS, to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is proposed or designated. Regulations implementing this provision of the ESA are codified at 50 CFR 402. Section 7(a)(4) of the ESA requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. Conference reports provide conservation recommendations to assist the agency in eliminating conflicts that may be caused by the proposed action. The conservation recommendations in a conference report are advisory.

We may issue a formal conference report if requested by a Federal agency. Formal conference reports include an opinion that is prepared according to 50 CFR 402.14, as if the species were listed or critical habitat designated. We may adopt the formal conference report as the biological opinion when the species is listed or critical habitat designated, if no substantial new information or changes in the action alter the content of the opinion (see 50 CFR 402.10(d)).

If a species is listed or critical habitat is designated, ESA section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Through this consultation, we would review actions to determine if they would destroy or adversely modify critical habitat.

If we issue a biological opinion concluding that a project is likely to result in the destruction or adverse modification of critical habitat, we will also provide reasonable and prudent alternatives to the project, if any are

identifiable. Reasonable and prudent alternatives are defined at 50 CFR 402.02 as alternative actions identified during consultation that can be implemented in a manner consistent with the intended purpose of the action, that are consistent with the scope of the Federal agency's legal authority and jurisdiction, that are economically and technologically feasible, and that we believe would avoid destruction or adverse modification of critical habitat. Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where critical habitat is subsequently designated and the Federal agency has retained discretionary involvement or control over the action or such discretionary involvement or control is authorized by law. Consequently, some Federal agencies may request reinitiation of consultation or conference with us on actions for which formal consultation has been completed, if those actions may affect designated critical habitat or adversely modify or destroy proposed critical habitat.

Activities on Federal lands that may affect these ESUs or their critical habitat will require ESA section 7 consultation. Activities on private or state lands requiring a permit from a Federal agency, such as a permit from the COE under section 404 of the CWA, a section 10(a)(1)(B) permit from NMFS, or some other Federal action, including funding (e.g., Federal Highway Administration (FHA) or Federal Emergency Management Agency (FEMA) funding), will also be subject to the section 7 consultation process. Federal actions not affecting listed species or critical habitat and actions on non-Federal and private lands that are not Federally funded, authorized, or permitted do not require section 7 consultation.

Activities Affected by Critical Habitat Designation

Section 4(b)(8) of the ESA requires that we evaluate briefly and describe, in any proposed or final regulation that designates critical habitat, those activities (whether public or private) that may adversely modify such habitat or that may be affected by such designation. A wide variety of activities may affect critical habitat and, when carried out, funded, or authorized by a Federal agency, require that an ESA section 7 consultation be conducted. Generally these include water and land management actions of Federal agencies (e.g., USFS, Bureau of Land Management (BLM), COE, BOR, the FHA, NRCS, National Park Service (NPS), BIA, and the Federal Energy Regulatory Commission (FERC)) and related or similar actions of other Federally regulated projects and lands, including livestock grazing allotments by the USFS and BLM; hydropower sites licensed by the FERC; dams built or operated by the COE or BOR; timber sales and other vegetation management activities conducted by the USFS, BLM, and BIA; irrigation diversions authorized by the USFS and BLM; and road building and maintenance activities authorized by the FHA, USFS, BLM, NPS, and BIA. Other actions of concern include dredge and fill, mining, diking, and bank stabilization activities authorized or conducted by the COE, habitat modifications authorized by the FEMA, and approval of water quality standards and pesticide labeling and use restrictions administered by the EPA.

The Federal agencies that will most likely be affected by this critical habitat designation include the USFS, BLM, BOR, COE, FHA, NRCS, NPS, BIA, FEMA, EPA, and the FERC. This designation will provide these agencies, private entities, and the public with clear notification of critical habitat designated for listed salmonids and the boundaries of the habitat. This designation will also assist these agencies and others in evaluating the potential effects of their activities on listed salmon and their critical habitat and in determining if section 7 consultation with NMFS is needed.

As noted above, numerous private entities also may be affected by this critical habitat designation because of the direct and indirect linkages to an array of Federal actions, including Federal projects, permits, and funding. For example, private entities may harvest timber or graze livestock on Federal land or have special use permits to convey water or build access roads across Federal land; they may require Federal permits to armor stream banks, construct irrigation withdrawal facilities, or build or repair docks; they may obtain water from Federally funded and operated irrigation projects; or they may apply pesticides that are only available with Federal agency approval. These activities will need to be analyzed with respect to their potential to destroy or adversely modify critical habitat. In some cases, proposed activities may require modifications that may result in decreases in activities such as timber harvest and livestock and crop production. The transportation and utilities sectors may need to modify the placement of culverts, bridges, and utility conveyances (e.g., water, sewer and power lines) to avoid barriers to fish migration. Developments occurring in or near salmon streams (e.g., marinas, residential, or industrial facilities) that require Federal authorization or funding may need to be altered or built in a manner that ensures that critical habitat is not destroyed or adversely modified as a result of the construction, or subsequent operation, of the facility. These are just a few examples of potential impacts, but it is clear that the effects will encompass numerous sectors of private and public activities. If you have questions regarding whether specific activities will constitute destruction or adverse modification of critical habitat, contact NMFS (see **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**).

VIII. Required Determinations

Administrative Procedure Act

This rulemaking covers over 8,900 miles of streams and 470 square miles of estuarine habitat. Unlike the previous critical habitat designations it contains over a thousand geographic points identifying the extent of the designations. The proposed rule generated substantial public interest. In addition to comments received during four public hearings we received a total of 3,762 written comments (3,627 of these in the form of email with nearly identical language). Many commenters expressed concerns about how the rule would be implemented. Additionally, our experience in implementing the

2000 critical habitat designations suggests that the Administrative Procedure Act's (APA) and critical habitat regulations' minimum 30-day delay in effective date nor the 60-day delay required by the Congressional Review Act for a "major rule" such as this are sufficient for this rule. In view of the geographic scope of this rule, our prior experience with a rule of this scope, the current level of public interest in this rule, and in order to provide for efficient administration of the rule once effective, we are providing a 120-day delay in effective date. As a result this rule will be effective on January 2, 2006. This will allow us the necessary time to provide for outreach to and interaction with the public, to minimize confusion and educate the public about activities that may be affected by the rule, and to work with Federal agencies and applicants to provide for an orderly transition in implementing the rule.

Regulatory Planning and Review

In accordance with E.O. 12866, this document is a significant rule and has been reviewed by OMB. As noted above, we have prepared several reports to support the exclusion process under section 4(b)(2) of the ESA. The economic costs of the critical habitat designations are described in our economic report (NMFS, 2005b). The benefits of the designations are described in the CHART report (NMFS, 2005a) and the 4(b)(2) report (NMFS, 2005c). The CHART report uses a biologically-based ranking system for gauging the benefits of applying section 7 of the ESA to particular watersheds. Because data are not available to express these benefits in monetary terms, we have adopted a cost-effectiveness framework, as outlined in a 4(b)(2) report (NMFS, 2005c). This approach is in accord with OMB's guidance on regulatory analysis (U.S. Office of Management and Budget. Circular A-4, Regulatory Analysis, September 17, 2003). By taking this approach, we seek to designate sufficient critical habitat to meet the biological goal of the ESA while imposing the least burden on society, as called for by E.O. 12866.

In assessing the overall cost of critical habitat designation for the 7 Pacific salmon and steelhead ESUs addressed in this final rule, the annual total impact figures given in the draft economic analysis (NMFS, 2005b) cannot be added together to obtain an aggregate annual impact. Because some watersheds are included in more than one ESU, a simple summation would entail duplication, resulting in an overestimate. Accounting for this

duplication, the aggregate annual economic impact of the 7 critical habitat designations is \$81,647,439. These amounts include impacts that are coextensive with the implementation of the jeopardy standard of section 7 (NMFS, 2005b).

Within the State of California, hydropower projects currently provide approximately 15 percent of the total electricity produced. This is small compared to the Pacific Northwest where hydropower generates up to 70 percent of the total electricity produced, with approximately 60 percent of this hydroelectric power generated through the Federal Columbia River Power System. Because hydropower is a more pervasive power source in the Pacific Northwest than in California, the impacts to the energy industry in California from environmental mitigation associated with protecting listed salmon and steelhead and their critical habitat are likely to be much less than in the Northwest. There are approximately 90 hydropower projects within the area covered by the potential critical habitat for the 7 ESUs in California. Based on the economic analysis conducted for this rulemaking (NMFS 2005b), the estimated annualized capital and programmatic costs of section 7 for hydropower projects ranges from \$11,000 to \$9.8 million per ESU, with the estimated annualized cost for all ESUs totaling \$18.8 million. The aggregate economic costs of capital modifications within the range of these 7 ESUs is approximately 10 percent of the total aggregate costs for all categories of activities evaluated in the economic analysis. This cost estimate, however, does not include costs associated with operational modifications of hydropower projects such as changes to the flow regime (level or timing) which can result in foregone power generation, require supplementary power purchases, or have other economic effects. The necessary data to estimate operational modification costs in California are not available, but they are expected to be highly variable and project-specific. The estimated impacts of operational changes at hydropower projects in the Pacific Northwest (unknown for several projects to \$31 million in forgone power revenues for Baker River Dam), however, demonstrate the potential magnitude and variability of impacts on a per project basis in California. For these projects in the Northwest, the proportion of costs attributable to section 7 implementation is unknown, but the share of incremental costs associated with critical habitat

designation alone is unlikely to be significant.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). We have prepared a final regulatory flexibility analysis and this document is available upon request (see **ADDRESSES**). This analysis estimates that the number of regulated small entities potentially affected by this rulemaking ranges from 444 to 4,893 depending on the ESU. The estimated coextensive costs of section 7 consultation incurred by small entities is estimated to range from \$1.6 million to \$26.5 million depending on the ESU. As described in the analysis, we considered various alternatives for designating critical habitat for these seven ESUs. We rejected the alternative of not designating critical habitat for any of the ESUs because such an approach did not meet the legal requirements of the ESA. We also examined and rejected an alternative in which all the potential critical habitat of the seven Pacific salmon and steelhead ESUs is designated (*i.e.*, no areas are excluded) because many of the areas considered to have a low conservation value also had relatively high economic impacts that might be mitigated by excluding those areas from designation. A third alternative we examined and rejected would exclude all habitat areas with a low or medium conservation value. While this alternative furthers the goal of reducing economic impacts, we could not make a determination that the benefits of excluding all habitat areas with low and medium conservation value outweighed the benefits of designation. Moreover, for some habitat areas the incremental economic benefit from excluding that area is relatively small. Therefore, after considering these alternatives in the context of the section 4(b)(2) process of weighing benefits of exclusion against benefits of designation, we determined that the current approach to designation (*i.e.*, designating some but not all areas with low or medium conservation value) provides an appropriate balance of conservation and economic mitigation and that excluding the areas identified

in this rulemaking would not result in extinction of the ESUs. It is estimated that small entities will save from \$39.9 thousand to \$5.5 million in compliance costs, depending on the ESU, due to the exclusions made in these final designations.

As noted above, we will continue to study alternative approaches in future rulemakings designating critical habitat. As part of that assessment, we will examine alternative methods for analyzing the economic impacts of designation on small business entities, which will inform our Regulatory Flexibility Analysis as well as our analysis under section 4(b)(2) of the ESA.

E.O. 13211

On May 18, 2001, the President issued an Executive Order on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This rule may be a significant regulatory action under E.O. 12866. We have determined, however, that the energy effects of the regulatory action are unlikely to exceed the energy impact thresholds identified in E.O. 13211.

As discussed elsewhere in this final rule, there are approximately 90 hydropower projects within the range of the potential critical habitat for these 7 ESUs. The annualized capital and programmatic costs of section 7 for these projects ranges from \$11,000 to \$9.8 million per ESU, with the estimated annualized cost for all ESUs totaling \$18.8 million. Despite these costs and operational costs which we do not have the data available to estimate, we believe the proper focus under E.O. 13211 is on the incremental impacts of critical habitat designation. The available data do not allow us to separate precisely these incremental impacts from the impacts of all conservation measures on energy production and costs. There is evidence from the California Energy Commission (California Energy Commission 2003), however, that the implementation of environmental mitigation measures associated with relicensing and selective decommissioning of hydropower projects in California has not impacted the ability of the State's electricity system to meet demand. This conclusion was based on a consideration of implementing all mitigation measures, not just those for salmon and steelhead, thus it is likely that the impact of implementing mitigations associated with salmon and steelhead protection directly or even

more specifically salmon and steelhead critical habitat protection would be a subset of the impacts determined by the Commission. In addition, there is historical evidence from the Pacific Northwest, that the ESA jeopardy standard alone is capable of imposing all of the costs affecting hydropower projects and energy supply. While this information is indirect, it is sufficient to draw the conclusion that the designation of critical habitat for the 7 salmon and steelhead ESUs in California does not significantly affect energy supply, distribution, or use.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act, we make the following findings:

(a) This final rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute or regulation that would impose an enforceable duty upon State, local, tribal governments, or the private sector and includes both "Federal intergovernmental mandates" and "Federal private sector mandates." These terms are defined in 2 U.S.C. 658(5)-(7). "Federal intergovernmental mandate" includes a regulation that "would impose an enforceable duty upon State, local, or tribal governments" with two exceptions. It excludes "a condition of Federal assistance." It also excludes "a duty arising from participation in a voluntary Federal program," unless the regulation "relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority," if the provision would "increase the stringency of conditions of assistance" or "place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding" and the State, local, or tribal governments "lack authority" to adjust accordingly. (At the time of enactment, these entitlement programs were: Medicaid; AFDC work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement.) "Federal private sector mandate" includes a regulation that "would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program." The designation of critical habitat does not impose a legally binding duty on non-Federal

government entities or private parties. Under the ESA, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities who receive Federal funding, assistance, permits or otherwise require approval or authorization from a Federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply; nor would critical habitat shift the costs of the large entitlement programs listed above to State governments.

(b) Due to current public knowledge of salmon protection and the prohibition against take of these species both within and outside of the designated areas, we do not anticipate that this final rule will significantly or uniquely affect small governments. As such, a Small Government Agency Plan is not required.

Takings

In accordance with E.O. 12630, this final rule does not have significant takings implications. A takings implication assessment is not required. The designation of critical habitat affects only Federal agency actions. This final rule will not increase or decrease the current restrictions on private property concerning take of salmon. As noted above, due to widespread public knowledge of salmon protection and the prohibition against take of the species both within and outside of the designated areas, we do not anticipate that property values will be affected by these critical habitat designations. While real estate market values may temporarily decline following designation, due to the perception that critical habitat designation may impose additional regulatory burdens on land use, we expect any such impacts to be short term (NMFS, 2005b). Additionally, critical habitat designation does not preclude development of HCPs and issuance of incidental take permits. Owners of areas that are included in the designated critical habitat will continue to have the opportunity to use their property in ways consistent with the survival of listed salmon.

Federalism

In accordance with E.O. 13132, this final rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of Commerce policies, we requested information from, and coordinated development of, this critical habitat designation with appropriate state resource agencies in California. These designations may have some benefit to the states and local resource agencies in that the areas essential to the conservation of the species are more clearly defined, and the primary constituent elements of the habitat necessary to the survival of the species are specifically identified. While making this definition and identification does not alter where and what Federally sponsored activities may occur, it may assist local governments in long-range planning rather than waiting for case-by-case section 7 consultations to occur.

Civil Justice Reform

In accordance with E.O. 12988, the Department of the Commerce has determined that this final rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the E.O. We are designating critical habitat in accordance with the provisions of the ESA. This final rule uses standard property descriptions and identifies the primary constituent elements within the designated areas to assist the public in understanding the habitat needs of the seven salmon and steelhead ESUs.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This final rule does not contain new or revised information collection for which OMB approval is required under the Paperwork Reduction Act. This final rule will not impose record keeping or reporting requirements on State or local governments, individuals, businesses, or organizations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act

We have determined that we need not prepare environmental analyses as provided for under the National Environmental Policy Act of 1969 for critical habitat designations made pursuant to the ESA. See *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995), cert. denied, 116 S.Ct. 698 (1996).

Government-to-Government Relationship With Tribes

The longstanding and distinctive relationship between the Federal and tribal Governments is defined by treaties, statutes, executive orders, judicial decisions, and agreements, which differentiate tribal governments from the other entities that deal with, or are affected by, the Federal Government. This relationship has given rise to a special Federal trust responsibility involving the legal responsibilities and obligations of the United States toward Indian Tribes and the application of fiduciary standards of due care with respect to Indian lands, tribal trust resources, and the exercise of tribal rights. Pursuant to these authorities lands have been retained by Indian Tribes or have been set aside for tribal use. These lands are managed by Indian Tribes in accordance with tribal goals and objectives within the framework of applicable treaties and laws.

Administration policy contained in the Secretarial Order: "American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act" (June 5, 1997) ("Secretarial Order"); the President's Memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (50 FR 2291); E.O. 13175; and Department of Commerce-American Indian and Alaska Native Policy (March 30, 1995) reflects and defines this unique relationship.

These policies also recognize the unique status of Indian lands. The Presidential Memorandum of April 29, 1994, provides that, to the maximum extent possible, tribes should be the governmental entities to manage their lands and tribal trust resources. The Secretarial Order provides that, "Indian lands are not Federal public lands or part of the public domain, and are not subject to Federal public lands laws."

In implementing these policies the Secretarial Order specifically seeks to harmonize this unique working relationship with the Federal Government's duties pursuant to the ESA. The order clarifies our responsibilities when carrying out authorities under the ESA and requires that we consult with and seek participation of, the affected Indian Tribes to the maximum extent practicable in the designation of critical habitat. Accordingly, we recognize that we must carry out our responsibilities under the ESA in a manner that harmonizes these duties with the Federal trust responsibility to the tribes and tribal sovereignty while striving to ensure that Indian Tribes do not bear a

disproportionate burden for the conservation of species. Any decision to designate Indian land as critical habitat must be informed by the Federal laws and policies establishing our responsibility concerning Indian lands, treaties and trust resources, and by Department of Commerce policy establishing our responsibility for dealing with tribes when we implement the ESA.

For West Coast salmon in California, our approach is also guided by the unique partnership between the Federal Government and Indian tribes regarding salmon management. In California, Indian tribes are regarded as “co-managers” of the salmon resource, along with Federal and state managers. This co-management relationship evolved as a result of numerous court decisions establishing the tribes’ treaty right to take fish in their usual and accustomed places.

Pursuant to the Secretarial Order we consulted with the affected Indian Tribes when considering the designation of critical habitat in an area that may impact tribal trust resources, tribally owned fee lands or the exercise of tribal rights. Additionally some tribes and the BIA provided written comments that are a part of the administrative record for this rulemaking.

We understand from the tribes that there is general agreement that Indian lands should not be designated critical habitat. The Secretarial Order defines Indian lands as “any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or (2) held by an Indian Tribe or individual subject to restrictions by the United States against alienation.” In clarifying this definition with the tribes, we agree that (1) fee lands within the reservation boundaries and owned by the Tribe or individual Indian, and (2) fee lands outside the reservation boundaries and owned by the Tribe would be considered Indian lands for the purposes of this rule. (Fee lands outside the reservation owned by individual Indians are not included within the definition of Indian lands for the purposes of this rule.)

In evaluating Indian lands for designation as critical habitat we look to

section 4(b)(2) of the ESA. Section 4(b)(2) requires us to base critical habitat designations on the best scientific and commercial data available, after taking into consideration the economic impact, the impact on national security and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude areas from a critical habitat designation when the benefits of exclusion outweigh the benefits of designation, provided the exclusion will not result in the extinction of the species. We find that a relevant impact for consideration is the degree to which the Federal designation of Indian lands would impact the longstanding unique relationship between the tribes and the Federal Government and the corresponding effect on West Coast salmon protection and management. This is consistent with recent case law addressing the designation of critical habitat on tribal lands. “It is certainly reasonable to consider a positive working relationship relevant, particularly when the relationship results in the implementation of beneficial natural resource programs, including species preservation.” *Center for Biological Diversity et al. v. Norton*, 240 F. Supp. 2d 1090, 1105; *Douglas County v. Babbitt*, 48 F.3d 1495, 1507 (1995) (defining “relevant” as impacts consistent with the purposes of the ESA).

As noted above, NMFS and the tribal governments in California currently have cooperative working relationships that have enabled us to implement natural resource programs of mutual interest for the benefit of threatened and endangered salmonids. The tribes have existing natural resource programs that assist us on a regular basis in providing information relevant to salmonid protection. The tribes indicate that they view the designation of Indian lands as an unwanted intrusion into tribal self-governance, compromising the government-to-government relationship that is essential to achieving our mutual goal of conserving threatened and endangered salmonids. At this time, for the general reasons described above, we conclude that the ESA 4(b)(2) analysis

leads us to exclude all Indian lands containing occupied habitat otherwise eligible for designation in our final designation for these 7 ESUs of salmon and steelhead.

IX. References Cited

A complete list of all references cited in this rulemaking can be found on our Web site at <http://swr.nmfs.noaa.gov> and is available upon request from the NMFS office in Long Beach, CA (see ADDRESSES section).

List of Subjects in 50 CFR Part 226

Endangered and threatened species.

Dated: August 12, 2005.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

■ For the reasons set out in the preamble, we amend part 226, title 50 of the Code of Regulations as set forth below:

PART 226—[AMENDED]

■ 1. The authority citation of part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

■ 2. Add § 226.211 to read as follows:

§ 226.211 Critical habitat for Seven Evolutionarily Significant Units (ESUs) of Salmon (*Oncorhynchus spp.*) in California.

Critical habitat is designated in the following California counties for the following ESUs as described in paragraph (a) of this section, and as further described in paragraphs (b) through (e) of this section. The textual descriptions of critical habitat for each ESU are included in paragraphs (f) through (l) of this section, and these descriptions are the definitive source for determining the critical habitat boundaries. General location maps are provided at the end of each ESU description (paragraphs (f) through (l) of this section) and are provided for general guidance purposes only, and not as a definitive source for determining critical habitat boundaries.

(a) Critical habitat is designated for the following ESUs in the following California counties:

ESU	State—counties
(1) California Coastal Chinook	CA—Humboldt, Trinity, Mendocino, Sonoma, Lake, Napa, Glenn, Colusa, and Tehama.
(2) Northern California Steelhead	CA—Humboldt, Trinity, Mendocino, Sonoma, Lake, Glenn, Colusa, and Tehama.
(3) Central California Coast Steelhead	CA—Lake, Mendocino, Sonoma, Napa, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, Alameda, Contra Costa, and San Joaquin.
(4) South-Central Coast Steelhead	CA—Monterey, San Benito, Santa Clara, Santa Cruz, San Luis Obispo.

ESU	State—counties
(5) Southern California Steelhead	CA—San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange and San Diego.
(6) Central Valley spring-run Chinook	CA—Tehama, Butte, Glenn, Shasta, Yolo, Sacramento, Solano, Colusa, Yuba, Sutter, Trinity, Alameda, San Joaquin, and Contra Costa.
(7) Central Valley Steelhead	CA—Tehama, Butte, Glenn, Shasta, Yolo, Sacramento, Solana, Yuba, Sutter, Placer, Calaveras, San Joaquin, Stanislaus, Tuolumne, Merced, Alameda, Contra Costa.

(b) *Critical habitat boundaries.*

Critical habitat includes the stream channels within the designated stream reaches, and includes a lateral extent as defined by the ordinary high-water line (33 CFR 329.11). In areas where the ordinary high-water line has not been defined, the lateral extent will be defined by the bankfull elevation.

Bankfull elevation is the level at which water begins to leave the channel and move into the floodplain and is reached at a discharge which generally has a recurrence interval of 1 to 2 years on the annual flood series. Critical habitat in estuaries (e.g. San Francisco-San Pablo-Suisun Bay, Humboldt Bay, and Morro Bay) is defined by the perimeter of the water body as displayed on standard 1:24,000 scale topographic maps or the elevation of extreme high water, whichever is greater.

(c) *Primary constituent elements.*

Within these areas, the primary constituent elements essential for the conservation of these ESUs are those sites and habitat components that support one or more life stages, including:

(1) Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development;

(2) Freshwater rearing sites with:

(i) Water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility;

(ii) Water quality and forage supporting juvenile development; and

(iii) Natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks.

(3) Freshwater migration corridors free of obstruction and excessive predation with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival.

(4) Estuarine areas free of obstruction and excessive predation with:

(i) Water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater;

(ii) Natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels; and

(iii) Juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation.

(d) *Exclusion of Indian lands.* Critical habitat does not include occupied habitat areas on Indian lands. The Indian lands specifically excluded from critical habitat are those defined in the Secretarial Order, including:

(1) Lands held in trust by the United States for the benefit of any Indian tribe;

(2) Land held in trust by the United States for any Indian Tribe or individual subject to restrictions by the United States against alienation;

(3) Fee lands, either within or outside the reservation boundaries, owned by the tribal government; and

(4) Fee lands within the reservation boundaries owned by individual Indians.

(e) *Land owned or controlled by the Department of Defense.* Additionally, critical habitat does not include the following areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a):

(1) Camp Pendleton Marine Corps Base;

(2) Vandenberg Air Force Base;

(3) Camp San Luis Obispo;

(4) Camp Roberts; and

(5) Mare Island Army Reserve Center.

(f) *California Coastal Chinook Salmon (Oncorhynchus tshawytscha).* Critical habitat is designated to include the areas defined in the following CALWATER Hydrologic units:

(1) Redwood Creek Hydrologic Unit 1107—(i) *Orick Hydrologic Sub-area 110710.* Outlet(s) = Redwood Creek (Lat -41.2923, Long -124.0917) upstream to endpoint(s) in: Boyes Creek (41.3639, -123.9845); Bridge Creek (41.137,

-124.0012); Brown Creek (41.3986, -124.0012); Emerald (Harry Weir) (41.2142, -123.9812); Godwood Creek (41.3889, -124.0312); Larry Dam Creek (41.3359, -124.003); Little Lost Man Creek (41.2944, -124.0014); Lost Man Creek (41.3133, -123.9854); May Creek (41.3547, -123.999); McArthur Creek (41.2705, -124.041); North Fork Lost Man Creek (41.3374, -123.9935); Prairie Creek (41.4239, -124.0367); Tom McDonald (41.1628, -124.0419).

(ii) *Beaver Hydrologic Sub-area 110720.* Outlet(s) = Redwood Creek (Lat 41.1367, Long -123.9309) upstream to endpoint(s): Lacks Creek (41.0334, -123.8124); Minor Creek (40.9706, -123.7899).

(iii) *Lake Prairie Hydrologic Sub-area 110730.* Outlet(s) = Redwood Creek (Lat 40.9070, Long -123.8170) upstream to endpoint(s) in: Redwood Creek (40.7432, -123.7206).

(2) Trinidad Hydrologic Unit 1108—(i) *Big Lagoon Hydrologic Sub-area 110810.* Outlet(s) = Maple Creek (Lat 41.1555, Long -124.1380) upstream to endpoint(s) in: North Fork Maple Creek (41.1317, -124.0824); Maple Creek (41.1239, -124.1041).

(ii) *Little River Hydrologic Sub-area 110820.* Outlet(s) = Little River (41.0277, -124.1112) upstream to endpoint(s) in: South Fork Little River (40.9908, -124.0412); Little River (41.0529, -123.9727); Railroad Creek (41.0464, -124.0475); Lower South Fork Little River (41.0077, -124.0078); Upper South Fork Little River (41.0131, -123.9853).

(3) Mad River Hydrologic Unit 1109—(i) *Blue Lake Hydrologic Sub-area 110910.* Outlet(s) = Mad River (Lat 40.9139, Long -124.0642) upstream to endpoint(s) in: Lindsay Creek (40.983, -124.0326); Mill Creek (40.9008, -124.0086); North Fork Mad River (40.8687, -123.9649); Squaw Creek (40.9426, -124.0202); Warren Creek (40.8901, -124.0402).

(ii) *North Fork Mad River 110920.* Outlet(s) = North Fork Mad River (Lat 40.8687, Long -123.9649) upstream to endpoint(s) in: Sullivan Gulch (40.8646, -123.9553); North Fork Mad River (40.8837, -123.9436).

(iii) *Butler Valley 110930*. Outlet(s) = Mad River (Lat 40.8449, Long -123.9807) upstream to endpoint(s) in: Black Creek (40.7547, -123.9016); Black Dog Creek (40.8334, -123.9805); Canon Creek (40.8362, -123.9028); Dry Creek (40.8218, -123.9751); Mad River (40.7007, -123.8642); Maple Creek (40.7928, -123.8742); Unnamed (40.8186, -123.9769).

(4) Eureka Plain Hydrologic Unit 1110—(i) *Eureka Plain Hydrologic Sub-area 111000*. Outlet(s) = Mad River (Lat 40.9560, Long -124.1278); Jacoby Creek (40.8436, -124.0834); Freshwater Creek (40.8088, -124.1442); Elk River (40.7568, -124.1948); Salmon Creek (40.6868, -124.2194) upstream to endpoint(s) in: Bridge Creek (40.6958, -124.0795); Dunlap Gulch (40.7101, -124.1155); Freshwater Creek (40.7389, -123.9944); Gannon Slough (40.8628, -124.0818); Jacoby Creek (40.7944, -124.0093); Little Freshwater Creek (40.7485, -124.0652); North Branch of the North Fork Elk River (40.6878, -124.0131); North Fork Elk River (40.6756, -124.0153); Ryan Creek (40.7835, -124.1198); Salmon Creek (40.6438, -124.1319); South Branch of the North Fork Elk River (40.6691, -124.0244); South Fork Elk River (40.6626, -124.061); South Fork Freshwater Creek (40.7097, -124.0277).

(ii) [Reserved]

(5) Eel River Hydrologic Unit 1111—(i) *Ferndale Hydrologic Sub-area 111111*. Outlet(s) = Eel River (Lat 40.6282, Long -124.2838) upstream to endpoint(s) in: Atwell Creek (40.472, -124.1449); Howe Creek (40.4748, -124.1827); Price Creek (40.5028, -124.2035); Strongs Creek (40.5986, -124.1222); Van Duzen River (40.5337, -124.1262).

(ii) *Scotia Hydrologic Sub-area 111112*. Outlet(s) = Eel River (Lat 40.4918, Long -124.0998) upstream to endpoint(s) in: Bear Creek (40.391, -124.0156); Chadd Creek (40.3921, -123.9542); Jordan Creek (40.4324, -124.0428); Monument Creek (40.4676, -124.1133).

(iii) *Larabee Creek Hydrologic Sub-area 111113*. Outlet(s) = Larabee Creek (40.4090, Long -123.9334) upstream to endpoint(s) in: Carson Creek (40.4189, -123.8881); Larabee Creek (40.3950, -123.8138).

(iv) *Hydesville Hydrologic Sub-area 111121*. Outlet(s) = Van Duzen River (Lat 40.5337, Long -124.1262) upstream to endpoint(s) in: Cummings Creek (40.5258, -123.9896); Fielder Creek (40.5289, -124.0201); Hely Creek (40.5042, -123.9703); Yager Creek (40.5583, -124.0577).

(v) *Yager Creek Hydrologic Sub-area 111123*. Outlet(s) = Yager Creek (Lat

40.5583, Long -124.0577) upstream to endpoint(s) in: Corner Creek (40.6189, -123.9994); Fish Creek (40.6392, -124.0032); Lawrence Creek (40.6394, -123.9935); Middle Fork Yager Creek (40.5799, -123.9015); North Fork Yager Creek (40.6044, -123.9084); Owl Creek (40.5557, -123.9362); Shaw Creek (40.6245, -123.9518); Yager Creek (40.5673, -123.9403).

(vi) *Weott Hydrologic Sub-area 111131*. Outlet(s) = South Fork Eel River (Lat 40.3500, Long -123.9305) upstream to endpoint(s) in: Bridge Creek (40.2929, -123.8569); Bull Creek (40.3148, -124.0343); Canoe Creek (40.2909, -123.922); Cow Creek (40.3583, -123.9626); Cuneo Creek (40.3377, -124.0385); Elk Creek (40.2837, -123.8365); Fish Creek (40.2316, -123.7915); Harper Creek (40.354, -123.9895); Mill Creek (40.3509, -124.0236); Salmon Creek (40.2214, -123.9059); South Fork Salmon River (40.1769, -123.8929); Squaw Creek (40.3401, -123.9997); Tostin Creek (40.1722, -123.8796).

(vii) *Benbow Hydrologic Sub-area 111132*. Outlet(s) = South Fork Eel River (Lat 40.1932, Long -123.7692) upstream to endpoint(s) in: Anderson Creek (39.9337, -123.8933); Bear Pen Creek (39.9125, -123.8108); Bear Wallow Creek (39.7296, -123.7172); Bond Creek (39.7856, -123.6937); Butler Creek (39.7439, -123.692); China Creek (40.1035, -123.9493); Connick Creek (40.0911, -123.8187); Cox Creek (40.0288, -123.8542); Cummings Creek (39.8431, -123.5752); Dean Creek (40.1383, -123.7625); Dinner Creek (40.0915, -123.937); East Branch South Fork Eel River (39.9433, -123.6278); Elk Creek (39.7986, -123.5981); Fish Creek (40.0565, -123.7768); Foster Creek (39.8455, -123.6185); Grapewine Creek (39.7991, -123.5186); Hartsook Creek (40.012, -123.7888); Hollow Tree Creek (39.7316, -123.6918); Huckleberry Creek (39.7315, -123.7253); Indian Creek (39.9464, -123.8993); Jones Creek (39.9977, -123.8378); Leggett Creek (40.1374, -123.8312); Little Sproul Creek (40.0897, -123.8585); Low Gap Creek (39.993, -123.767); McCoy Creek (39.9598, -123.7542); Michael's Creek (39.7642, -123.7175); Miller Creek (40.1215, -123.916); Moody Creek (39.9531, -123.8819); Mud Creek (39.8232, -123.6107); Piercy Creek (39.9706, -123.8189); Pollock Creek (40.0822, -123.9184); Rattlesnake Creek (39.7974, -123.5426); Redwood Creek (39.7721, -123.7651); Redwood Creek (40.0974, -123.9104); Seely Creek (40.1494, -123.8825); Somerville Creek (40.0896, -123.8913); South Fork Redwood Creek (39.7663, -123.7579); Spoul Creek (40.0125, -123.8585);

Standley Creek (39.9479, -123.8083); Tom Long Creek (40.0315, -123.6891); Twin Rocks Creek (39.8269, -123.5543); Warden Creek (40.0625, -123.8546); West Fork Sproul Creek (40.0386, -123.9015); Wildcat Creek (39.9049, -123.7739); Wilson Creek (39.841, -123.6452); Unnamed Tributary (40.1136, -123.9359).

(viii) *Laytonville Hydrologic Sub-area 111133*. Outlet(s) = South Fork Eel River (Lat 39.7665, Long -123.6484) upstream to endpoint(s) in: Bear Creek (39.6413, -123.5797); Cahto Creek (39.6624, -123.5453); Dutch Charlie Creek (39.6892, -123.6818); Grub Creek (39.7777, -123.5809); Jack of Hearts Creek (39.7244, -123.6802); Kenny Creek (39.6733, -123.6082); Mud Creek (39.6561, -123.592); Redwood Creek (39.6738, -123.6631); Rock Creek (39.6931, -123.6204); South Fork Eel River (39.6271, -123.5389); Streeter Creek (39.7328, -123.5542); Ten Mile Creek (39.6651, -123.451).

(ix) *Sequoia Hydrologic Sub-area 111141*. Outlet(s) = Eel River (Lat 40.3557, Long -123.9191); South Fork Eel River (40.3558, -123.9194) upstream to endpoint(s) in: Brock Creek (40.2411, -123.7248); Dobbyn Creek (40.2216, -123.6029); Hoover Creek (40.2312, -123.5792); Line Gulch (40.1655, -123.4831); North Fork Dobbyn Creek (40.2669, -123.5467); South Fork Dobbyn Creek (40.1723, -123.5112); South Fork Eel River (40.35, -123.9305); Unnamed Tributary (40.3137, -123.8333); Unnamed Tributary (40.2715, -123.549).

(x) *Spy Rock Hydrologic Sub-area 111142*. Outlet(s) = Eel River (Lat 40.1736, Long -123.6043) upstream to endpoint(s) in: Bell Springs Creek (39.9399, -123.5144); Burger Creek (39.6943, -123.413); Chamise Creek (40.0563, -123.5479); Jewett Creek (40.1195, -123.6027); Kekawaka Creek (40.0686, -123.4087); Woodman Creek (39.7639, -123.4338).

(xi) *North Fork Eel River Hydrologic Sub-area 111150*. Outlet(s) = North Fork Eel River (Lat 39.9567, Long -123.4375) upstream to endpoint(s) in: North Fork Eel River (39.9370, -123.3758).

(xii) *Outlet Creek Hydrologic Sub-area 111161*. Outlet(s) = Outlet Creek (Lat 39.6263, Long -123.3453) upstream to endpoint(s) in: Baechtel Creek (39.3688, -123.4028); Berry Creek (39.4272, -123.2951); Bloody Run (39.5864, -123.3545); Broadus Creek (39.3907, -123.4163); Davis Creek (39.3701, -123.3007); Dutch Henry Creek (39.5788, -123.4543); Haehl Creek (39.3795, -123.3393); Long Valley Creek (39.6091, -123.4577); Ryan Creek (39.4803, -123.3642); Upp Creek (39.4276, -123.3578); Upp Creek

(39.4276, -123.3578); Willits Creek (39.4315, -123.3794).

(xiii) *Tomki Creek Hydrologic Sub-area 111162*. Outlet(s) = Eel River (Lat 39.7138, Long -123.3531) upstream to endpoint(s) in: Cave Creek (39.3925, -123.2318); Long Branch Creek (39.4074, -123.1897); Rocktree Creek (39.4533, -123.3079); Salmon Creek (39.4461, -123.2104); Scott Creek (39.456, -123.2297); String Creek (39.4855, -123.2891); Tomki Creek (39.549, -123.3613); Wheelbarrow Creek (39.5029, -123.3287).

(xiv) *Lake Pillsbury Hydrologic Sub-area 111163*. Outlet(s) = Eel River (Lat 39.3860, Long -123.1163) upstream to endpoint(s) in: Eel River (39.4078, -122.958).

(xv) *Eden Valley Hydrologic Sub-area 111171*. Outlet(s) = Middle Fork Eel River (Lat 39.8146, Long -123.1332) upstream to endpoint(s) in: Middle Fork Eel River (39.8145, -123.1333).

(xvi) *Round Valley Hydrologic Sub-area 111172*. Outlet(s) = Mill Creek (Lat 39.7396, Long -123.1420); Williams Creek (39.8145, -123.1333) upstream to endpoint(s) in: Mill Creek (39.8456, -123.2822); Murphy Creek (39.8804, -123.1636); Poor Mans Creek (39.8179, -123.1833); Short Creek (39.8645, -123.2242); Turner Creek (39.7238, -123.2191); Williams Creek (39.8596, -123.1341).

(6) *Cape Mendocino Hydrologic Unit 1112*—(i) *Capetown Hydrologic Sub-area 111220*. Outlet(s) = Bear River (Lat 40.4744, Long -124.3881) upstream to endpoint(s) in: Bear River (40.3591, -124.0536); South Fork Bear River (40.4271, -124.2873).

(ii) *Mattole River Hydrologic Sub-area 111230*. Outlet(s) = Mattole River (Lat 40.2942, Long -124.3536) upstream to endpoint(s) in: Bear Creek (40.1262, -124.0631); Blue Slide Creek (40.1286, -123.9579); Bridge Creek (40.0503, -123.9885); Conklin Creek (40.3169, -124.229); Dry Creek (40.2389,

-124.0621); East Fork Honeydew Creek (40.1633, -124.0916); East Fork of the North Fork Mattole River (40.3489, -124.2244); Eubanks Creek (40.0893, -123.9743); Gilham Creek (40.2162, -124.0309); Grindstone Creek (40.1875, -124.0041); Honeydew Creek (40.1942, -124.1363); Mattole Canyon (40.1833, -123.9666); Mattole River (39.9735, -123.9548); McGinnis Creek (40.3013, -124.2146); McKee Creek (40.0674, -123.9608); Mill Creek (40.0169, -123.9656); North Fork Mattole River (40.3729, -124.2461); North Fork Bear Creek (40.1422, -124.0945); Oil Creek (40.3008, -124.1253); Rattlesnake Creek (40.2919, -124.1051); South Fork Bear Creek (40.0334, -124.0232); Squaw Creek (40.219, -124.1921); Thompson Creek (39.9969, -123.9638); Unnamed (40.1522, -124.0989); Upper North Fork Mattole River (40.2907, -124.1115); Westlund Creek (40.2333, -124.0336); Woods creek (40.2235, -124.1574); Yew Creek (40.0019, -123.9743).

(7) *Mendocino Coast Hydrologic Unit 1113*—(i) *Wages Creek Hydrologic Sub-area 111312*. Outlet(s) = Wages Creek (Lat 39.6513, Long -123.7851) upstream to endpoint(s) in: Wages Creek (39.6393, -123.7146).

(ii) *Ten Mile River Hydrologic Sub-area 111313*. Outlet(s) = Ten Mile River (Lat 39.5529, Long -123.7658) upstream to endpoint(s) in: Middle Fork Ten Mile River (39.5397, -123.5523); Little North Fork Ten Mile River (39.6188, -123.7258); Ten Mile River (39.5721, -123.7098); South Fork Ten Mile River (39.4927, -123.6067); North Fork Ten Mile River (39.5804, -123.5735).

(iii) *Noyo River Hydrologic Sub-area 111320*. Outlet(s) = Noyo River (Lat 39.4274, Long -123.8096) upstream to endpoint(s) in: North Fork Noyo River (39.4541, -123.5331); Noyo River (39.431, 123.494); South Fork Noyo River (39.3549, -123.6136).

(iv) *Big River Hydrologic Sub-area 111330*. Outlet(s) = Big River (Lat

39.3030, Long -123.7957) upstream to endpoint(s) in: Big River (39.3095, -123.4454).

(v) *Albion River Hydrologic Sub-area 111340*. Outlet(s) = Albion River (Lat 39.2253, Long -123.7679) upstream to endpoint(s) in: Albion River (39.2644, -123.6072).

(vi) *Garcia River Hydrologic Sub-area 111370*. Outlet(s) = Garcia River (Lat 38.9455, Long -123.7257) upstream to endpoint(s) in: Garcia River (38.9160, -123.4900).

(8) *Russian River Hydrologic Unit 1114*—(i) *Guerneville Hydrologic Sub-area 111411*. Outlet(s) = Russian River (Lat 38.4507, Long -123.1289) upstream to endpoint(s) in: Austin Creek (38.5099, -123.0681); Mark West Creek (38.4961, -122.8489).

(ii) *Austin Creek Hydrologic Sub-area 111412*. Outlet(s) = Austin Creek (Lat 38.5099, Long -123.0681) upstream to endpoint(s) in: Austin Creek (38.5326, -123.0844).

(iii) *Warm Springs Hydrologic Sub-area 111424*. Outlet(s) = Dry Creek (Lat 38.5861, Long -122.8573) upstream to endpoint(s) in: Dry Creek (38.7179, -123.0075).

(iv) *Geyserville Hydrologic Sub-area 111425*. Outlet(s) = Russian River (Lat 38.6132, Long -122.8321) upstream.

(v) *Ukiah Hydrologic Sub-area 111431*. Outlet(s) = Russian River (Lat 38.8828, Long -123.0557) upstream to endpoint(s) in: Feliz Creek (38.9941, -123.1779).

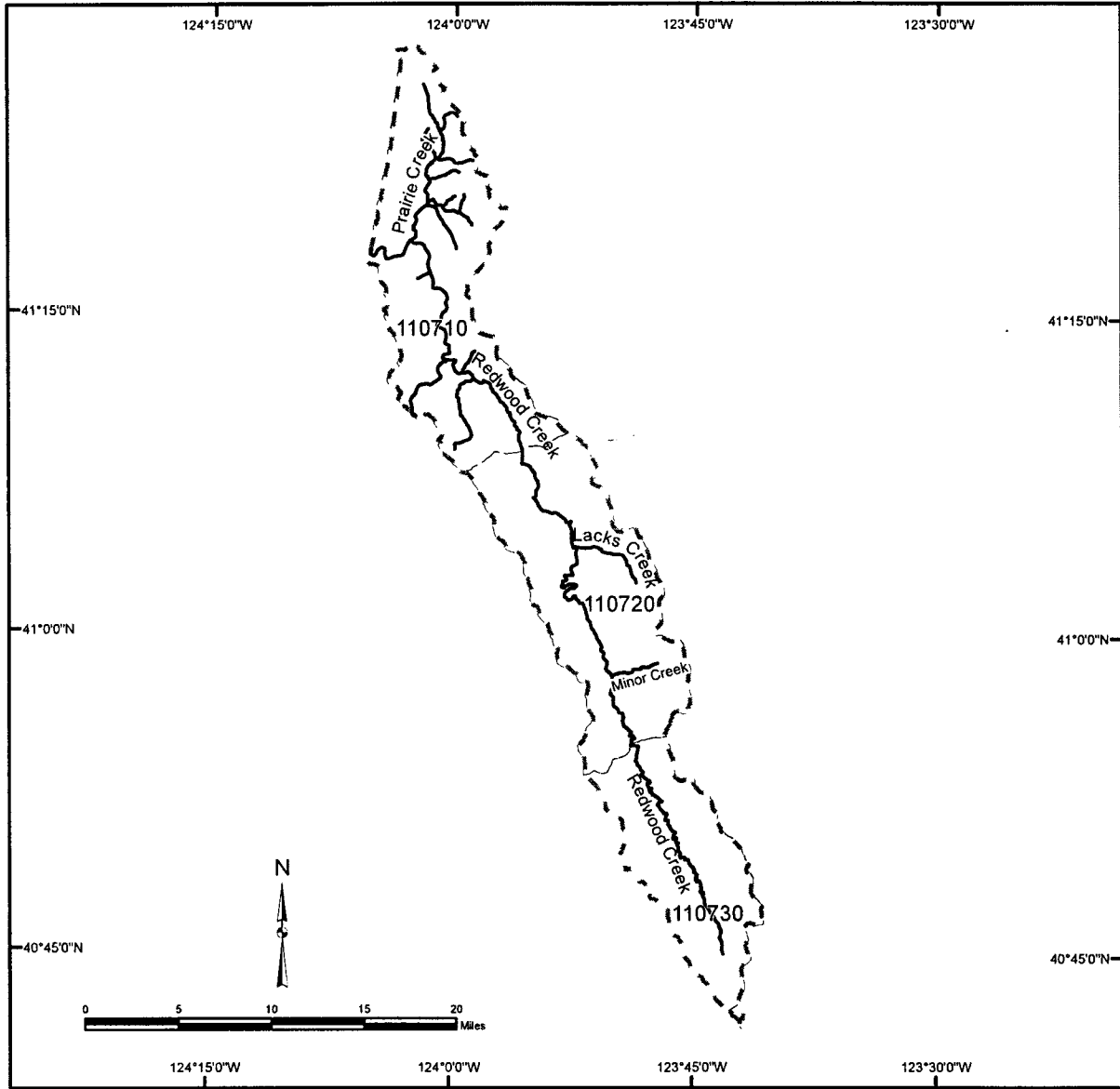
(vi) *Forsythe Creek Hydrologic Sub-area 111433*. Outlet(s) = Russian River (Lat 39.2257, Long -123.2012) upstream to endpoint(s) in: Forsythe Creek (39.2780, -123.2608); Russian River (39.3599, -123.2326).

(9) Maps of critical habitat for the California Coast chinook salmon ESU follow:

BILLING CODE 3510-22-P

Critical Habitat for the California Coastal Chinook Salmon

Redwood Creek Hydrologic Unit 1107



⊙ Cities/Towns

— Critical Habitat

- - - Calwater Hydrologic Unit Boundary

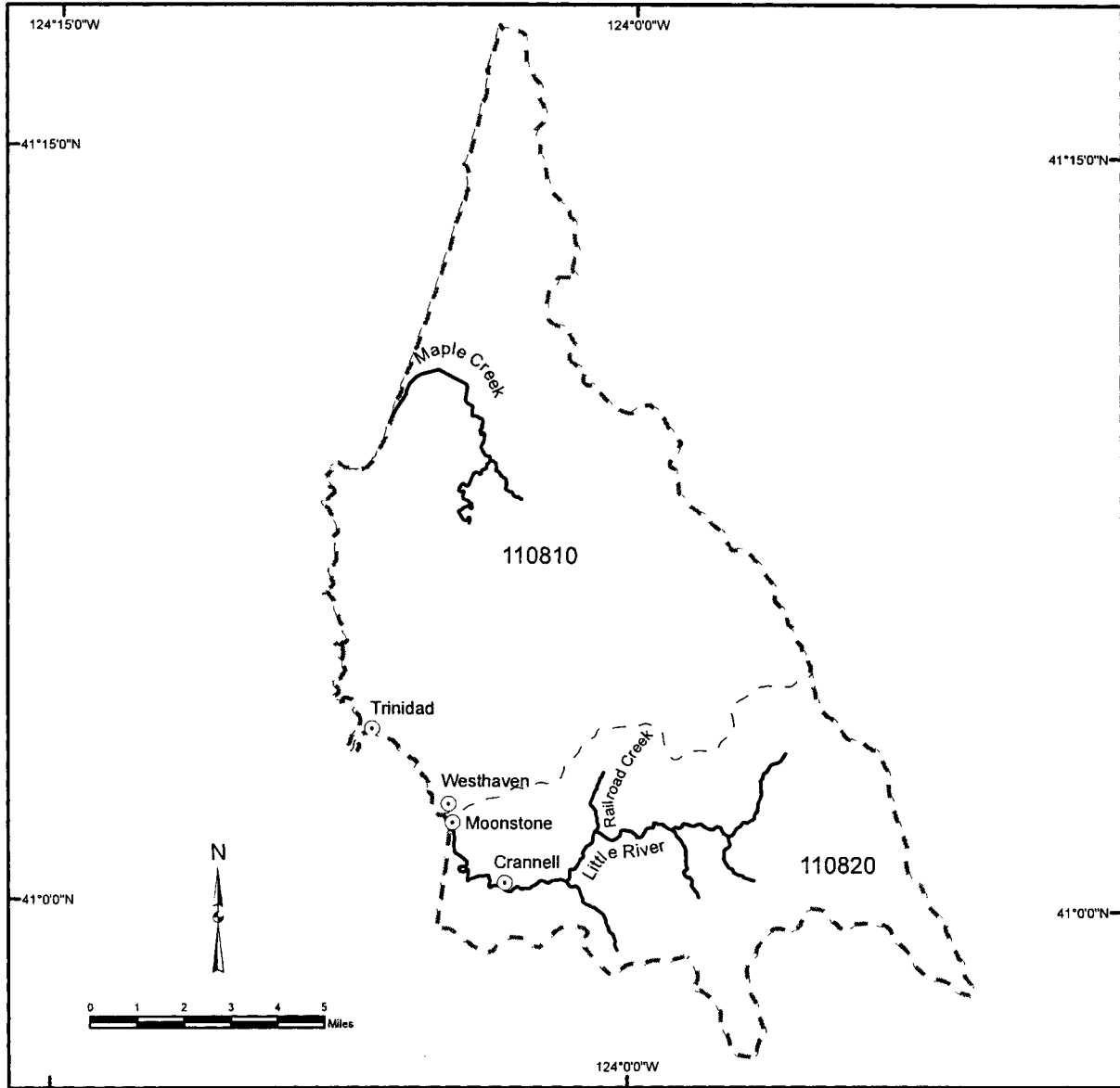
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



**Critical Habitat for the
California Coastal Chinook Salmon**

**Trinidad Hydrologic Unit
1108**



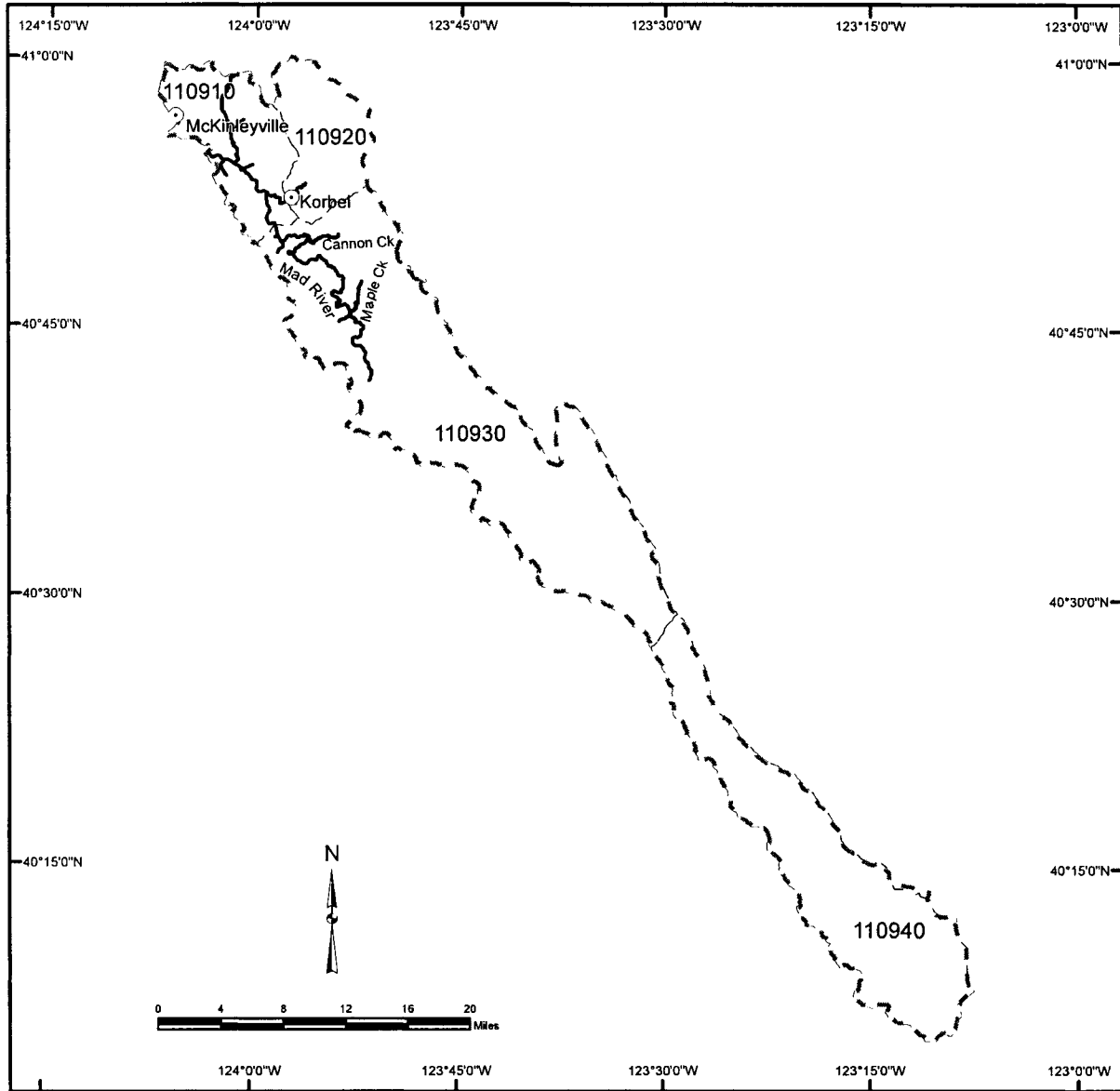
- ⊙ Cities/Towns
- Critical Habitat
- - - Calwater Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Coastal Chinook Salmon

Mad River Hydrologic Unit 1109

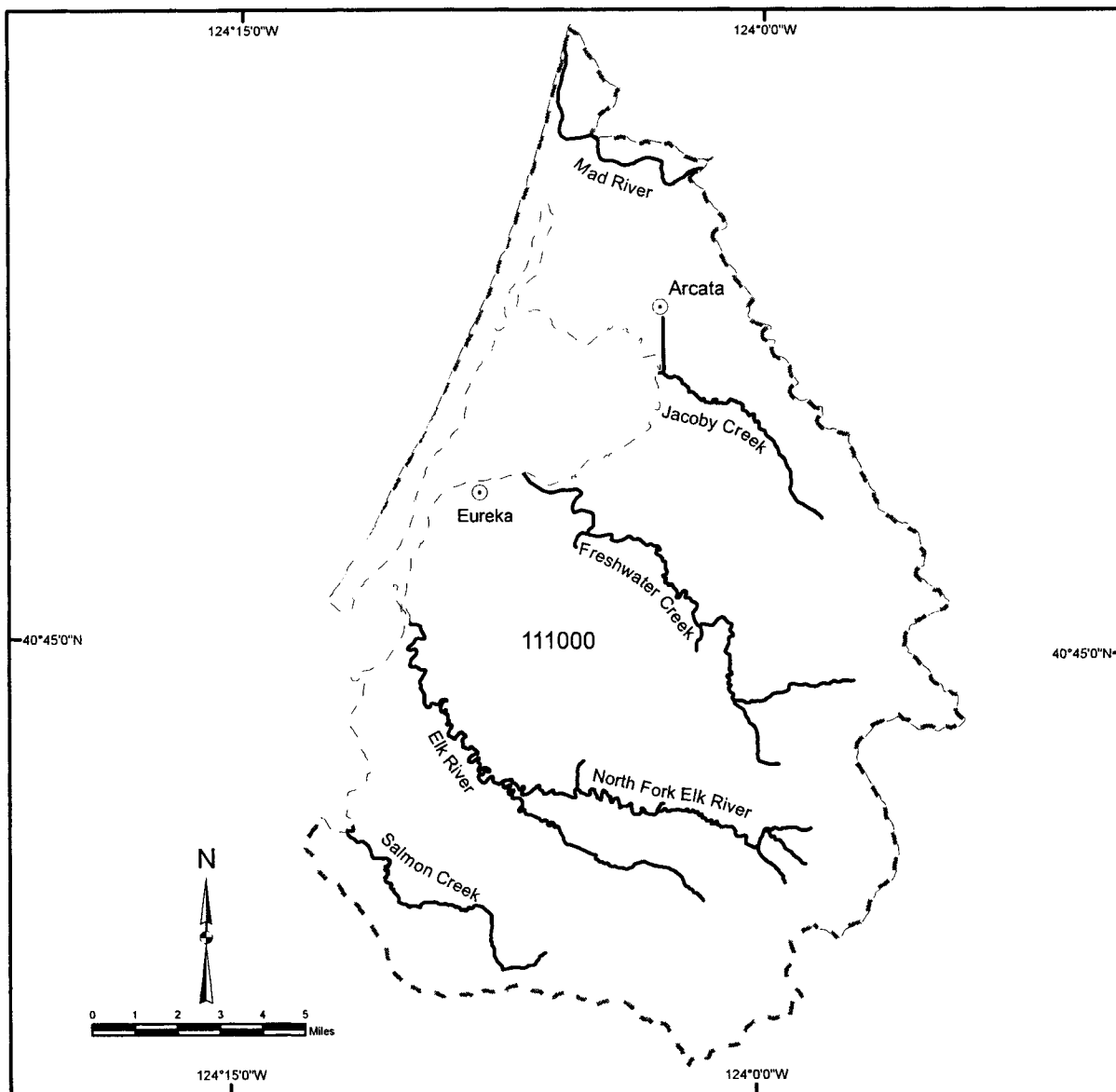


(•) Cities/Towns
— Critical Habitat
- - - Calwater Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
110701 Fifth Field Calwater Hydrologic Sub-Area Number

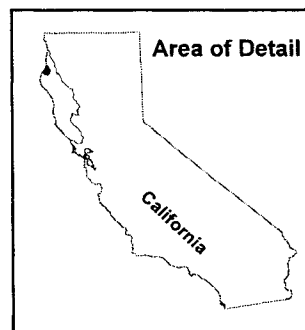


Critical Habitat for the California Coastal Chinook Salmon

Eureka Plain Hydrologic Unit 1110

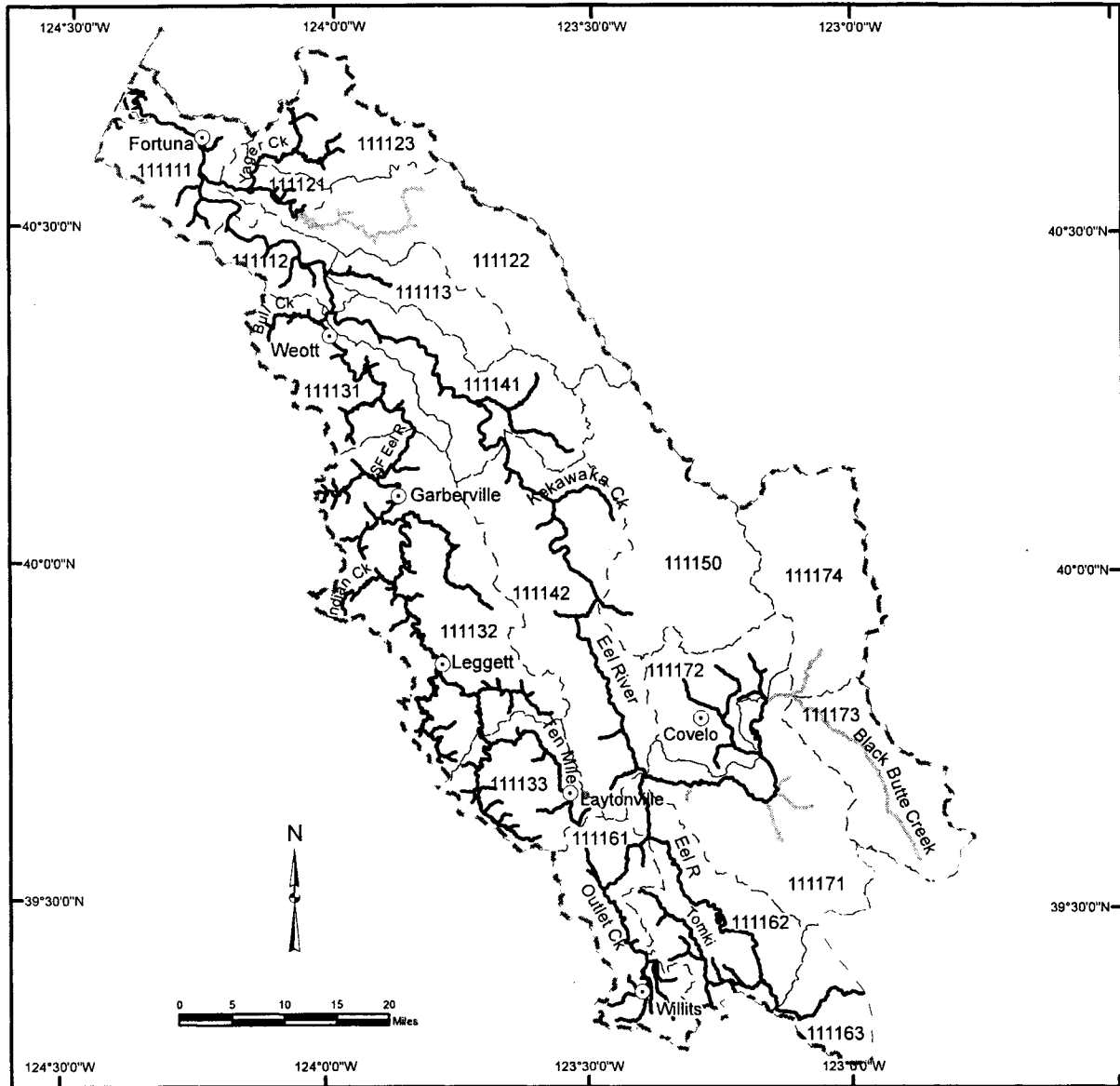


⊙ Cities/Towns
 — Critical Habitat
 - - - Calwater Hydrologic Unit Boundary
 - - - Fifth Field Calwater Hydrologic Sub-Area Boundary
 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Coastal Chinook Salmon

Eel River Hydrologic Unit 1111



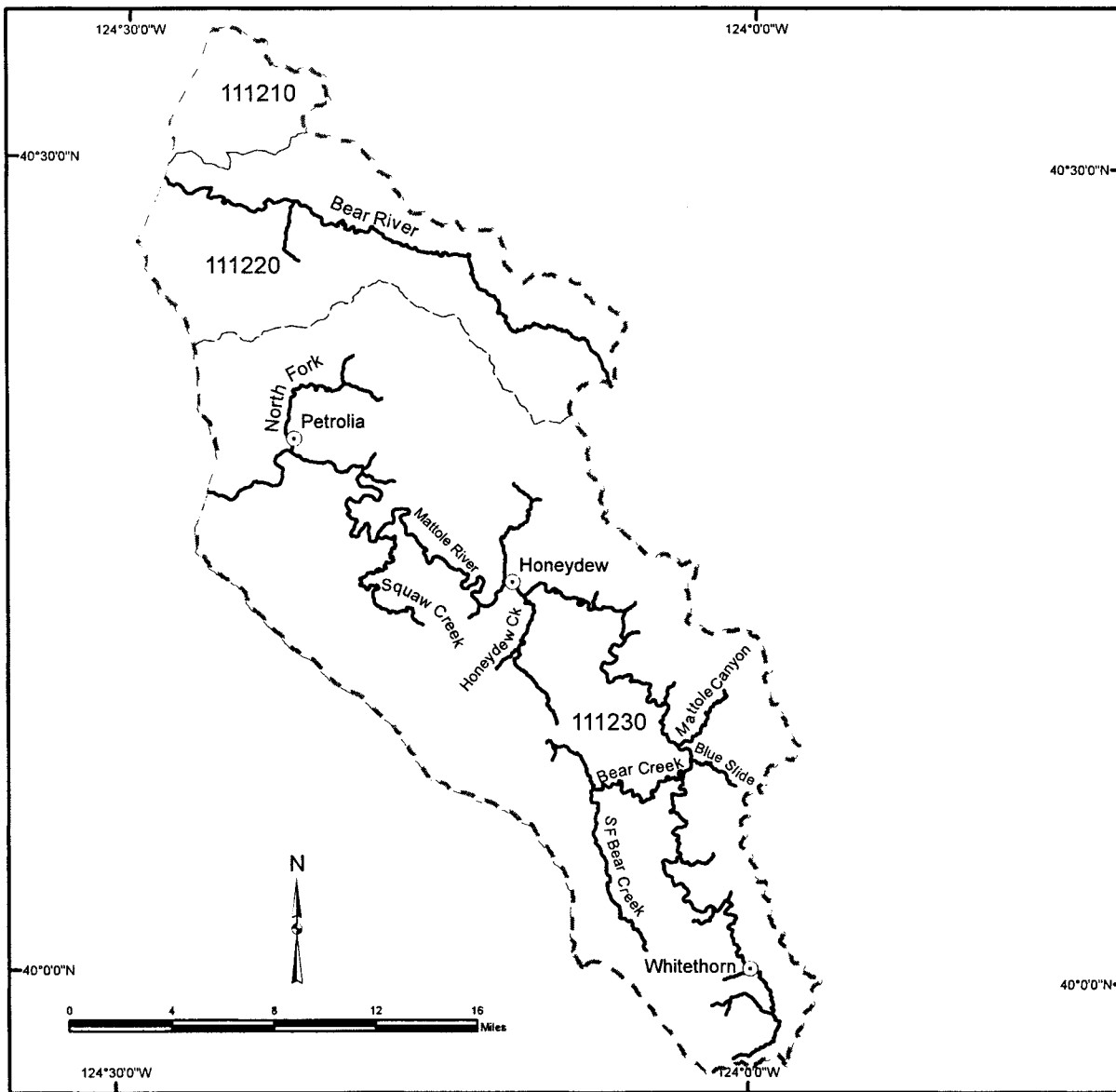
- Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Coastal Chinook Salmon

Cape Mendocino Hydrologic Unit 1112



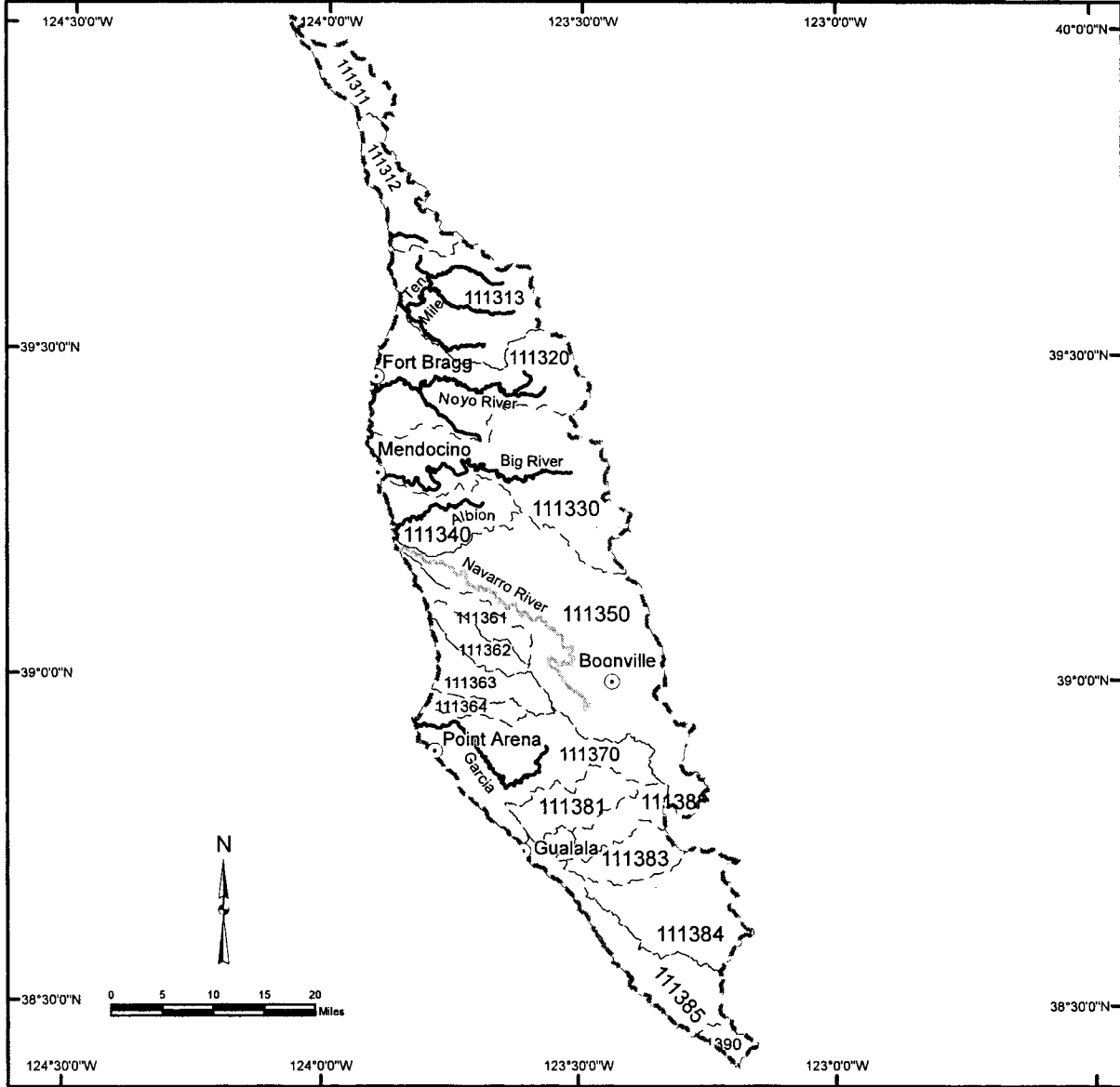
- ⊙ Cities/Towns
- Critical Habitat
- - - Calwater Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Coastal Chinook Salmon

Mendocino Coast Hydrologic Unit 1113



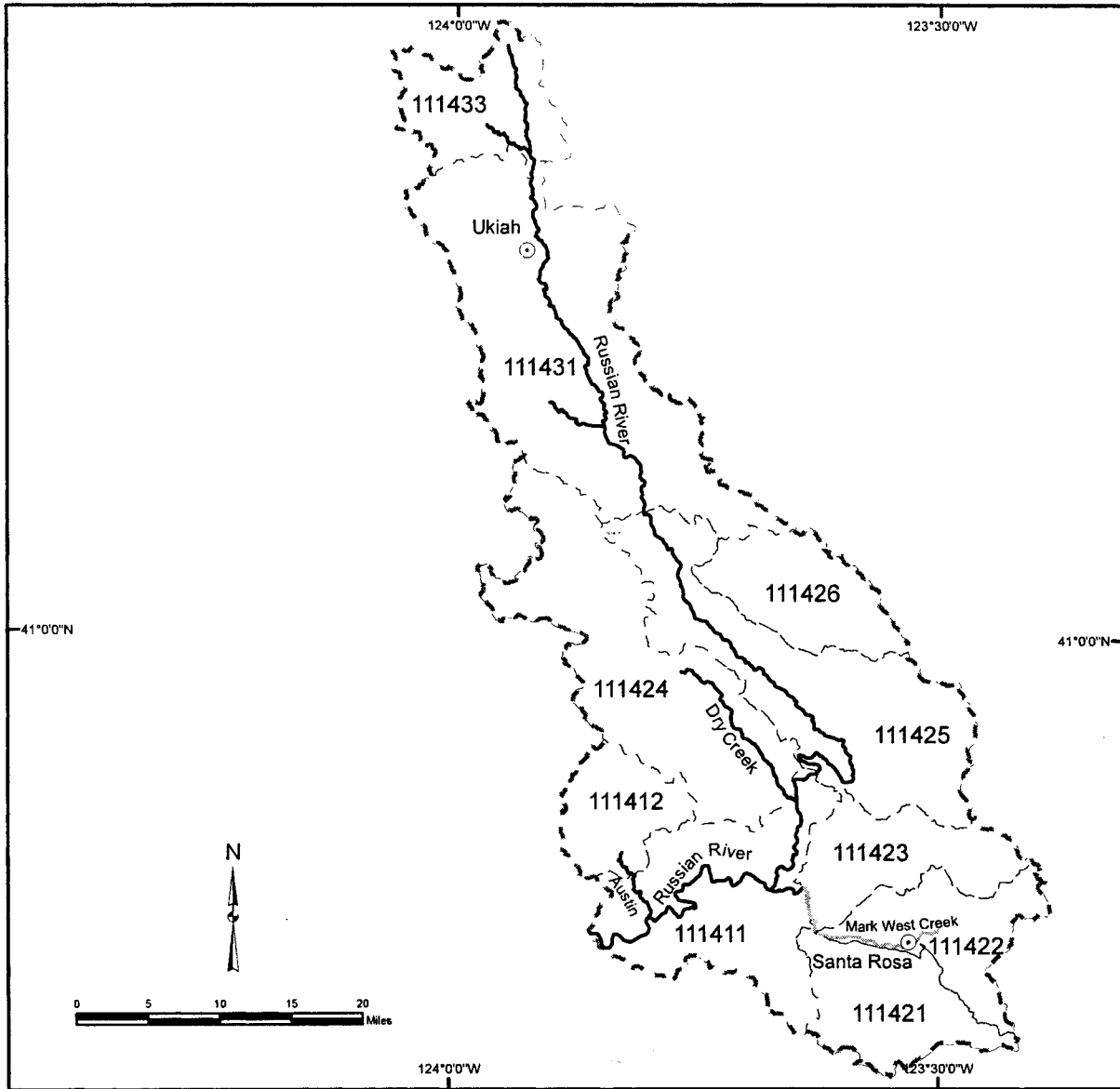
- Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Coastal Chinook Salmon

Russian River Hydrologic Unit 1114



(•) Cities/Towns

— Critical Habitat

Occupied but excluded streams / areas

Hydrologic Unit Boundary

Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



(g) *Northern California Steelhead (O. mykiss)*. Critical habitat is designated to include the areas defined in the following CALWATER Hydrologic units:

(1) Redwood Creek Hydrologic Unit 1107—(i) *Orick Hydrologic Sub-area 110710*. Outlet(s) = Boat Creek (Lat 41.4059, Long -124.0675); Home Creek (41.4027, -124.0683); Redwood Creek (41.2923, -124.0917); Squashan Creek (41.3889, -124.0703) upstream to endpoint(s) in: Boat Creek (41.4110, -124.0583); Bond Creek (41.2326, -124.0262); Boyes Creek (41.3701, -124.9891); Bridge Creek (41.1694, -123.9964); Brown Creek (41.3986, -124.0012); Cloquet Creek (41.2466, -123.9884); Cole Creek (41.2209, -123.9931); Copper Creek (41.1516, -123.9258); Dolason Creek (41.1969, -123.9667); Elam Creek (41.2613, -124.0321); Emerald Creek (41.2164, -123.9808); Forty Four Creek (41.2187, -124.0195); Gans South Creek (41.2678, -124.0071); Godwood Creek (41.3787, -124.0354); Hayes Creek (41.2890, -124.0164); Home Creek (41.3951, -124.0386); Larry Dam Creek (41.3441, -123.9966); Little Lost Man Creek (41.3078, -124.0084); Lost Man Creek (41.3187, -123.9892); May Creek (41.3521, -124.0164); McArthur Creek (41.2702, -124.0427); Miller Creek (41.2305, -124.0046); North Fork Lost Man Creek (41.3405, -123.9859); Oscar Larson Creek (41.2559, -123.9943); Prairie Creek (41.4440, -124.0411); Skunk Cabbage Creek (41.3211, -124.0802); Slide Creek (41.1736, -123.9450); Squashan Creek (41.3739, -124.0440); Streelow Creek (41.3622, -124.0472); Tom McDonald Creek (41.1933, -124.0164); Unnamed Tributary (41.3619, -123.9967); Unnamed Tributary (41.3424, -124.0572).

(ii) *Beaver Hydrologic Sub-area 110720*. Outlet(s) = Redwood Creek (Lat 41.1367, Long -123.9309) upstream to endpoint(s) in: Beaver Creek (41.0208, -123.8608); Captain Creek (40.9199, -123.7944); Cashmere Creek (41.0132, -123.8862); Coyote Creek (41.1251, -123.8926); Devils Creek (41.1224, -123.9384); Garcia Creek (41.0180, -123.8923); Garrett Creek (41.0904, -123.8712); Karen Court Creek (41.0368, -123.8953); Lacks Creek (41.0306, -123.8096); Loin Creek (40.9465, -123.8454); Lupton Creek (40.9058, -123.8286); Mill Creek (41.0045, -123.8525); Minor Creek (40.9706, -123.7899); Molasses Creek (40.9986, -123.8490); Moon Creek (40.9807, -123.8368); Panther Creek (41.0732, -123.9275); Pilchuck Creek (41.9986, -123.8710); Roaring Gulch (41.0319, -123.8674); Santa Fe Creek (40.9368,

-123.8397); Sweathouse Creek (40.9332, -123.8131); Toss-Up Creek (40.9845, -123.8656); Unnamed Tributary (41.1270, -123.8967); Wiregrass Creek (40.9652, -123.8553).

(iii) *Lake Prairie Hydrologic Sub-area 110730*. Outlet(s) = Redwood Creek (Lat 40.9070, Long -123.8170) upstream to endpoint(s) in: Bradford Creek (40.7812, -123.7215); Cut-Off Meander (40.8507, -123.7729); Emmy Lou Creek (40.8655, -123.7771); Gunrack Creek (40.8391, -123.7650); High Prairie Creek (40.8191, -123.7723); Jena Creek (40.8742, -123.8065); Lake Prairie Creek (40.7984, -123.7558); Lupton Creek (40.9058, -123.8286); Minon Creek (40.8140, -123.7372); Noisy Creek (40.8613, -123.8044); Pardee Creek (40.7779, -123.7416); Redwood Creek (40.7432, -123.7206); Simon Creek (40.8241, -123.7560); Six Rivers Creek (40.8352, -123.7842); Smokehouse Creek (40.7405, -123.7278); Snowcamp Creek (40.7415, -123.7296); Squirrel Trail Creek (40.8692, -123.7844); Twin Lakes Creek (40.7369, -123.7214); Panther Creek (40.8019, -123.7094); Windy Creek (40.8866, -123.7956).

(2) *Trinidad Hydrologic Unit 1108*—(i) *Big Lagoon Hydrologic Sub-area 110810*. Outlet(s) = Maple Creek (Lat 41.1555, Long -124.1380); McDonald Creek (41.2521, -124.0919) upstream to endpoint(s) in: Beach Creek (41.0716, -124.0239); Clear Creek (41.1031, -124.0030); Diamond Creek (41.1571, -124.0926); Maple Creek (41.0836, -123.9790); McDonald Creek (41.1850, -124.0773); M-Line Creek (41.0752, -124.0787); North Fork Maple Creek (41.1254, -124.0539); North Fork McDonald Creek (41.2107, -124.0664); Pitcher Creek (41.1518, -124.0874); South Fork Maple Creek (41.1003, -124.1119); Tom Creek (41.1773, -124.0966); Unnamed Tributary (41.1004, -124.0155); Unnamed Tributary (41.0780, -124.0676); Unnamed Tributary (41.1168, -124.0886); Unnamed Tributary (41.0864, -124.0899); Unnamed Tributary (41.1132, -124.0827); Unnamed Tributary (41.0749, -124.0889); Unnamed Tributary (41.1052, -124.0675); Unnamed Tributary (41.0714, -124.0611); Unnamed Tributary (41.0948, -124.0016).

(ii) *Little River Hydrologic Sub-area 110820*. Outlet(s) = Little River (Lat 41.0277, Long -124.1112) upstream to endpoint(s) in: Freeman Creek (41.0242, -124.0582); Little River (40.9999, -123.9232); Lower South Fork Little River (41.0077, -124.0079); Railroad Creek (41.0468, -124.0466); South Fork Little River (40.9899, -124.0394); Unnamed Tributary (41.0356,

-123.9958); Unnamed Tributary (41.0407, -124.0598); Unnamed Tributary (41.0068, -123.9830); Unnamed Tributary (41.0402, -124.0111); Unnamed Tributary (41.0402, -124.0189); Unnamed Tributary (41.0303, -124.0366); Unnamed Tributary (41.0575, -123.9710); Unnamed Tributary (41.0068, -123.9830); Upper South Fork Little River (41.0146, -123.9826).

(3) *Mad River Hydrologic Unit 1109*—(i) *Blue Lake Hydrologic Sub-area 110910*. Outlet(s) = Mad River (Lat 40.9139, Long -124.0642); Strawberry Creek (40.9964, -124.1155); Widow White Creek (40.9635, -124.1253) upstream to endpoint(s) in: Boundary Creek (40.8395, -123.9920); Grassy Creek (40.9314, -124.0188); Hall Creek (40.9162, -124.0141); Kelly Creek (40.8656, -124.0260); Leggit Creek (40.8808, -124.0269); Lindsay Creek (40.9838, -124.0283); Mather Creek (40.9796, -124.0526); Mill Creek (40.9296, -124.1037); Mill Creek (40.9162, -124.0141); Mill Creek (40.8521, -123.9617); North Fork Mad River (40.8687, -123.9649); Norton Creek (40.9572, -124.1003); Palmer Creek (40.8633, -124.0193); Puter Creek (40.8474, -123.9966); Quarry Creek (40.8526, -124.0098); Squaw Creek (40.9426, -124.0202); Strawberry Creek (40.9761, -124.0630); Unnamed Tributary (40.9624, -124.0179); Unnamed Tributary (40.9549, -124.0554); Unnamed Tributary (40.9672, -124.0218); Warren Creek (40.8860, -124.0351); Widow White Creek (40.9522, -124.0784).

(ii) *North Fork Mad River Hydrologic Sub-area 110920*. Outlet(s) = North Fork Mad River (Lat 40.8687, Long -123.9649) upstream to endpoint(s) in: Bald Mountain Creek (40.8922, -123.9097); Canyon Creek (40.9598, -123.9269); Denman Creek (40.9293, -123.9429); East Fork North Fork (40.9702, -123.9449); Gosinta Creek (40.9169, -123.9420); Hutchery Creek (40.8730, -123.9503); Jackson Creek (40.9388, -123.9462); Krueger Creek (40.9487, -123.9571); Long Prairie Creek (40.9294, -123.8842); Mule Creek (40.9416, -123.9309); North Fork Mad River (40.9918, -123.9610); Pine Creek (40.9274, -123.9096); Pollock Creek (40.9081, -123.9071); Sullivan Gulch (40.8646, -123.9553); Tyson Creek (40.9559, -123.9738); Unnamed Tributary (40.9645, -123.9338); Unnamed Tributary (40.9879, -123.9511); Unnamed Tributary (40.9906, -123.9540); Unnamed Tributary (40.9866, -123.9788); Unnamed Tributary (40.9927, -123.9736).

(iii) *Butler Valley Hydrologic Sub-area 110930*. Outlet(s) = Mad River (Lat 40.8449, Long -123.9807) upstream to endpoint(s) in: Bear Creek (40.5468, -123.6728); Black Creek (40.7521, -123.9080); Black Dog Creek (40.8334, -123.9805); Blue Slide Creek (40.7333, -123.9225); Boulder Creek (40.7634, -123.8667); Bug Creek (40.6587, -123.7356); Cannon Creek (40.8535, -123.8850); Coyote Creek (40.6147, -123.6488); Devil Creek (40.8032, -123.9175); Dry Creek (40.8218, -123.9751); East Creek (40.5403, -123.5579); Maple Creek (40.7933, -123.8353); Pilot Creek (40.5950, -123.5888); Simpson Creek (40.8138, -123.9156); Unnamed Tributary (40.7306, -123.9019); Unnamed Tributary (40.7739, -123.9255); Unnamed Tributary (40.7744, -123.9137); Unnamed Tributary (40.8029, -123.8716); Unnamed Tributary (40.8038, -123.8691); Unnamed Tributary (40.8363, -123.9025).

(4) *Eureka Plain Hydrologic Unit 1110*—(i) *Eureka Plain Hydrologic Sub-area 111000*.

Outlet(s) = Elk River (Lat 40.7568, Long -124.1948); Freshwater Creek (40.8088, -124.1442); Jacoby Creek (40.8436, -124.0834); Mad River (40.9560, -124.1278); Rocky Gulch (40.8309, -124.0813); Salmon Creek (40.6868, -124.2194); Washington Gulch (40.8317, -124.0805) upstream to endpoint(s) in: Bridge Creek (40.6958, -124.0805); Browns Gulch (40.7038, -124.1074); Clapp Gulch (40.6967, -124.1684); Cloney Gulch (40.7826, -124.0347); Doe Creek (40.6964, -124.0201); Dunlap Gulch (40.7076, -124.1182); Falls Gulch (40.7655, -124.0261); Fay Slough (40.8033, -124.0574); Freshwater Creek (40.7385, -124.0035); Golf Course Creek (40.8406, -124.0402); Graham Gulch (40.7540, -124.0228); Gupitil Gulch (40.7530, -124.1202); Henderson Gulch (40.7357, -124.1394); Jacoby Creek (40.7949, -124.0096); Lake Creek (40.6848, -124.0831); Line Creek (40.6578, -124.0460); Little Freshwater Creek (40.7371, -124.0649); Little North Fork Elk River (40.6972, -124.0100); Little South Fork Elk River (40.6555, -124.0877); Martin Slough (40.7679, -124.1578); McCready Gulch (40.7824, -124.0441); McWinney Creek (40.6968, -124.0616); Morrison Gulch (40.8169, -124.0430); North Branch of the North Fork Elk River (40.6879, -124.0130); North Fork Elk River (40.6794-123.9834); Railroad Gulch (40.6955, -124.1545); Rocky Gulch (40.8170, -124.0613); Ryan Creek (40.7352, -124.0996); Salmon Creek (40.6399, -124.1128); South Branch of the North

Fork Elk River (40.6700, -124.0251); South Fork Elk River (40.6437, -124.0388); South Fork Freshwater Creek (40.7110, -124.0367); Swain Slough (40.7524, -124.1825); Tom Gulch (40.6794, -124.1452); Unnamed Tributary (40.7850, -124.0561); Unnamed Tributary (40.7496, -124.1651); Unnamed Tributary (40.7785, -124.1081); Unnamed Tributary (40.7667, -124.1054); Unnamed Tributary (40.7559, -124.0870); Unnamed Tributary (40.7952, -124.0568); Unnamed Tributary (40.7408, -124.1118); Unnamed Tributary (40.7186, -124.1385); Unnamed Tributary (40.7224, -124.1038); Unnamed Tributary (40.8210, -124.0111); Unnamed Tributary (40.8106, -124.0083); Unnamed Tributary (40.7554, -124.1379); Unnamed Tributary (40.7457, -124.1138); Washington Gulch (40.8205, -124.0549).

(ii) [Reserved]

(5) *Eel River Hydrologic Unit 1111*—(i) *Ferndale Hydrologic Sub-area 111111*. Outlet(s) = Eel River (Lat 40.6275, Long -124.2520) upstream to endpoint(s) in: Atwell Creek (40.4824, -124.1498); Dean Creek (40.4847, -124.1217); Horse Creek (40.5198, -124.1702); Howe Creek (40.4654, -124.1916); Nanning Creek (40.4914, -124.0652); North Fork Strongs Creek (40.6077, -124.1047); Price Creek (40.5101, -124.2731); Rohner Creek (40.6151, -124.1408); Strongs Creek (40.5999, -124.0985); Sweet Creek (40.4900, -124.2007); Van Duzen River (40.5337, -124.1262).

(ii) *Scotia Hydrologic Sub-area 111112*. Outlet(s) = Eel River (Lat 40.4918, Long -124.0988) upstream to endpoint(s) in: Bear Creek (40.3942, -124.0262); Bridge Creek (40.4278, -123.9317); Chadd Creek (40.3919, -123.9540); Darnell Creek (40.4533, -123.9808); Dinner Creek (40.4406, -124.0855); Greenlow Creek (40.4315, -124.0231); Jordan Creek (40.4171, -124.0517); Kiler Creek (40.4465, -124.0952); Monument Creek (40.4371, -124.1165); Shively Creek (40.4454, -123.9539); South Fork Bear Creek (40.3856, -124.0182); Stitz Creek (40.4649, -124.0531); Twin Creek (40.4419, -124.0714); Unnamed Tributary (40.3933, -123.9984); Weber Creek (40.3767, -123.9094).

(iii) *Larabee Creek Hydrologic Sub-area 111113*. Outlet(s) = Larabee Creek (Lat 40.4090, Long -123.9334) upstream to endpoint(s) in: Arnold Creek (40.4006, -123.8583); Balcom Creek (40.4030, -123.8986); Bosworth Creek (40.3584, -123.7089); Boulder Flat Creek (40.3530, -123.6381); Burr Creek (40.4250, -123.7767); Carson Creek

(40.4181, -123.8879); Chris Creek (40.4146, -123.9235); Cooper Creek (40.3123, -123.6463); Dauphny Creek (40.4049, -123.8893); Frost Creek (40.3765, -123.7357); Hayfield Creek (40.3350, -123.6535); Knack Creek (40.3788, -123.7385); Larabee Creek (40.2807, -123.6445); Martin Creek (40.3730, -123.7060); Maxwell Creek (40.3959, -123.8049); McMahan Creek (40.3269, -123.6363); Mill Creek (40.3849, -123.7440); Mountain Creek (40.2955, -123.6378); Scott Creek (40.4020, -123.8738); Smith Creek (40.4194, -123.8568); Thurman Creek (40.3506, -123.6669); Unnamed Tributary (40.3842, -123.8062); Unnamed Tributary (40.3982, -123.7862); Unnamed Tributary (40.3806, -123.7564); Unnamed Tributary (40.3661, -123.7398); Unnamed Tributary (40.3524, -123.7330).

(iv) *Hydesville Hydrologic Sub-area 111121*. Outlet(s) = Van Duzen River (Lat 40.5337, Long -124.1262) upstream to endpoint(s) in: Cuddeback Creek (40.5421, -124.0263); Cummings Creek (40.5282, -123.9770); Fiedler Creek (40.5351, -124.0106); Hely Creek (40.5165, -123.9531); Yager Creek (40.5583, -124.0577); Unnamed Tributary (40.5718, -124.0946).

(v) *Bridgeville Hydrologic Sub-area 111122*. Outlet(s) = Van Duzen River (Lat 40.4942, Long -123.9720) upstream to endpoint(s) in: Bear Creek (40.3455, -123.5763); Blanket Creek (40.3635, -123.5710); Browns Creek (40.4958, -123.8103); Butte Creek (40.4119, -123.7047); Dairy Creek (40.4174, -123.5981); Fish Creek (40.4525, -123.8434); Grizzly Creek (40.5193, -123.8470); Little Larabee Creek (40.4708, -123.7395); Little Van Duzen River (40.3021, -123.5540); North Fork Van Duzen (40.4881, -123.6411); Panther Creek (40.3921, -123.5866); Root Creek (40.4490, -123.9018); Stevens Creek (40.5062, -123.9073); Thompson Creek (40.4222, -123.6084); Van Duzen River (40.4820, -123.6629); Unnamed Tributary (40.3074, -123.5834).

(vi) *Yager Creek Hydrologic Sub-area 111123*. Outlet(s) = Yager Creek (Lat 40.5583, Long -124.0577) upstream to endpoint(s) in: Bell Creek (40.6809, -123.9685); Blanten Creek (40.5839, -124.0165); Booths Run (40.6584, -123.9428); Corner Creek (40.6179, -124.0010); Fish Creek (40.6390, -124.0024); Lawrence Creek (40.6986, -123.9314); Middle Fork Yager Creek (40.5782, -123.9243); North Fork Yager Creek (40.6056, -123.9080); Shaw Creek (40.6231, -123.9509); South Fork Yager Creek (40.5451, -123.9409); Unnamed

Tributary (40.5892, -123.9663); Yager Creek (40.5673, -123.9403).

(vii) *Weott Hydrologic Sub-area 111131*. Outlet(s) = South Fork Eel River (Lat 40.3500, Long -123.9305) upstream to endpoint(s) in: Albee Creek (40.3592, -124.0088); Bull Creek (40.3587, -123.9624); Burns Creek (40.3194, -124.0420); Butte Creek (40.1982, -123.8387); Canoe Creek (40.2669, -123.9556); Coon Creek (40.2702, -123.9013); Cow Creek (40.2664, -123.9838); Cuneo Creek (40.3401, -124.0494); Decker Creek (40.3312, -123.9501); Elk Creek (40.2609, -123.7957); Fish Creek (40.2459, -123.7729); Harper Creek (40.3591, -123.9930); Mill Creek (40.3568, -124.0333); Mowry Creek (40.2937, -123.8895); North Fork Cuneo Creek (40.3443, -124.0488); Ohman Creek (40.1924, -123.7648); Panther Creek (40.2775, -124.0289); Preacher Gulch (40.2944, -124.0047); Salmon Creek (40.2145, -123.8926); Slide Creek (40.3011, -124.0390); South Fork Salmon Creek (40.1769, -123.8929); Squaw Creek (40.3167, -123.9988); Unnamed Tributary (40.3065, -124.0074); Unnamed Tributary (40.2831, -124.0359).

(viii) *Benbow Hydrologic Sub-area 111132*. Outlet(s) = South Fork Eel River (Lat 40.1929, Long -123.7692) upstream to endpoint(s) in: Anderson Creek (39.9325, -123.8928); Bear Creek (39.7885, -123.7620); Bear Pen Creek (39.9201, -123.7986); Bear Wallow Creek (39.7270, -123.7140); Big Dan Creek (39.8430, -123.6992); Bond Creek (39.7778, -123.7060); Bridges Creek (39.9087, -123.7142); Buck Mountain Creek (40.0944, -123.7423); Butler Creek (39.7423, -123.6987); Cedar Creek (39.8834, -123.6216); China Creek (40.1035, -123.9493); Connick Creek (40.0912, -123.8154); Cox Creek (40.0310, -123.8398); Cruso Cabin Creek (39.9281, -123.5842); Durphy Creek (40.0205, -123.8271); East Branch South Fork Eel River (39.9359, -123.6204); Elkhorn Creek (39.9272, -123.6279); Fish Creek (40.0390, -123.7630); Hartsook Creek (40.0081, -123.8113); Hollow Tree Creek (39.7250, -123.6924); Huckleberry Creek (39.7292, -123.7275); Indian Creek (39.9556, -123.9172); Islam John Creek (39.8062, -123.7363); Jones Creek (39.9958, -123.8374); Leggett Creek (40.1470, -123.8375); Little Sproul Creek (40.0890, -123.8577); Lost Man Creek (39.7983, -123.7287); Low Gap Creek (39.8029, -123.6803); Low Gap Creek (39.9933, -123.7601); McCoy Creek (39.9572, -123.7369); Michael's Creek (39.7665, -123.7035); Middle Creek (39.8052, -123.7691); Milk Ranch Creek (40.0102, -123.7514); Mill Creek

(39.8673, -123.7605); Miller Creek (40.1319, -123.9302); Moody Creek (39.9471, -123.8827); Mule Creek (39.8169, -123.7745); North Fork Cedar Creek (39.8864, -123.6363); North Fork McCoy Creek (39.9723, -123.7496); Piercy Creek (39.9597, -123.8442); Pollock Creek (40.0802, -123.9341); Red Mountain Creek (39.9363, -123.7203); Redwood Creek (39.7723, -123.7648); Redwood Creek (40.0974, -123.9104); Rock Creek (39.8962, -123.7065); Sebbas Creek (39.9934, -123.8903); Somerville Creek (40.1006, -123.8884); South Fork Mule Creek (39.8174, -123.7788); South Fork Redwood Creek (39.7662, -123.7579); Sproul Creek (40.0226, -123.8649); Squaw Creek (40.0760, -123.7257); Standly Creek (39.9327, -123.8309); Tom Long Creek (40.0175, -123.6551); Waldron Creek (39.7469, -123.7465); Walter's Creek (39.7921, -123.7250); Warden Creek (40.0629, -123.8551); West Fork Sproul Creek (40.0587, -123.9170); Wildcat Creek (39.8956, -123.7820); Unnamed Tributary (39.9927, -123.8807).

(ix) *Laytonville Hydrologic Sub-area 111133*. Outlet(s) = South Fork Eel River (Lat 39.7665, Long -123.6484) upstream to endpoint(s) in: Bear Creek (39.6418, -123.5853); Big Rick Creek (39.7117, -123.5512); Cahto Creek (39.6527, -123.5579); Dark Canyon Creek (39.7333, -123.6614); Dutch Charlie Creek (39.6843, -123.7023); Elder Creek (39.7234, -123.6192); Fox Creek (39.7441, -123.6142); Grub Creek (39.7777, -123.5809); Jack of Hearts Creek (39.7136, -123.6896); Kenny Creek (39.6838, -123.5929); Little Case Creek (39.6892, -123.5441); Mill Creek (39.6839, -123.5118); Mud Creek (39.6713, -123.5741); Mud Springs Creek (39.6929, -123.5629); Redwood Creek (39.6545, -123.6753); Rock Creek (39.6922, -123.6090); Section Four Creek (39.6137, -123.5297); South Fork Eel River (39.6242, -123.5468); Streeter Creek (39.7340, -123.5606); Ten Mile Creek (39.6652, -123.4486); Unnamed Tributary (39.7004, -123.5678).

(x) *Sequoia Hydrologic Sub-area 111141*. Outlet(s) = Eel River (Lat 40.3557, Long -123.9191) upstream to endpoint(s) in: Beatty Creek (40.3198, -123.7500); Brock Creek (40.2410, -123.7246); Cameron Creek (40.3313, -123.7707); Dobbyn Creek (40.2216, -123.6029); Kapple Creek (40.3531, -123.8585); Line Gulch Creek (40.1640, -123.4783); Mud Creek (40.2078, -123.5143); North Fork Dobbyn Creek (40.2669, -123.5467); Sonoma Creek (40.2974, -123.7953); South Fork Dobbyn Creek (40.1723, -123.5112); South Fork Eel River (40.3500, -123.9305); South Fork Thompson Creek (40.3447, -123.8334); Thompson

Creek (40.3552, -123.8417); Unnamed Tributary (40.2745, -123.5487).

(xi) *Spy Rock Hydrologic Sub-area 111142*. Outlet(s) = Eel River (Lat 40.1736, Long -123.6043) upstream to endpoint(s) in: Bear Pen Canyon (39.6943, -123.4359); Bell Springs Creek (39.9457, -123.5313); Blue Rock Creek (39.8937, -123.5018); Burger Creek (39.6693, -123.4034); Chamise Creek (40.0035, -123.5945); Gill Creek (39.7879, -123.3465); Iron Creek (39.7993, -123.4747); Jewett Creek (40.1122, -123.6171); Kekawaka Creek (40.0686, -123.4087); Rock Creek (39.9347, -123.5187); Shell Rock Creek (39.8414, -123.4614); Unnamed Tributary (39.7579, -123.4709); White Rock Creek (39.7646, -123.4684); Woodman Creek (39.7612, -123.4364).

(xii) *Outlet Creek Hydrologic Sub-area 111161*. Outlet(s) = Outlet Creek (Lat 39.6265, Long -123.3449) upstream to endpoint(s) in: Baechtel Creek (39.3623, -123.4143); Berry Creek (39.4271, -123.2777); Bloody Run Creek (39.5864, -123.3545); Broaddus Creek (39.3869, -123.4282); Cherry Creek (39.6043, -123.4073); Conklin Creek (39.3756, -123.2570); Davis Creek (39.3354, -123.2945); Haehl Creek (39.3735, -123.3172); Long Valley Creek (39.6246, -123.4651); Mill Creek (39.4196, -123.3919); Outlet Creek (39.4526, -123.3338); Ryan Creek (39.4804, -123.3644); Unnamed Tributary (39.4956, -123.3591); Unnamed Tributary (39.4322, -123.3848); Unnamed Tributary (39.5793, -123.4546); Unnamed Tributary (39.3703, -123.3419); Upp Creek (39.4479, -123.3825); Willits Creek (39.4686, -123.4299).

(xiii) *Tomki Creek Hydrologic Sub-area 111162*. Outlet(s) = Eel River (Lat 39.7138, Long -123.3532) upstream to endpoint(s) in: Cave Creek (39.3842, -123.2148); Dean Creek (39.6924, -123.3727); Garcia Creek (39.5153, -123.1512); Little Cave Creek (39.3915, -123.2462); Little Creek (39.4146, -123.2595); Long Branch Creek (39.4074, -123.1897); Rocktree Creek (39.4534, -123.3053); Salmon Creek (39.4367, -123.1939); Scott Creek (39.4492, -123.2286); String Creek (39.4658, -123.3206); Tarter Creek (39.4715, -123.2976); Thomas Creek (39.4768, -123.1230); Tomki Creek (39.5483, -123.3687); Whitney Creek (39.4399, -123.1084); Wheelbarrow Creek (39.5012, -123.3304).

(xiv) *Eden Valley Hydrologic Sub-area 111171*. Outlet(s) = Middle Fork Eel River (Lat 39.7138, Long -123.3532) upstream to endpoint(s) in: Crocker Creek (39.5559, -123.0409); Eden Creek (39.5992, -123.1746); Elk Creek (39.5371, -123.0101); Hayshed Creek

(39.7082, -123.0967); Salt Creek (39.6765, -123.2740); Sportsmans Creek (39.5373, -123.0247); Sulper Springs (39.5536, -123.0365); Thatcher Creek (39.6686, -123.0639).

(xv) *Round Valley Hydrologic Sub-area 111172*. Outlet(s) = Mill Creek (Lat 39.7396, Long -123.1420); Williams Creek (39.8145, -123.1333) upstream to endpoint(s) in: Cold Creek (39.8714, -123.2991); Grist Creek (39.7640, -123.2883); Mill Creek (39.8481, -123.2896); Murphy Creek (39.8885, -123.1612); Short Creek (39.8703, -123.2352); Town Creek (39.7991, -123.2889); Turner Creek (39.7218, -123.2175); Williams Creek (39.8903, -123.1212); Unnamed Tributary (39.7428, -123.2757); Unnamed Tributary (39.7493, -123.2584).

(xvi) *Black Butte River Hydrologic Sub-area 111173*. Outlet(s) = Black Butte River (Lat 39.8239, Long -123.0880) upstream to endpoint(s) in: Black Butte River (39.5946, -122.8579); Buckhorn Creek (39.6563, -122.9225); Cold Creek (39.6960, -122.9063); Estell Creek (39.5966, -122.8224); Spanish Creek (39.6287, -122.8331).

(xvii) *Wilderness Hydrologic Sub-area 111174*. Outlet(s) = Middle Fork Eel River (Lat 39.8240, Long -123.0877) upstream to endpoint(s) in: Beaver Creek (39.9352, -122.9943); Fossil Creek (39.9447, -123.0403); Middle Fork Eel River (40.0780, -123.0442); North Fork Middle Fork Eel River (40.0727, -123.1364); Palm of Gileade Creek (40.0229, -123.0647); Pothole Creek (39.9347, -123.0440).

(6) Cape Mendocino Hydrologic Unit 1112—(i) *Oil Creek Hydrologic Sub-area 111210*. Outlet(s) = Guthrie Creek (Lat 40.5407, Long -124.3626); Oil Creek (40.5195, -124.3767) upstream to endpoint(s) in: Guthrie Creek (40.5320, -124.3128); Oil Creek (40.5061, -124.2875); Unnamed Tributary (40.4946, -124.3091); Unnamed Tributary (40.4982, -124.3549); Unnamed Tributary (40.5141, -124.3573); Unnamed Tributary (40.4992, -124.3070).

(ii) *Capetown Hydrologic Sub-area 111220*. Outlet(s) = Bear River (Lat 40.4744, Long -124.3881); Davis Creek (40.3850, -124.3691); Singley Creek (40.4311, -124.4034) upstream to endpoint(s) in: Antone Creek (40.4281, -124.2114); Bear River (40.3591, -124.0536); Beer Bottle Gulch (40.3949, -124.1410); Bonanza Gulch (40.4777, -124.2966); Brushy Creek (40.4102, -124.1050); Davis Creek (40.3945, -124.2912); Harmonica Creek (40.3775, -124.0735); Hollister Creek (40.4109, -124.2891); Nelson Creek (40.3536, -124.1154); Peaked Creek (40.4123, -124.1897); Pullen Creek (40.4057,

-124.0814); Singley Creek (40.4177, -124.3305); South Fork Bear River (40.4047, -124.2631); Unnamed Tributary (40.4271, -124.3107); Unnamed Tributary (40.4814, -124.2741); Unnamed Tributary (40.3633, -124.0651); Unnamed Tributary (40.3785, -124.0599); Unnamed Tributary (40.4179, -124.2391); Unnamed Tributary (40.4040, -124.0923); Unnamed Tributary (40.3996, -124.3175); Unnamed Tributary (40.4045, -124.0745); Unnamed Tributary (40.4668, -124.2364); Unnamed Tributary (40.4389, -124.2350); Unnamed Tributary (40.4516, -124.2238); Unnamed Tributary (40.4136, -124.1594); Unnamed Tributary (40.4350, -124.1504); Unnamed Tributary (40.4394, -124.3745); West Side Creek (40.4751, -124.2432).

(iii) *Mattole River Hydrologic Sub-area 111230*. Outlet(s) = Big Creek (Lat 40.1567, Long -124.2114); Big Flat Creek (40.1275, -124.1764); Buck Creek (40.1086, -124.1218); Cooskie Creek (40.2192, -124.3105); Fourmile Creek (40.2561, -124.3578); Gitchell Creek (40.0938, -124.1023); Horse Mountain Creek (40.0685, -124.0822); Kinsey Creek (40.1717, -124.2310); Mattole River (40.2942, -124.3536); McNutt Gulch (40.3541, -124.3619); Oat Creek (40.1785, -124.2445); Randall Creek (40.2004, -124.2831); Shipman Creek (40.1175, -124.1449); Spanish Creek (40.1835, -124.2569); Telegraph Creek (40.0473, -124.0798); Whale Gulch (39.9623, -123.9785) upstream to endpoint(s) in: Anderson Creek (40.0329, -123.9674); Baker Creek (40.0143, -123.9048); Bear Creek (40.1262, -124.0631); Bear Creek (40.2819, -124.3336); Bear Trap Creek (40.2157, -124.1422); Big Creek (40.1742, -124.1924); Big Finley Creek (40.0910, -124.0179); Big Flat Creek (40.1444, -124.1636); Blue Slide Creek (40.1562, -123.9283); Box Canyon Creek (40.1078, -123.9854); Bridge Creek (40.0447, -124.0118); Buck Creek (40.1166, -124.1142); Conklin Creek (40.3197, -124.2055); Cooskie Creek (40.2286, -124.2986); Devils Creek (40.3432, -124.1365); Dry Creek (40.2646, -124.0660); East Branch North Fork Mattole River (40.3333, -124.1490); East Fork Honeydew Creek (40.1625, -124.0929); Eubank Creek (40.0997, -123.9661); Fire Creek (40.1533, -123.9509); Fourmile Creek (40.2604, -124.3079); Fourmile Creek (40.1767, -124.0759); French Creek (40.1384, -124.0072); Gibson Creek (40.0304, -123.9279); Gilham Creek (40.2078, -124.0085); Gitchell Creek

(40.1086, -124.0947); Green Ridge Creek (40.3254, -124.1258); Grindstone Creek (40.2019, -123.9890); Harris Creek (40.0381, -123.9304); Harrow Creek (40.1612, -124.0292); Helen Barnum Creek (40.0036, -123.9101); Honeydew Creek (40.1747, -124.1410); Horse Mountain Creek (40.0769, -124.0729); Indian Creek (40.2772, -124.2759); Jewett Creek (40.1465, -124.0414); Kinsey Creek (40.1765, -124.2220); Lost Man Creek (39.9754, -123.9179); Mattole Canyon (40.2021, -123.9570); Mattole River (39.9714, -123.9623); McGinnis Creek (40.3186, -124.1801); McKee Creek (40.0864, -123.9480); McNutt Gulch (40.3458, -124.3418); Middle Creek (40.2591, -124.0366); Mill Creek (40.0158, -123.9693); Mill Creek (40.3305, -124.2598); Mill Creek (40.2839, -124.2946); Nooning Creek (40.0616, -124.0050); North Fork Mattole River (40.3866, -124.1867); North Fork Bear Creek (40.1494, -124.1060); North Fork Fourmile Creek (40.2019, -124.0722); Oat Creek (40.1884, -124.2296); Oil Creek (40.3214, -124.1601); Painter Creek (40.0844, -123.9639); Prichett Creek (40.2892, -124.1704); Randall Creek (40.2092, -124.2668); Rattlesnake Creek (40.3250, -124.0981); Shipman Creek (40.1250, -124.1384); Sholes Creek (40.1603, -124.0619); South Branch West Fork Bridge Creek (40.0326, -123.9853); South Fork Bear Creek (40.0176, -124.0016); Spanish Creek (40.1965, -124.2429); Squaw Creek (40.1934, -124.2002); Stanley Creek (40.0273, -123.9166); Sulphur Creek (40.3647, -124.1586); Telegraph Creek (40.0439, -124.0640); Thompson Creek (39.9913, -123.9707); Unnamed Tributary (40.3475, -124.1606); Unnamed Tributary (40.3522, -124.1533); Unnamed Tributary (40.0891, -123.9839); Unnamed Tributary (40.2223, -124.0172); Unnamed Tributary (40.1733, -123.9515); Unnamed Tributary (40.2899, -124.0955); Unnamed Tributary (40.2853, -124.3227); Unnamed Tributary (39.9969, -123.9071); Upper East Fork Honeydew Creek (40.1759, -124.1182); Upper North Fork Mattole River (40.2907, -124.1115); Vanauken Creek (40.0674, -123.9422); West Fork Bridge Creek (40.0343, -123.9990); West Fork Honeydew Creek (40.1870, -124.1614); Westlund Creek (40.2440, -124.0036); Whale Gulch (39.9747, -123.9812); Woods Creek (40.2119, -124.1611); Yew Creek (40.0018, -123.9762).

(7) Mendocino Coast Hydrologic Unit 1113—(i) *Usal Creek Hydrologic Sub-area 111311*. Outlet(s) = Jackass Creek (Lat 39.8806, Long -123.9155); Usal

Creek (39.8316, -123.8507) upstream to endpoint(s) in: Bear Creek (39.8898, -123.8344); Jackass Creek (39.8901, -123.8928); Julius Creek (39.8542, -123.7937); Little Bear Creek (39.8629, -123.8400); North Fork Jackass Creek (39.9095, -123.9101); North Fork Julius Creek (39.8581, -123.8045); Soldier Creek (39.8679, -123.8162); South Fork Usal Creek (39.8356, -123.7865); Unnamed Tributary (39.8890, -123.8480); Usal Creek (39.8957, -123.8797); Waterfall Gulch (39.8787, -123.8680).

(ii) *Wages Creek Hydrologic Sub-area 111312*. Outlet(s) = Cottaneva Creek (Lat 39.7360, Long -123.8293); DeHaven Creek (39.6592, -123.7863); Hardy Creek (39.7107, -123.8082); Howard Creek (39.6778, -123.7915); Juan Creek (39.7028, -123.8042); Wages Creek (39.6513, -123.7851) upstream to endpoint(s) in: Cottaneva Creek (39.7825, -123.8210); DeHaven Creek (39.6687, -123.7060); Dunn Creek (39.8103, -123.8320); Hardy Creek (39.7221, -123.7822); Howard Creek (39.6808, -123.7463); Juan Creek (39.7107, -123.7472); Kimball Gulch (39.7559, -123.7828); Little Juan Creek (39.7003, -123.7609); Middle Fork Cottaneva Creek (39.7738, -123.8058); North Fork Cottaneva Creek (39.8011, -123.8047); North Fork DeHaven Creek (39.6660, -123.7382); North Fork Wages Creek (39.6457, -123.7066); Rider Gulch (39.6348, -123.7621); Rockport Creek (39.7346, -123.8021); Slaughterhouse Gulch (39.7594, -123.7914); South Fork Cottaneva Creek (39.7447, -123.7773); South Fork Wages Creek (39.6297, -123.6862); Wages Creek (39.6297, -123.6862).

(iii) *Ten Mile River Hydrologic Sub-area 111313*. Outlet(s) = Abalobadiah Creek (Lat 39.5654, Long -123.7672); Chadbourne Gulch (39.6133, -123.7822); Ten Mile River (39.5529, -123.7658); Seaside Creek (39.5592, -123.7655) upstream to endpoint(s) in: Abalobadiah Creek (39.5878, -123.7503); Bald Hill Creek (39.6278, -123.6461); Barlow Gulch (39.6046, -123.7384); Bear Pen Creek (39.5824, -123.6402); Booth Gulch (39.5567, -123.5918); Buckhorn Creek (39.6093, -123.6980); Campbell Creek (39.5053, -123.6610); Cavanaugh Gulch (39.6107, -123.6776); Chadbourne Gulch (39.6190, -123.7682); Clark Fork (39.5280, -123.5134); Curchman Creek (39.4789, -123.6398); Gulch 11 (39.4687, -123.5816); Gulch 19 (39.5939, -123.5781); Little Bear Haven Creek (39.5655, -123.6147); Little North Fork (39.6264, -123.7350); Mill Creek (39.5392, -123.7068); North Fork Ten Mile River (39.5870, -123.5480); O'Conner Gulch (39.6042, -123.6632);

Patsy Creek (39.5714, -123.5669); Redwood Creek (39.5142, -123.5620); Seaside Creek (39.5612, -123.7501); Smith Creek (39.5251, -123.6499); South Fork Bear Haven Creek (39.5688, -123.6527); South Fork Ten Mile River (39.5083, -123.5395); Ten Mile River (39.5721, -123.7098); Unnamed Tributary (39.5180, -123.5948); Unnamed Tributary (39.5146, -123.6183); Unnamed Tributary (39.5898, -123.7657); Unnamed Tributary (39.5813, -123.7526); Unnamed Tributary (39.5936, -123.6034).

(iv) *Noyo River Hydrologic Sub-area 111320*. Outlet(s) = Digger Creek (Lat 39.4088, Long -123.8164); Hare Creek (39.4171, -123.8128); Jug Handle Creek (39.3767, -123.8176); Mill Creek (39.4894, -123.7967); Mitchell Creek (39.3923, -123.8165); Noyo River (39.4274, -123.8096); Pudding Creek (39.4588, -123.8089); Virgin Creek (39.4714, -123.8045) upstream to endpoint(s) in: Bear Gulch (39.3881, -123.6614); Brandon Gulch (39.4191, -123.6645); Bunker Gulch (39.3969, -123.7153); Burbeck Creek (39.4354, -123.4235); Covington Gulch (39.4099, -123.7546); Dewarren Creek (39.4974, -123.5535); Digger Creek (39.3932, -123.7820); Duffy Gulch (39.4469, -123.6023); Gulch Creek (39.4441, -123.4684); Gulch Seven (39.4523, -123.5183); Hare Creek (39.3781, -123.6922); Hayworth Creek (39.4857, -123.4769); Hayshed Creek (39.4200, -123.7391); Jug Handle Creek (39.3647, -123.7523); Kass Creek (39.4262, -123.6807); Little North Fork (39.4532, -123.6636); Little Valley Creek (39.5026, -123.7277); Marble Gulch (39.4423, -123.5479); McMullen Creek (39.4383, -123.4488); Middle Fork North Fork (39.4924, -123.5231); Mill Creek (39.4813, -123.7600); Mitchell Creek (39.3813, -123.7734); North Fork Hayworth Creek (39.4891, -123.5026); North Fork Noyo River (39.4765, -123.5535); North Fork Noyo (39.4765, -123.5535); North Fork South Fork Noyo River (39.3971, -123.6108); Noyo River (39.4242, -123.4356); Olds Creek (39.3964, -123.4448); Parlin Creek (39.3700, -123.6111); Pudding Creek (39.4591, -123.6516); Redwood Creek (39.4660, -123.4571); South Fork Hare Creek (39.3785, -123.7384); South Fork Noyo River (39.3620, -123.6188); Unnamed Tributary (39.4113, -123.5621); Unnamed Tributary (39.3918, -123.6425); Unnamed Tributary (39.4168, -123.4578); Unnamed Tributary (39.4656, -123.7467); Unnamed Tributary (39.4931, -123.7371); Unnamed Tributary (39.4922, -123.7381);

Unnamed Tributary (39.4939, -123.7184); Unnamed Tributary (39.4158, -123.6428); Unnamed Tributary (39.4002, -123.7347); Unnamed Tributary (39.3831, -123.6177); Unnamed Tributary (39.4926, -123.4764); Virgin Creek (39.4621, -123.7855); Unnamed Tributary (39.4650, -123.7463).

(v) *Big River Hydrologic Sub-area 111330*. Outlet(s) = Big River (Lat 39.3030, Long -123.7957); Casper Creek (39.3617, -123.8169); Doyle Creek (39.3603, -123.8187); Jack Peters Creek (39.3193, -123.8006); Russian Gulch (39.3288, -123.8050) upstream to endpoint(s) in: Berry Gulch (39.3585, -123.6930); Big River (39.3166, -123.3733); Casper Creek (39.3462, -123.7556); Chamberlain Creek (39.4007, -123.5317); Daugherty Creek (39.1700, -123.3699); Doyle Creek (39.3517, -123.8007); East Branch Little North Fork Big River (39.3372, -123.6410); East Branch North Fork Big River (39.3354, -123.4652); Gates Creek (39.2083, -123.3944); Jack Peters Gulch (39.3225, -123.7850); James Creek (39.3922, -123.4747); Johnson Creek (39.1963, -123.3927); Johnson Creek (39.2556, -123.4485); Laguna Creek (39.2910, -123.6334); Little North Fork Big River (39.3497, -123.6242); Marten Creek (39.3290, -123.4279); Mettick Creek (39.2591, -123.5193); Middle Fork North Fork Casper Creek (39.3575, -123.7170); North Fork Big River (39.3762, -123.4591); North Fork Casper Creek (39.3610, -123.7356); North Fork James Creek (39.3980, -123.4939); North Fork Ramone Creek (39.2760, -123.4846); Pig Pen Gulch (39.3226, -123.4609); Pruitt Creek (39.2592, -123.3812); Ramone Creek (39.2714, -123.4415); Rice Creek (39.2809, -123.3963); Russell Brook (39.2863, -123.4461); Russian Gulch (39.3237, -123.7650); Snuffins Creek (39.1836, -123.3854); Soda Creek (39.2230, -123.4239); South Fork Big River (39.2317, -123.3687); South Fork Casper Creek (39.3493, -123.7216); Two Log Creek (39.3484, -123.5781); Unnamed Tributary (39.3897, -123.5556); Unnamed Tributary (39.3637, -123.5464); Unnamed Tributary (39.3776, -123.5274); Unnamed Tributary (39.4029, -123.5771); Valentine Creek (39.2694, -123.3957); Water Gulch (39.3607, -123.5891).

(vi) *Albion River Hydrologic Sub-area 111340*. Outlet(s) = Albion River (Lat 39.2253, Long -123.7679); Big Salmon Creek (39.2150, -123.7660); Buckhorn Creek (39.2593, -123.7839); Dark Gulch (39.2397, -123.7740); Little Salmon Creek (39.2150, -123.7660); Little River (39.2734, -123.7914) upstream to endpoint(s) in: Albion River (39.2613,

–123.5766); Big Salmon Creek (39.2070, –123.6514); Buckhorn Creek (39.2513, –123.7595); Dark Gulch (39.2379, –123.7592); Duck Pond Gulch (39.2456, –123.6960); East Railroad Gulch (39.2604, –123.6381); Hazel Gulch (39.2141, –123.6418); Kaison Gulch (39.2733, –123.6803); Little North Fork South Fork Albion River (39.2350, –123.6431); Little River (39.2683, –123.7190); Little Salmon Creek (39.2168, –123.7515); Marsh Creek (39.2325, –123.5596); Nordon Gulch (39.2489, –123.6503); North Fork Albion River (39.2854, –123.5752); Pleasant Valley Gulch (39.2379, –123.6965); Railroad Gulch (39.2182, –123.6932); Soda Springs Creek (39.2943, –123.5944); South Fork Albion River (39.2474, –123.6107); Tom Bell Creek (39.2805, –123.6519); Unnamed Tributary (39.2279, –123.6972); Unnamed Tributary (39.2194, –123.7100); Unnamed Tributary (39.2744, –123.5889); Unnamed Tributary (39.2254, –123.6733).

(vii) *Navarro River Hydrologic Sub-area 111350*. Outlet(s) = Navarro River (Lat 39.1921, Long –123.7611) upstream to endpoint(s) in: Alder Creek (38.9830, –123.3946); Anderson Creek (38.9644, –123.2907); Bailey Creek (39.1733, –123.4804); Barton Gulch (39.1804, –123.6783); Bear Creek (39.1425, –123.4326); Bear Wallow Creek (39.0053, –123.4075); Beasley Creek (38.9366, –123.3265); Bottom Creek (39.2117, –123.4607); Camp 16 Gulch (39.1937, –123.6095); Camp Creek (38.9310, –123.3527); Cold Spring Creek (39.0376, –123.5027); Con Creek (39.0374, –123.3816); Cook Creek (39.1879, –123.5109); Cune Creek (39.1622, –123.6014); Dago Creek (39.0731, –123.5068); Dead Horse Gulch (39.1576, –123.6124); Dutch Henry Creek (39.2112, –123.5794); Floodgate Creek (39.1291, –123.5365); Fluem Gulch (39.1615, –123.6695); Flynn Creek (39.2099, –123.6032); German Creek (38.9452, –123.4269); Gut Creek (39.0803, –123.3312); Ham Canyon (39.0164, –123.4265); Horse Creek (39.0144, –123.4960); Hungry Hollow Creek (39.1327, –123.4488); Indian Creek (39.0708, –123.3301); Jimmy Creek (39.0117, –123.2888); John Smith Creek (39.2275, –123.5366); Little North Fork Navarro River (39.1941, –123.4553); Low Gap Creek (39.1590, –123.3783); Navarro River (39.0537, –123.4409); Marsh Gulch (39.1692, –123.7049); McCarvey Creek (39.1589, –123.4048); Mill Creek (39.1270, –123.4315); Minnie Creek (38.9751, –123.4529); Murray Gulch (39.1755, –123.6966); Mustard Gulch (39.1673, –123.6393); North Branch (39.2069,

–123.5361); North Fork Indian Creek (39.1213, –123.3345); North Fork Navarro River (39.1708, –123.5606); Parkinson Gulch (39.0768, –123.4070); Perry Gulch (39.1342, –123.5707); Rancheria Creek (38.8626, –123.2417); Ray Gulch (39.1792, –123.6494); Robinson Creek (38.9845, –123.3513); Rose Creek (39.1358, –123.3672); Shingle Mill Creek (39.1671, –123.4223); Soda Creek (39.0238, –123.3149); Soda Creek (39.1531, –123.3734); South Branch (39.1409, –123.3196); Spooner Creek (39.2221, –123.4811); Tramway Gulch (39.1481, –123.5958); Yale Creek (38.8882, –123.2785).

(viii) *Greenwood Creek Hydrologic Sub-area 111361*. Outlet(s) = Greenwood Creek (Lat 39.1262, Long –123.7181) upstream to endpoint(s) in: Greenwood Creek (39.0894, –123.5924).

(ix) *Elk Creek Hydrologic Sub-area 111362*. Outlet(s) = Elk Creek (Lat 39.1024, Long –123.7080) upstream to endpoint(s) in: Elk Creek (39.0657, –123.6245).

(x) *Alder Creek Hydrologic Sub-area 111363*. Outlet(s) = Alder Creek (Lat 39.0044, Long –123.6969); Mallo Pass Creek (39.0341, –123.6896) upstream to endpoint(s) in: Alder Creek (38.9961, –123.6471); Mallo Pass Creek (39.0287, –123.6373).

(xi) *Brush Creek Hydrologic Sub-area 111364*. Outlet(s) = Brush Creek (Lat 38.9760, Long –123.7120) upstream to endpoint(s) in: Brush Creek (38.9730, –123.5563); Mill Creek (38.9678, –123.6515); Unnamed Tributary (38.9724, –123.6571).

(xii) *Garcia River Hydrologic Sub-area 111370*. Outlet(s) = Garcia River (Lat 38.9550, Long –123.7338); Point Arena Creek (38.9141, –123.7103); Schooner Gulch (38.8667, –123.6550) upstream to endpoint(s) in: Blue Water Hole Creek (38.9378, –123.5023); Flemming Creek (38.8384, –123.5361); Garcia River (38.8965, –123.3681); Hathaway Creek (38.9287, –123.7011); Inman Creek (38.8804, –123.4370); Larmour Creek (38.9419, –123.4469); Mill Creek (38.9078, –123.3143); North Fork Garcia River (38.9233, –123.5339); North Fork Schooner Gulch (38.8758, –123.6281); Pardaloe Creek (38.8895, –123.3423); Point Arena Creek (38.9069, –123.6838); Redwood Creek (38.9241, –123.3343); Rolling Brook (38.8965, –123.5716); Schooner Gulch (38.8677, –123.6198); South Fork Garcia River (38.8450, –123.5420); Stansburry Creek (38.9422, –123.4720); Signal Creek (38.8639, –123.4414); Unnamed Tributary (38.8758, –123.5692); Unnamed Tributary (38.8818, –123.5723); Whitlow Creek (38.9141, –123.4624).

(xiii) *North Fork Gualala River Hydrologic Sub-area 111381*. Outlet(s) = North Fork Gualala River (Lat 38.7784, Long –123.4992) upstream to endpoint(s) in: Bear Creek (38.8347, –123.3842); Billings Creek (38.8652, –123.3496); Doty Creek (38.8495, –123.5131); Dry Creek (38.8416, –123.4455); Little North Fork Gualala River (38.8295, –123.5570); McGann Gulch (38.8026, –123.4458); North Fork Gualala River (38.8479, –123.4113); Robinson Creek (38.8416, –123.3725); Robinson Creek (38.8386, –123.4991); Stewart Creek (38.8109, –123.4157); Unnamed Tributary (38.8487, –123.3820).

(xiv) *Rockpile Creek Hydrologic Sub-area 111382*. Outlet(s) = Rockpile Creek (Lat 38.7507, Long –123.4706) upstream to endpoint(s) in: Rockpile Creek (38.7966, –123.3872).

(xv) *Buckeye Creek Hydrologic Sub-area 111383*. Outlet(s) = Buckeye Creek (Lat 38.7403, Long –123.4580) upstream to endpoint(s) in: Buckeye Creek (38.7400, –123.2697); Flat Ridge Creek (38.7616, –123.2400); Franchini Creek (38.7500, –123.3708); North Fork Buckeye (38.7991, –123.3166).

(xvi) *Wheatfield Fork Hydrologic Sub-area 111384*. Outlet(s) = Wheatfield Fork Gualala River (Lat 38.7018, Long –123.4168) upstream to endpoint(s) in: Danfield Creek (38.6369, –123.1431); Fuller Creek (38.7109, –123.3256); Haupt Creek (38.6220, –123.2551); House Creek (38.6545, –123.1184); North Fork Fuller Creek (38.7252, –123.2968); Pepperwood Creek (38.6205, –123.1665); South Fork Fuller Creek (38.6973, –123.2860); Tombs Creek (38.6989, –123.1616); Unnamed Tributary (38.7175, –123.2744); Wheatfield Fork Gualala River (38.7497, –123.2215).

(xvii) *Gualala Hydrologic Sub-area 111385*. Outlet(s) = Fort Ross Creek (Lat 38.5119, Long –123.2436); Gualala River (38.7687, –123.5334); Kolmer Gulch (38.5238, –123.2646) upstream to endpoint(s) in: Big Pepperwood Creek (38.7951, –123.4638); Carson Creek (38.5653, –123.1906); Fort Ross Creek (38.5174, –123.2363); Groshong Gulch (38.7814, –123.4904); Gualala River (38.7780, –123.4991); Kolmer Gulch (38.5369, –123.2247); Little Pepperwood (38.7738, –123.4427); Marshall Creek (38.5647, –123.2058); McKenzie Creek (38.5895, –123.1730); Palmer Canyon Creek (38.6002, –123.2167); South Fork Gualala River (38.5646, –123.1689); Sproule Creek (38.6122, –123.2739); Turner Canyon (38.5294, –123.1672); Unknown Tributary (38.5634, –123.2003).

(xviii) *Russian Gulch Hydrologic Sub-area 111390*. Outlet(s) = Russian Gulch

Creek (Lat 38.4669, Long -123.1569)
upstream to endpoint(s) in: Russian
Gulch Creek (38.4956, -123.1535); West

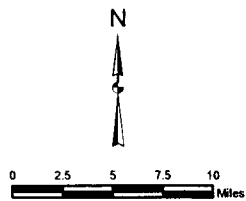
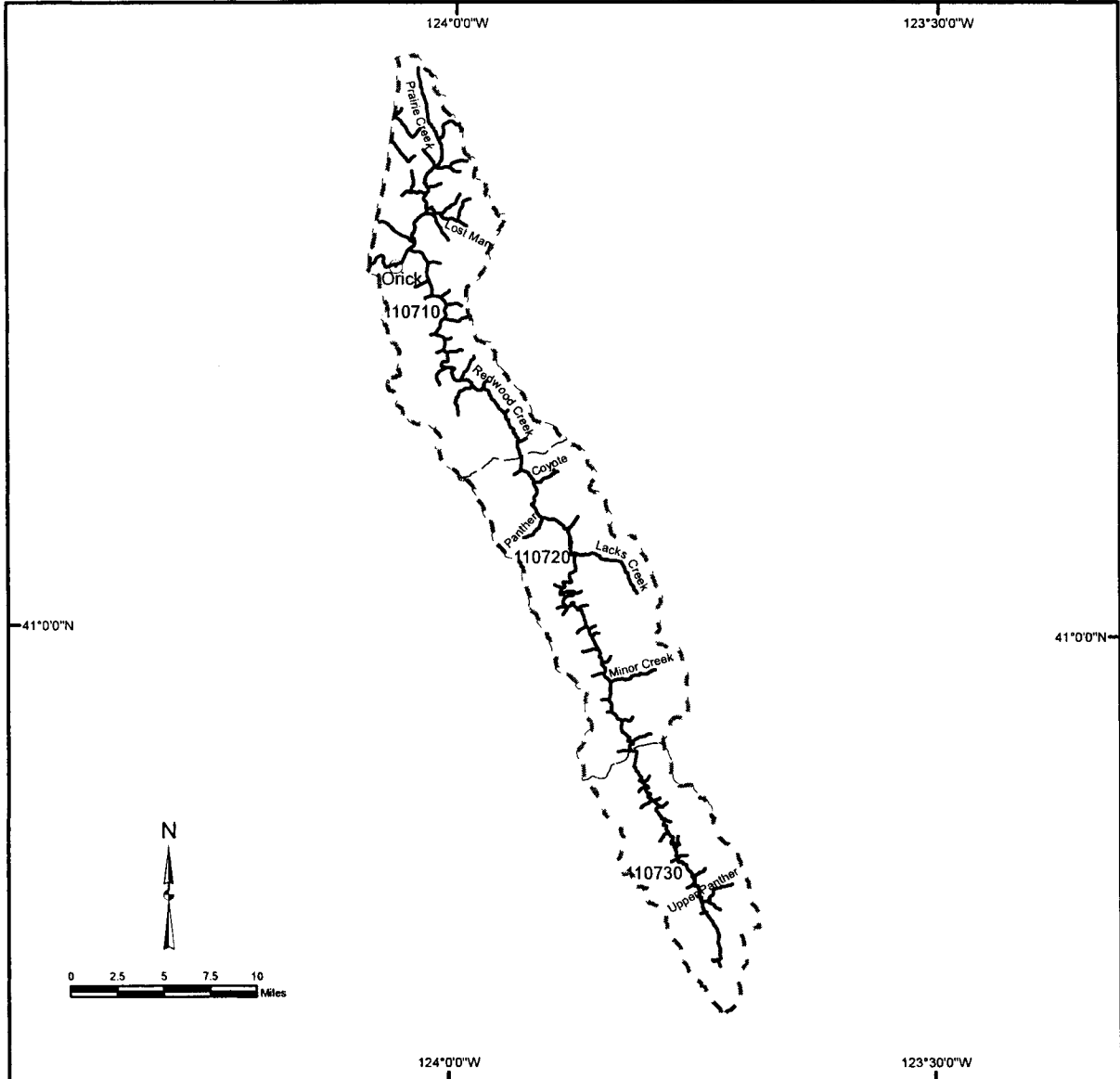
Branch Russian Gulch Creek (38.4968,
-123.1631).

(8) Maps of critical habitat for the
Northern California Steelhead ESU
follow:

BILLING CODE 3510-22-P

Critical Habitat for the Northern California Steelhead

Redwood Creek Hydrologic Unit 1107

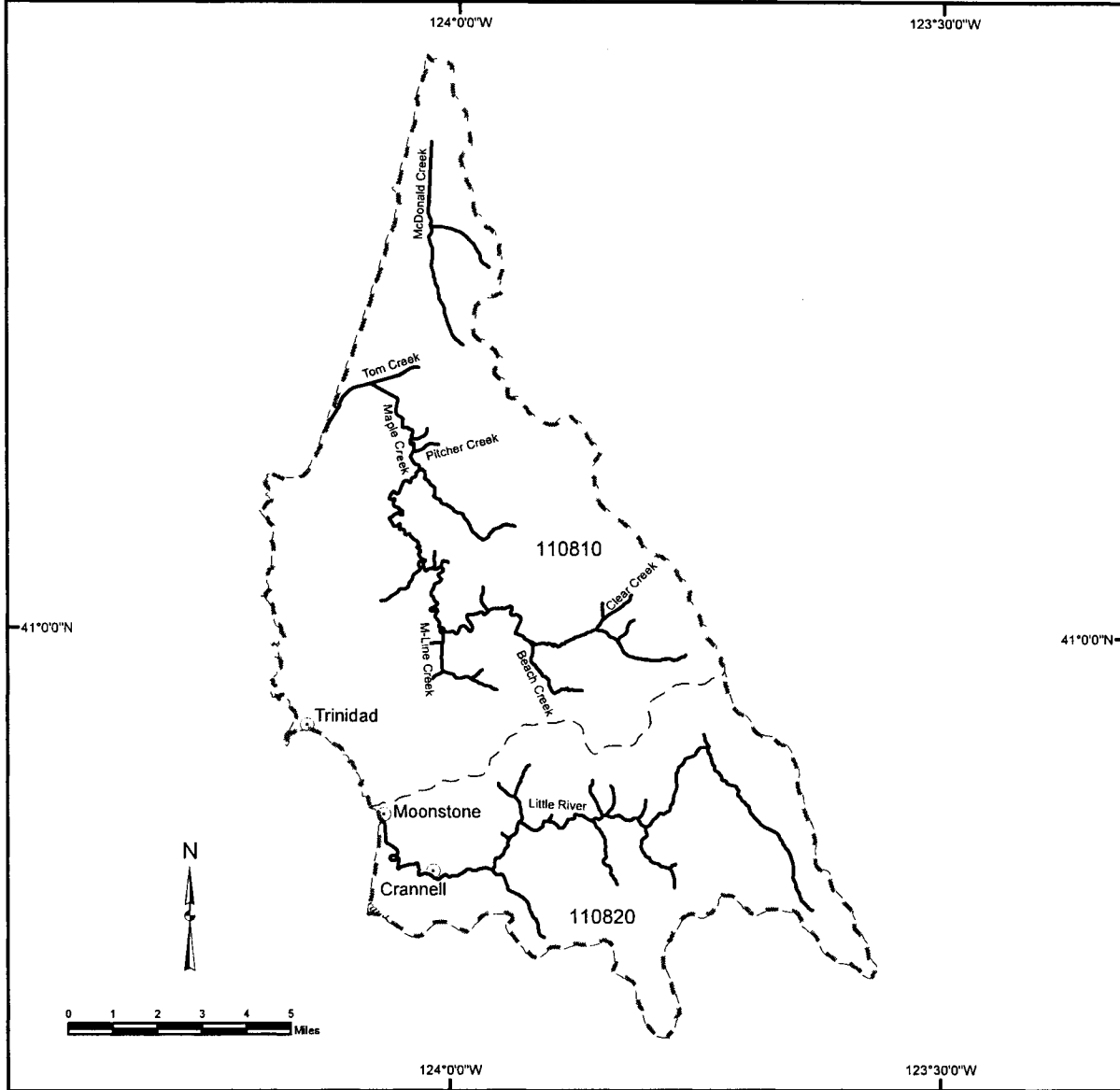


Cities/Towns
 Critical Habitat
 Hydrologic Unit Boundary
 Fifth Field Calwater Hydrologic Sub-Area Boundary
 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Northern California Steelhead

Trinidad Hydrologic Unit 1108

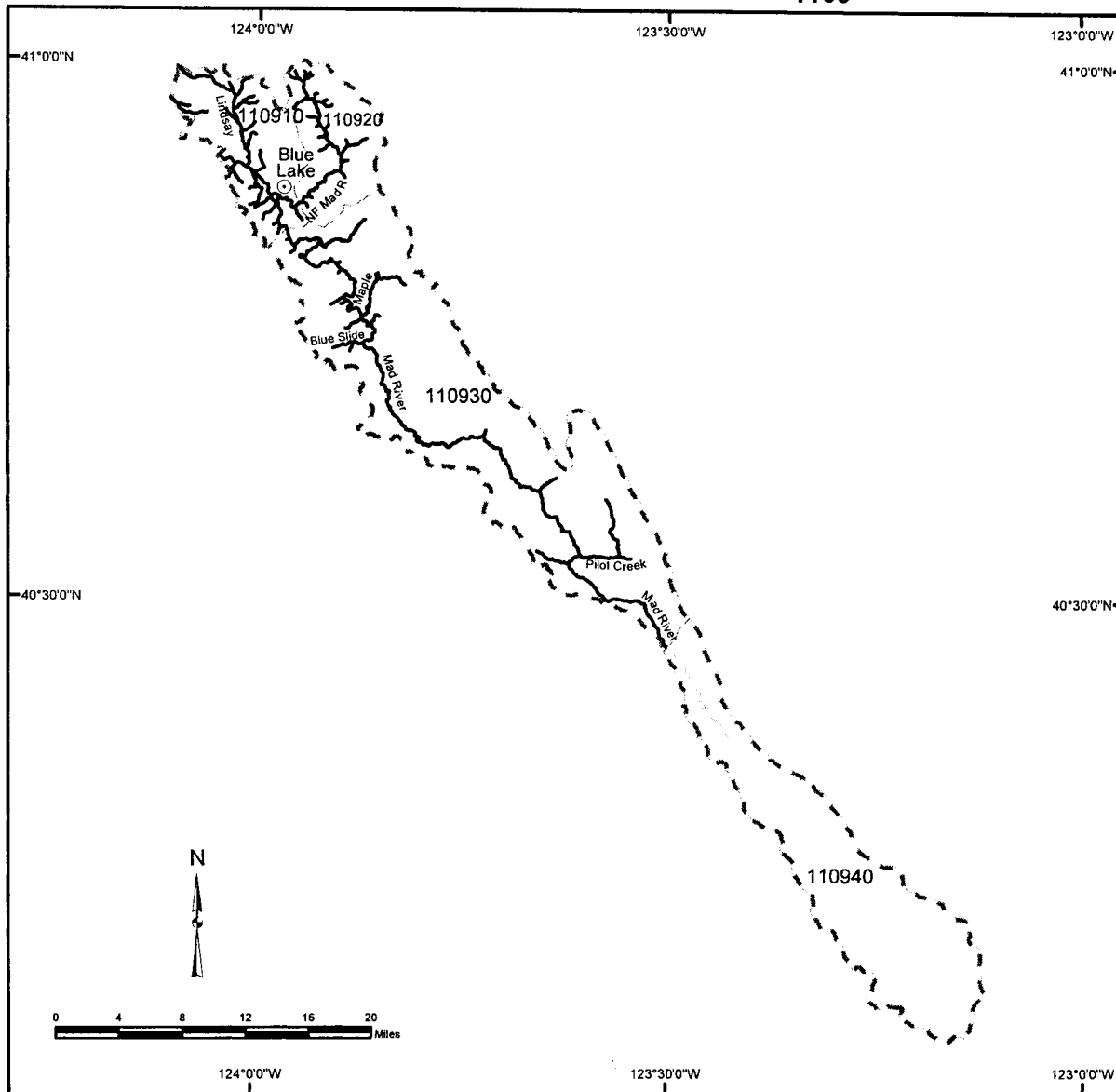







⊙ Cities/Towns
— Critical Habitat
- - - Hydrologic Unit Boundary
· · · Fifth Field Calwater Hydrologic Sub-Area Boundary
110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Northern California Steelhead

Mad River Hydrologic Unit 1109



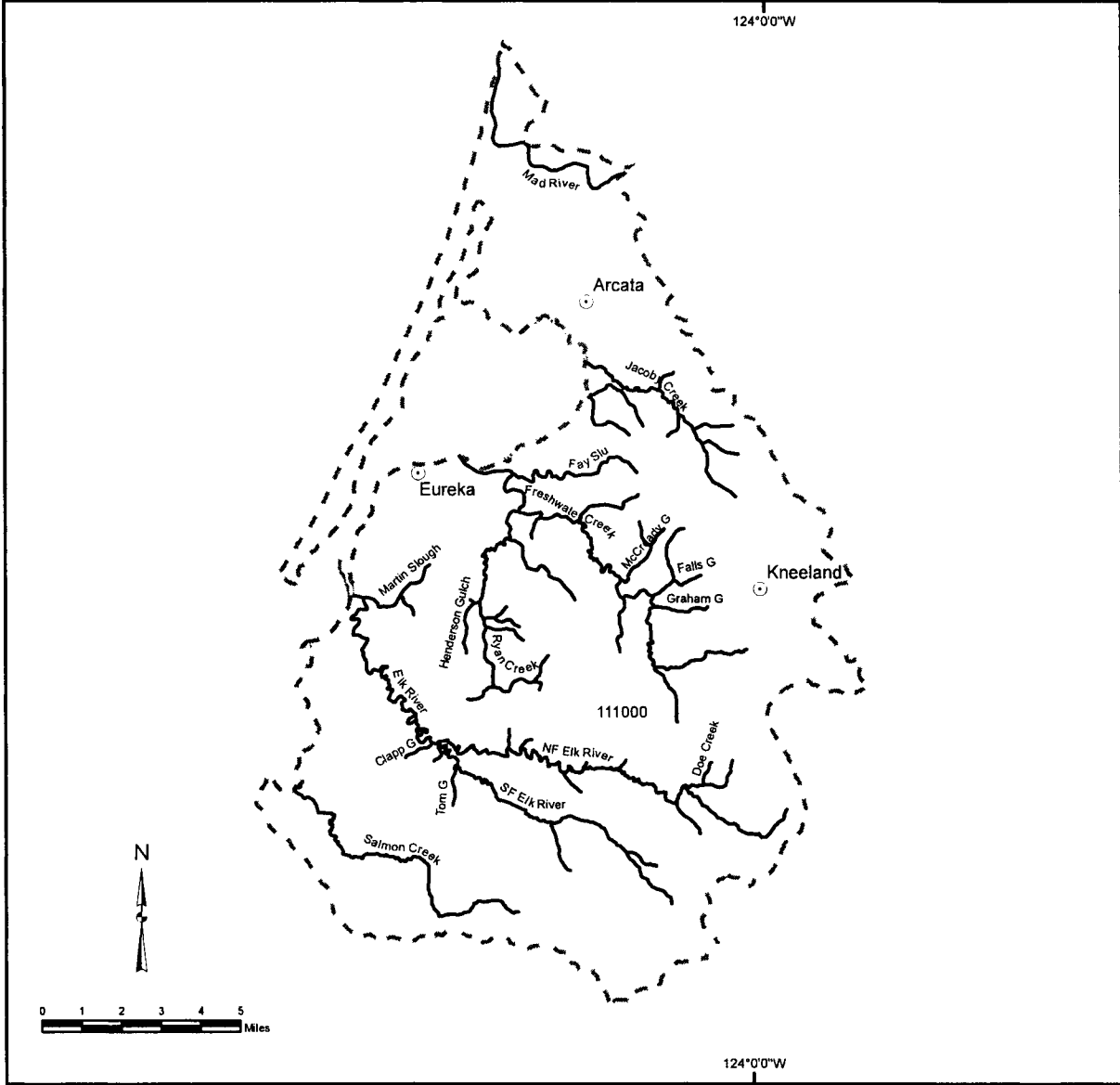
-  Cities/Towns
-  Critical Habitat
-  Occupied but excluded streams / areas
-  Hydrologic Unit Boundary
-  Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Northern California Steelhead

Eureka Plain Hydrologic Unit 1110

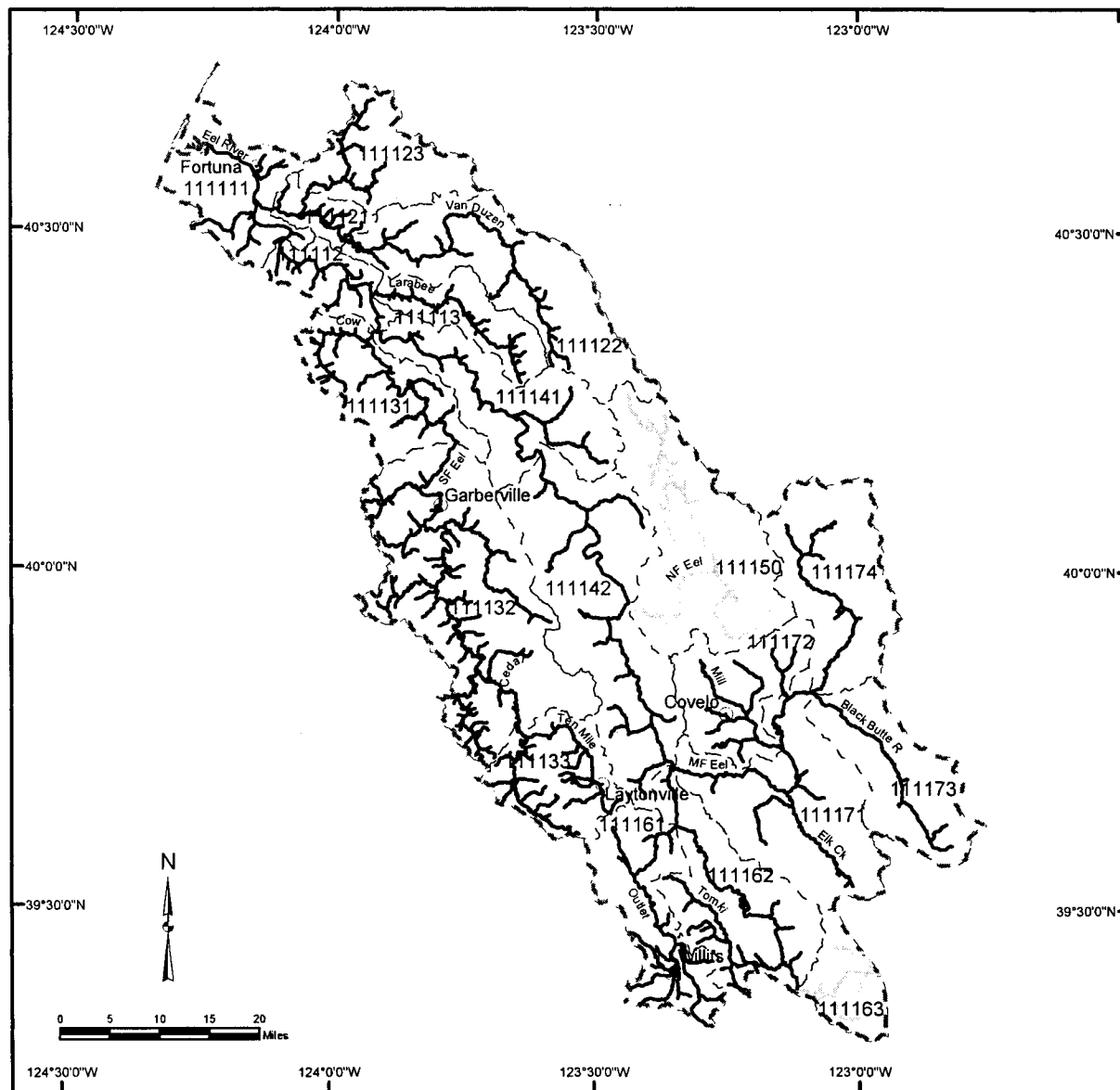


- ⊙ Cities/Towns
 - Critical Habitat
 - - - Hydrologic Unit Boundary
 - - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Northern California Steelhead

Eel River Hydrologic Unit 1111



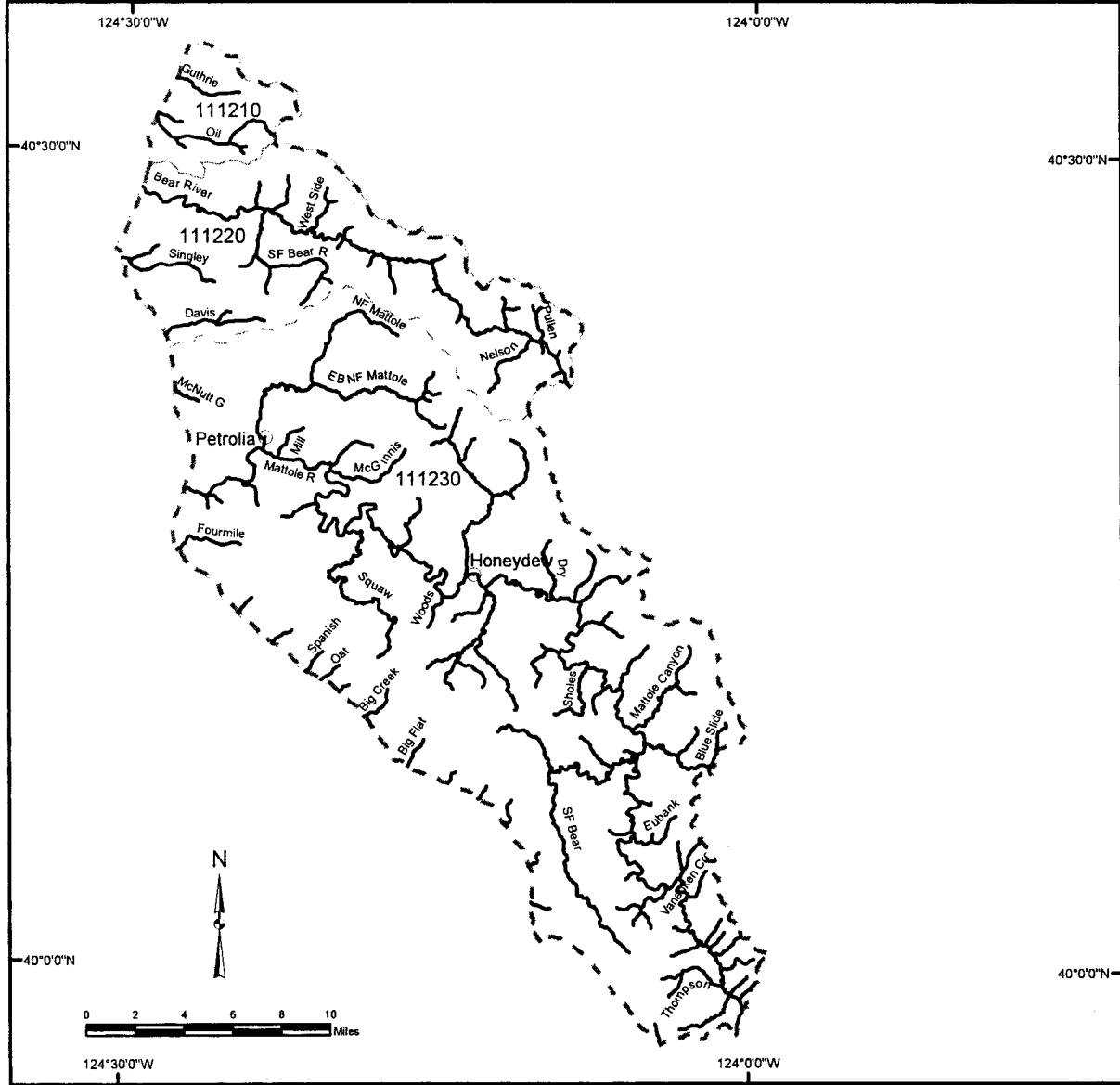
- Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary





110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Northern California Steelhead

Cape Mendocino Hydrologic Unit 1112



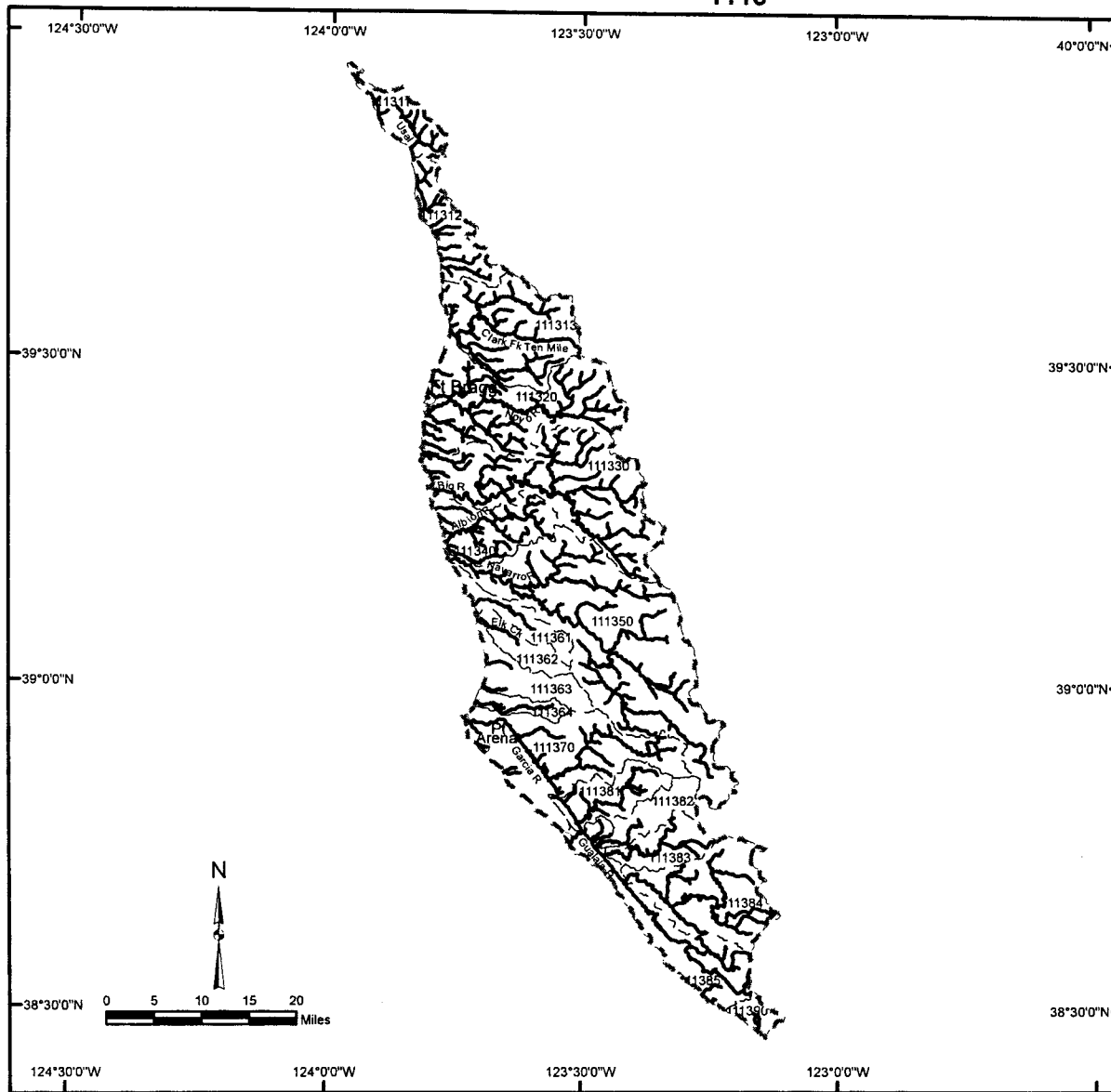
-  Cities/Towns
-  Critical Habitat
-  Hydrologic Unit Boundary
-  Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number

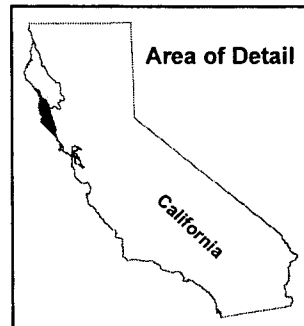


Critical Habitat for the Northern California Steelhead

Mendocino Coast Hydrologic Unit 1113



- Cities/Towns
- Critical Habitat
- ▣ Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



(h) *Central California Coast Steelhead (O. mykiss)*. Critical habitat is designated to include the areas defined in the following CALWATER Hydrologic Units:

(1) Russian River Hydrologic Unit 1114—(i) *Guerneville Hydrologic Sub-area 111411*. Outlet(s) = Russian River (Lat 38.4507, Long -123.1289) upstream to endpoint(s) in: Atascadero Creek (38.3473, -122.8626); Austin Creek (38.5098, -123.0680); Baumert Springs (38.4195, -122.9658); Dutch Bill Creek (38.4132, -122.9508); Duvoul Creek (38.4527, -122.9525); Fife Creek (38.5584, -122.9922); Freezeout Creek (38.4405, -123.0360); Green Valley Creek (38.4445, -122.9185); Grub Creek (38.4411, -122.9636); Hobson Creek (38.5334, -122.9401); Hulbert Creek (38.5548, -123.0362); Jenner Gulch (38.4869, -123.0996); Kidd Creek (38.5029, -123.0935); Lancel Creek (38.4247, -122.9322); Mark West Creek (38.4961, -122.8489); Mays Canyon (38.4800, -122.9715); North Fork Lancel Creek (38.4447, -122.9444); Pocket Canyon (38.4650, -122.9267); Porter Creek (38.5435, -122.9332); Purrington Creek (38.4083, -122.9307); Sheep House Creek (38.4820, -123.0921); Smith Creek (38.4622, -122.9585); Unnamed Tributary (38.4560, -123.0246); Unnamed Tributary (38.3976, -122.8994); Unnamed Tributary (38.3772, -122.8938); Willow Creek (38.4249, -123.0022).

(ii) *Austin Creek Hydrologic Sub-area 111412*. Outlet(s) = Austin Creek (Lat 38.5098, Long -123.0680) upstream to endpoint(s) in: Austin Creek (38.6262, -123.1347); Bear Pen Creek (38.5939, -123.1644); Big Oat Creek (38.5615, -123.1299); Black Rock Creek (38.5586, -123.0730); Blue Jay Creek (38.5618, -123.1399); Conshea Creek (38.5830, -123.0824); Devil Creek (38.6163, -123.0425); East Austin Creek (38.6349, -123.1238); Gilliam Creek (38.5803, -123.0152); Gray Creek (38.6132, -123.0107); Thompson Creek (38.5747, -123.0300); Pole Mountain Creek (38.5122, -123.1168); Red Slide Creek (38.6039, -123.1141); Saint Elmo Creek (38.5130, -123.1125); Schoolhouse Creek (38.5595, -123.0175); Spring Creek (38.5041, -123.1364); Sulphur Creek (38.6187, -123.0553); Ward Creek (38.5720, -123.1547).

(iii) *Mark West Hydrologic Sub-area 111423*. Outlet(s) = Mark West Creek (Lat 38.4962, Long -122.8492) upstream to endpoint(s) in: Humbug Creek (38.5412, -122.6249); Laguna de Santa Rosa (38.4526, -122.8347); Mark West Creek (38.5187, -122.5995); Pool Creek (38.5486, -122.7641); Pruitt Creek (38.5313, -122.7615); Windsor Creek (38.5484, -122.8101).

(iv) *Warm Springs Hydrologic Sub-area 111424*. Outlet(s) = Dry Creek (Lat 38.5862, Long -122.8577) upstream to endpoint(s) in: Angel Creek (38.6101, -122.9833); Crane Creek (38.6434, -122.9451); Dry Creek (38.7181, -123.0091); Dutcher Creek (38.7223, -122.9770); Felta Creek (38.5679, -122.9379); Foss Creek (38.6244, -122.8754); Grape Creek (38.6593, -122.9707); Mill Creek (38.5976, -122.9914); North Slough Creek (38.6392, -122.8888); Palmer Creek (38.5770, -122.9904); Pena Creek (38.6384, -123.0743); Redwood Log Creek (38.6705, -123.0725); Salt Creek (38.5543, -122.9133); Wallace Creek (38.6260, -122.9651); Wine Creek (38.6662, -122.9682); Woods Creek (38.6069, -123.0272).

(v) *Geyserville Hydrologic Sub-area 111425*. Outlet(s) = Russian River (Lat 38.6132, Long -122.8321) upstream to endpoint(s) in: Ash Creek (38.8556, -123.0082); Bear Creek (38.7253, -122.7038); Bidwell Creek (38.6229, -122.6320); Big Sulphur Creek (38.8279, -122.9914); Bluegum Creek (38.6988, -122.7596); Briggs Creek (38.6845, -122.6811); Coon Creek (38.7105, -122.6957); Crocker Creek (38.7771, -122.9595); Edwards Creek (38.8592, -123.0758); Foote Creek (38.6433, -122.6797); Foss Creek (38.6373, -122.8753); Franz Creek (38.5726, -122.6343); Gill Creek (38.7552, -122.8840); Gird Creek (38.7055, -122.8311); Ingalls Creek (38.7344, -122.7192); Kellog Creek (38.6753, -122.6422); Little Briggs Creek (38.7082, -122.7014); Maacama Creek (38.6743, -122.7431); McDonnell Creek (38.7354, -122.7338); Mill Creek (38.7009, -122.6490); Miller Creek (38.7211, -122.8608); Oat Valley Creek (38.8461, -123.0712); Redwood Creek (38.6342, -122.6720); Sausal Creek (38.6924, -122.7930); South Fork Gill Creek (38.7420, -122.8760); Unnamed Tributary (38.7329, -122.8601); Yellowjacket Creek (38.6666, -122.6308).

(vi) *Sulphur Creek Hydrologic Sub-area 111426*. Outlet(s) = Big Sulphur Creek (Lat 38.8279, Long -122.9914) upstream to endpoint(s) in: Alder Creek (38.8503, -122.8953); Anna Belcher Creek (38.7537, -122.7586); Big Sulphur Creek (38.8243, -122.8774); Frasier Creek (38.8439, -122.9341); Humming Bird Creek (38.8460, -122.8596); Little Sulphur Creek (38.7469, -122.7425); Lovers Gulch (38.7396, -122.8275); North Branch Little Sulphur Creek (38.7783, -122.8119); Squaw Creek (38.8199, -122.7945).

(vii) *Ukiah Hydrologic Sub-area 111431*. Outlet(s) = Russian River (Lat 38.8828, Long -123.0557) upstream to

endpoint(s) in: Pieta Creek (38.8622, -122.9329).

(viii) *Forsythe Creek Hydrologic Sub-area 111433*. Outlet(s) = West Branch Russian River (Lat 39.2257, Long -123.2012) upstream to endpoint(s) in: Bakers Creek (39.2859, -123.2432); Eldridge Creek (39.2250, -123.3309); Forsythe Creek (39.2976, -123.2963); Jack Smith Creek (39.2754, -123.3421); Mariposa Creek (39.3472, -123.2625); Mill Creek (39.2969, -123.3360); Salt Hollow Creek (39.2585, -123.1881); Seward Creek (39.2606, -123.2646); West Branch Russian River (39.3642, -123.2334).

(2) Bodega Hydrologic Unit 1115—(i) *Salmon Creek Hydrologic Sub-area 111510*. Outlet(s) = Salmon Creek (Lat 38.3554, Long -123.0675) upstream to endpoint(s) in: Coleman Valley Creek (38.3956, -123.0097); Faye Creek (38.3749, -123.0000); Finley Creek (38.3707, -123.0258); Salmon Creek (38.3877, -122.9318); Tannery Creek (38.3660, -122.9808).

(ii) *Estero Americano Hydrologic Sub-area 111530*. Outlet(s) = Estero Americano (Lat 38.2939, Long -123.0011) upstream to endpoint(s) in: Estero Americano (38.3117, -122.9748); Ebabias Creek (38.3345, -122.9759).

(3) Marin Coastal Hydrologic Unit 2201—(i) *Walker Creek Hydrologic Sub-area 220112*. Outlet(s) = Walker Creek (Lat 38.2213, Long -122.9228); Millerton Gulch (38.1055, -122.8416) upstream to endpoint(s) in: Chileno Creek (38.2145, -122.8579); Frink Canyon (38.1761, -122.8405); Millerton Gulch (38.1376, -122.8052); Verde Canyon (38.1630, -122.8116); Unnamed Tributary (38.1224, -122.8095); Walker Creek (38.1617, -122.7815).

(ii) *Lagunitas Creek Hydrologic Sub-area 220113*. Outlet(s) = Lagunitas Creek (Lat 38.0827, Long -122.8274) upstream to endpoint(s) in: Cheda Creek (38.0483, -122.7329); Devil's Gulch (38.0393, -122.7128); Giacomini Creek (38.0075, -122.7386); Horse Camp Gulch (38.0078, -122.7624); Lagunitas Creek (37.9974, -122.7045); Olema Creek (37.9719, -122.7125); Quarry Gulch (38.0345, -122.7639); San Geronimo Creek (38.0131, -122.6499); Unnamed Tributary (37.9893, -122.7328); Unnamed Tributary (37.9976, -122.7553).

(iii) *Point Reyes Hydrologic Sub-area 220120*. Outlet(s) = Creamery Bay Creek (Lat 38.0779, Long -122.9572); East Schooner Creek (38.0913, -122.9293); Home Ranch (38.0705, -122.9119); Laguna Creek (38.0235, -122.8732); Muddy Hollow Creek (38.0329, -122.8842) upstream to endpoint(s) in: Creamery Bay Creek (38.0809, -122.9561); East Schooner Creek

(38.0928, -122.9159); Home Ranch Creek (38.0784, -122.9038); Laguna Creek (38.0436, -122.8559); Muddy Hollow Creek (38.0549, -122.8666).

(iv) *Bolinas Hydrologic Sub-area 220130*. Outlet(s) = Easkoot Creek (Lat 37.9026, Long -122.6474); McKinnon Gulch (37.9126, -122.6639); Morse Gulch (37.9189, -122.6710); Pine Gulch Creek (37.9218, -122.6882); Redwood Creek (37.8595, -122.5787); Stinson Gulch (37.9068, -122.6517); Wilkins Creek (37.9343, -122.6967) upstream to endpoint(s) in: Easkoot Creek (37.8987, -122.6370); Kent Canyon (37.8866, -122.5800); McKinnon Gulch (37.9197, -122.6564); Morse Gulch (37.9240, -122.6618); Pine Gulch Creek (37.9557, -122.7197); Redwood Creek (37.9006, -122.5787); Stinson Gulch (37.9141, -122.6426); Wilkins Creek (37.9450, -122.6910).

(4) San Mateo Hydrologic Unit 2202—(i) *San Mateo Coastal Hydrologic Sub-area 220221*. Outlet(s) = Denniston Creek (37.5033, -122.4869); Frenchmans Creek (37.4804, -122.4518); San Pedro Creek (37.5964, -122.5057) upstream to endpoint(s) in: Denniston Creek (37.5184, -122.4896); Frenchmans Creek (37.5170, -122.4332); Middle Fork San Pedro Creek (37.5758, -122.4591); North Fork San Pedro Creek (37.5996, -122.4635).

(ii) *Half Moon Bay Hydrologic Sub-area 220222*. Outlet(s) = Pilarcitos Creek (Lat 37.4758, Long -122.4493) upstream to endpoint(s) in: Apanolio Creek (37.5202, -122.4158); Arroyo Leon Creek (37.4560, -122.3442); Mills Creek (37.4629, -122.3721); Pilarcitos Creek (37.5259, -122.3980); Unnamed Tributary (37.4705, -122.3616).

(iii) *Tunitas Creek Hydrologic Sub-area 220223*. Outlet(s) = Lobitos Creek (Lat 37.3762, Long -122.4093); Tunitas Creek (37.3567, -122.3999) upstream to endpoint(s) in: East Fork Tunitas Creek (37.3981, -122.3404); Lobitos Creek (37.4246, -122.3586); Tunitas Creek (37.4086, -122.3502).

(iv) *San Gregorio Creek Hydrologic Sub-area 220230*. Outlet(s) = San Gregorio Creek (Lat 37.3215, Long -122.4030) upstream to endpoint(s) in: Alpine Creek (37.3062, -122.2003); Bogess Creek (37.3740, -122.3010); El Corte Madera Creek (37.3650, -122.3307); Harrington Creek (37.3811, -122.2936); La Honda Creek (37.3680, -122.2655); Langley Creek (37.3302, -122.2420); Mindego Creek (37.3204, -122.2239); San Gregorio Creek (37.3099, -122.2779); Woodruff Creek (37.3415, -122.2495).

(v) *Pescadero Creek Hydrologic Sub-area 220240*. Outlet(s) = Pescadero Creek (Lat 37.2669, Long -122.4122); Pomponio Creek (37.2979, -122.4061)

upstream to endpoint(s) in: Bradley Creek (37.2819, -122.3802); Butano Creek (37.2419, -122.3165); Evans Creek (37.2659, -122.2163); Honsinger Creek (37.2828, -122.3316); Little Boulder Creek (37.2145, -122.1964); Little Butano Creek (37.2040, -122.3492); Oil Creek (37.2572, -122.1325); Pescadero Creek (37.2320, -122.1553); Lambert Creek (37.3014, -122.1789); Peters Creek (37.2883, -122.1694); Pomponio Creek (37.3030, -122.3805); Slate Creek (37.2530, -122.1935); Tarwater Creek (37.2731, -122.2387); Waterman Creek (37.2455, -122.1568).

(5) Bay Bridge Hydrologic Unit T 2203—(i) *San Rafael Hydrologic Sub-area 220320*. Outlet(s) = Arroyo Corte Madera del Presidio (Lat 37.8917, Long -122.5254); Corte Madera Creek (37.9425, -122.5059) upstream to endpoint(s) in: Arroyo Corte Madera del Presidio (37.9298, -122.5723); Cascade Creek (37.9867, -122.6287); Cascade Creek (37.9157, -122.5655); Larkspur Creek (37.9305, -122.5514); Old Mill Creek (37.9176, -122.5746); Ross Creek (37.9558, -122.5752); San Anselmo Creek (37.9825, -122.6420); Sleepy Hollow Creek (38.0074, -122.5794); Tamalpais Creek (37.9481, -122.5674).

(ii) [Reserved]

(6) Santa Clara Hydrologic Unit 2205—(i) *Coyote Creek Hydrologic Sub-area 220530*. Outlet(s) = Coyote Creek (Lat 37.4629, Long -121.9894; 37.2275, -121.7514) upstream to endpoint(s) in: Arroyo Aguague (37.3907, -121.7836); Coyote Creek (37.2778, -121.8033; 37.1677, -121.6301); Upper Penitencia Creek (37.3969, -121.7577).

(ii) *Guadalupe River—San Jose Hydrologic Sub-area 220540*. Outlet(s) = Coyote Creek (Lat 37.2778, Long -121.8033) upstream to endpoint(s) in: Coyote Creek (37.2275, -121.7514).

(iii) *Palo Alto Hydrologic Sub-area 220550*. Outlet(s) = Guadalupe River (Lat 37.4614, Long -122.0240); San Francisquito Creek (37.4658, -122.1152); Stevens Creek (37.4456, -122.0641) upstream to endpoint(s) in: Bear Creek (37.4164, -122.2690); Corte Madera Creek (37.4073, -122.2378); Guadalupe River (37.3499, -121.9094); Los Trancos (37.3293, -122.1786); McGarvey Gulch (37.4416, -122.2955); Squealer Gulch (37.4335, -122.2880); Stevens Creek (37.2990, -122.0778); West Union Creek (37.4528, -122.3020).

(7) San Pablo Hydrologic Unit 2206—(i) *Petaluma River Hydrologic Sub-area 220630*. Outlet(s) = Petaluma River (Lat 38.1111, Long -122.4944) upstream to endpoint(s) in: Adobe Creek (38.2940, -122.5834); Lichau Creek (38.2848, -122.6654); Lynch Creek (38.2748, -122.6194); Petaluma River (38.3010, -122.7149); Schultz Slough (38.1892,

-122.5953); San Antonio Creek (38.2049, -122.7408); Unnamed Tributary (38.3105, -122.6146); Willow Brook (38.3165, -122.6113).

(ii) *Sonoma Creek Hydrologic Sub-area 220640*. Outlet(s) = Sonoma Creek (Lat 38.1525, Long -122.4050) upstream to endpoint(s) in: Agua Caliente Creek (38.3368, -122.4518); Asbury Creek (38.3401, -122.5590); Bear Creek (38.4656, -122.5253); Calabazas Creek (38.4033, -122.4803); Carriger Creek (38.3031, -122.5336); Graham Creek (38.3474, -122.5607); Hooker Creek (38.3809, -122.4562); Mill Creek (38.3395, -122.5454); Nathanson Creek (38.3350, -122.4290); Rodgers Creek (38.2924, -122.5543); Schell Creek (38.2554, -122.4510); Sonoma Creek (38.4507, -122.4819); Stuart Creek (38.3936, -122.4708); Yulupa Creek (38.3986, -122.5934).

(iii) *Napa River Hydrologic Sub-area 220650*. Outlet(s) = Napa River (Lat 38.0786, Long -122.2468) upstream to endpoint(s) in: Bale Slough (38.4806, -122.4578); Bear Canyon Creek (38.4512, -122.4415); Bell Canyon Creek (38.5551, -122.4827); Brown's Valley Creek (38.3251, -122.3686); Canon Creek (38.5368, -122.4854); Carneros Creek (38.3108, -122.3914); Conn Creek (38.4843, -122.3824); Cyrus Creek (38.5776, -122.6032); Diamond Mountain Creek (38.5645, -122.5903); Dry Creek (38.4334, -122.4791); Dutch Henery Creek (38.6080, -122.5253); Garnett Creek (38.6236, -122.5860); Huichica Creek (38.2811, -122.3936); Jericho Canyon Creek (38.6219, -122.5933); Miliken Creek (38.3773, -122.2280); Mill Creek (38.5299, -122.5513); Murphy Creek (38.3155, -122.2111); Napa Creek (38.3047, -122.3134); Napa River (38.6638, -122.6201); Pickle Canyon Creek (38.3672, -122.4071); Rector Creek (38.4410, -122.3451); Redwood Creek (38.3765, -122.4466); Ritchie Creek (38.5369, -122.5652); Sarco Creek (38.3567, -122.2071); Soda Creek (38.4156, -122.2953); Spencer Creek (38.2729, -122.1909); Sulphur Creek (38.4895, -122.5088); Suscol Creek (38.2522, -122.2157); Tulucay Creek (38.2929, -122.2389); Unnamed Tributary (38.4248, -122.4935); Unnamed Tributary (38.4839, -122.5161); York Creek (38.5128, -122.5023).

(8) Big Basin Hydrologic Unit 3304—(i) *Davenport Hydrologic Sub-area 330411*. Outlet(s) = Baldwin Creek (Lat 36.9669, -122.1232); Davenport Landing Creek (37.0231, -122.2153); Laguna Creek (36.9824, -122.1560); Liddell Creek (37.0001, -122.1816); Majors Creek (36.9762, -122.1423); Molino Creek (37.0368, -122.2292); San Vicente

Creek (37.0093, -122.1940); Scott Creek (37.0404, -122.2307); Waddell Creek (37.0935, -122.2762); Wilder Creek (36.9535, -122.0775) upstream to endpoint(s) in: Baldwin Creek (37.0126, -122.1006); Bettencourt Creek (37.1081, -122.2386); Big Creek (37.0832, -122.2175); Davenport Landing Creek (37.0475, -122.1920); East Branch Waddell Creek (37.1482, -122.2531); East Fork Liddell Creek (37.0204, -122.1521); Henry Creek (37.1695, -122.2751); Laguna Creek (37.0185, -122.1287); Little Creek (37.0688, -122.2097); Majors Creek (36.9815, -122.1374); Middle Fork East Fork Liddell Creek (37.0194, -122.1608); Mill Creek (37.1034, -122.2218); Mill Creek (37.0235, -122.2218); Molino Creek (37.0384, -122.2125); Peasley Gulch (36.9824, -122.0861); Queseria Creek (37.0521, -122.2042); San Vicente Creek (37.0417, -122.1741); Scott Creek (37.1338, -122.2306); West Branch Waddell Creek (37.1697, -122.2642); West Fork Liddell Creek (37.0117, -122.1763); Unnamed Tributary (37.0103, -122.0701); Wilder Creek (37.0107, -122.0770).

(ii) *San Lorenzo Hydrologic Sub-area 330412*. Outlet(s) = Arana Gulch Creek

(Lat 36.9676, Long -122.0028); San Lorenzo River (36.9641, -122.0125) upstream to endpoint(s) in: Arana Gulch Creek (37.0270, -121.9739); Bean Creek (37.0956, -122.0022); Bear Creek (37.1711, -122.0750); Boulder Creek (37.1952, -122.1892); Bracken Brae Creek (37.1441, -122.1459); Branciforte Creek (37.0701, -121.9749); Crystal Creek (37.0333, -121.9825); Carbonera Creek (37.0286, -122.0202); Central Branch Arana Gulch Creek (37.0170, -121.9874); Deer Creek (37.2215, -122.0799); Fall Creek (37.0705, -122.1063); Gold Gulch Creek (37.0427, -122.1018); Granite Creek (37.0490, -121.9979); Hare Creek (37.1544, -122.1690); Jameson Creek (37.1485, -122.1904); Kings Creek (37.2262, -122.1059); Lompico Creek (37.1250, -122.0496); Mackenzie Creek (37.0866, -122.0176); Mountain Charlie Creek (37.1385, -121.9914); Newell Creek (37.1019, -122.0724); San Lorenzo River (37.2276, -122.1384); Two Bar Creek (37.1833, -122.0929); Unnamed Tributary (37.2106, -122.0952); Unnamed Tributary (37.2032, -122.0699); Zayante Creek (37.1062, -122.0224).

(iii) *Aptos-Soquel Hydrologic Sub-area 330413*. Outlet(s) = Aptos Creek (Lat 36.9692, Long -121.9065); Soquel Creek (36.9720, -121.9526) upstream to endpoint(s) in: Amaya Creek (37.0930, -121.9297); Aptos Creek (37.0545, -121.8568); Bates Creek (37.0099, -121.9353); Bridge Creek (37.0464, -121.8969); East Branch Soquel Creek (37.0690, -121.8297); Hester Creek (37.0967, -121.9458); Hinckley Creek (37.0671, -121.9069); Moores Gulch (37.0573, -121.9579); Valencia Creek (37.0323, -121.8493); West Branch Soquel Creek (37.1095, -121.9606).

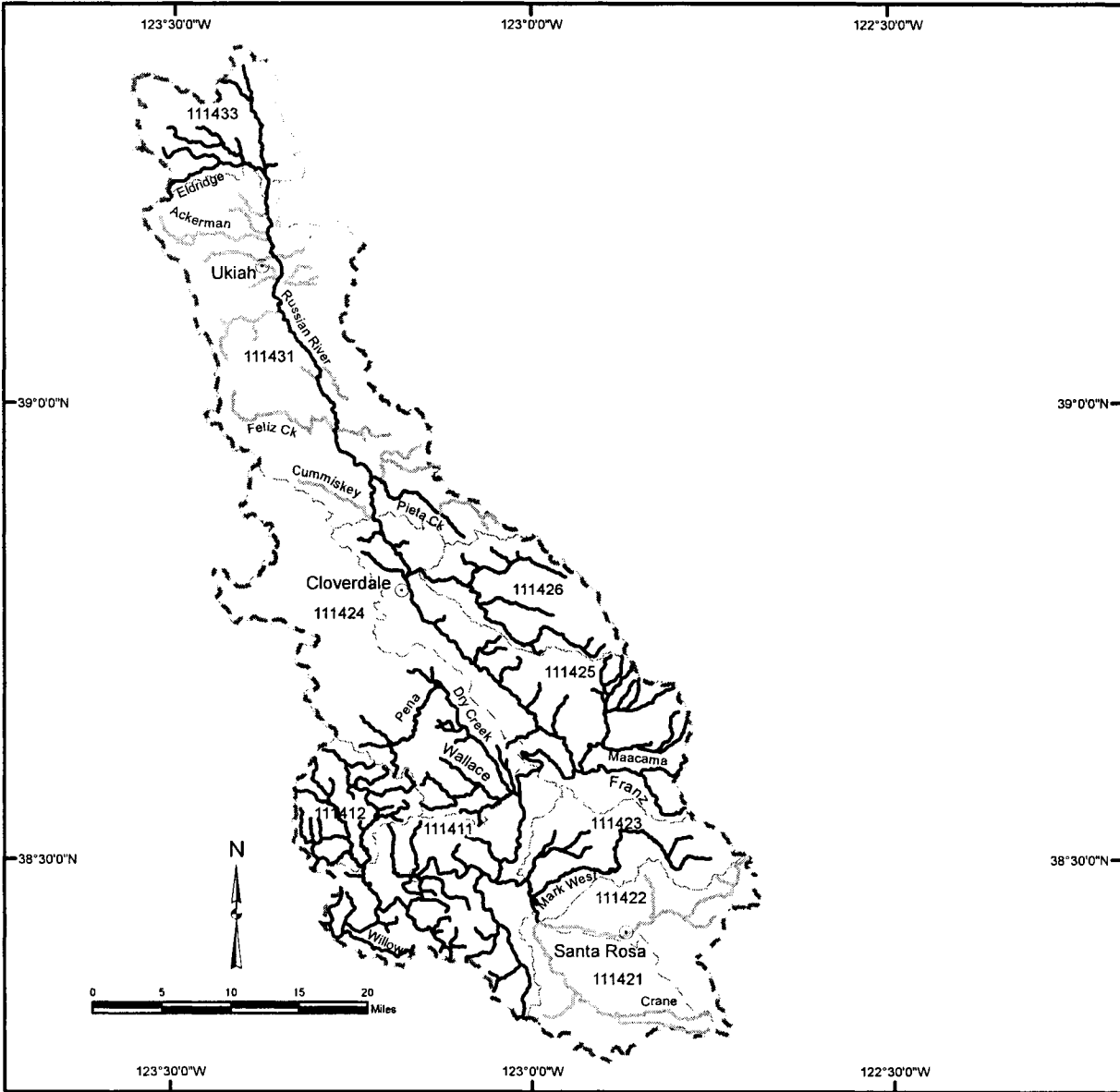
(iv) *Ano Nuevo Hydrologic Sub-area 330420*. Outlet(s) = Ano Nuevo Creek (Lat 37.1163, Long -122.3060); Gazos Creek (37.1646, -122.3625); Whitehouse Creek (37.1457, -122.3469) upstream to endpoint(s) in: Ano Nuevo Creek (37.1269, -122.3039); Bear Gulch (37.1965, -122.2773); Gazos Creek (37.2088, -122.2868); Old Womans Creek (37.1829, -122.3033); Whitehouse Creek (37.1775, -122.2900).






(9) Maps of critical habitat for the Central California Coast Steelhead ESU follow:

BILLING CODE 3510-22-P

Critical Habitat for the California Central Coast Steelhead

Russian River Hydrologic Unit 1114



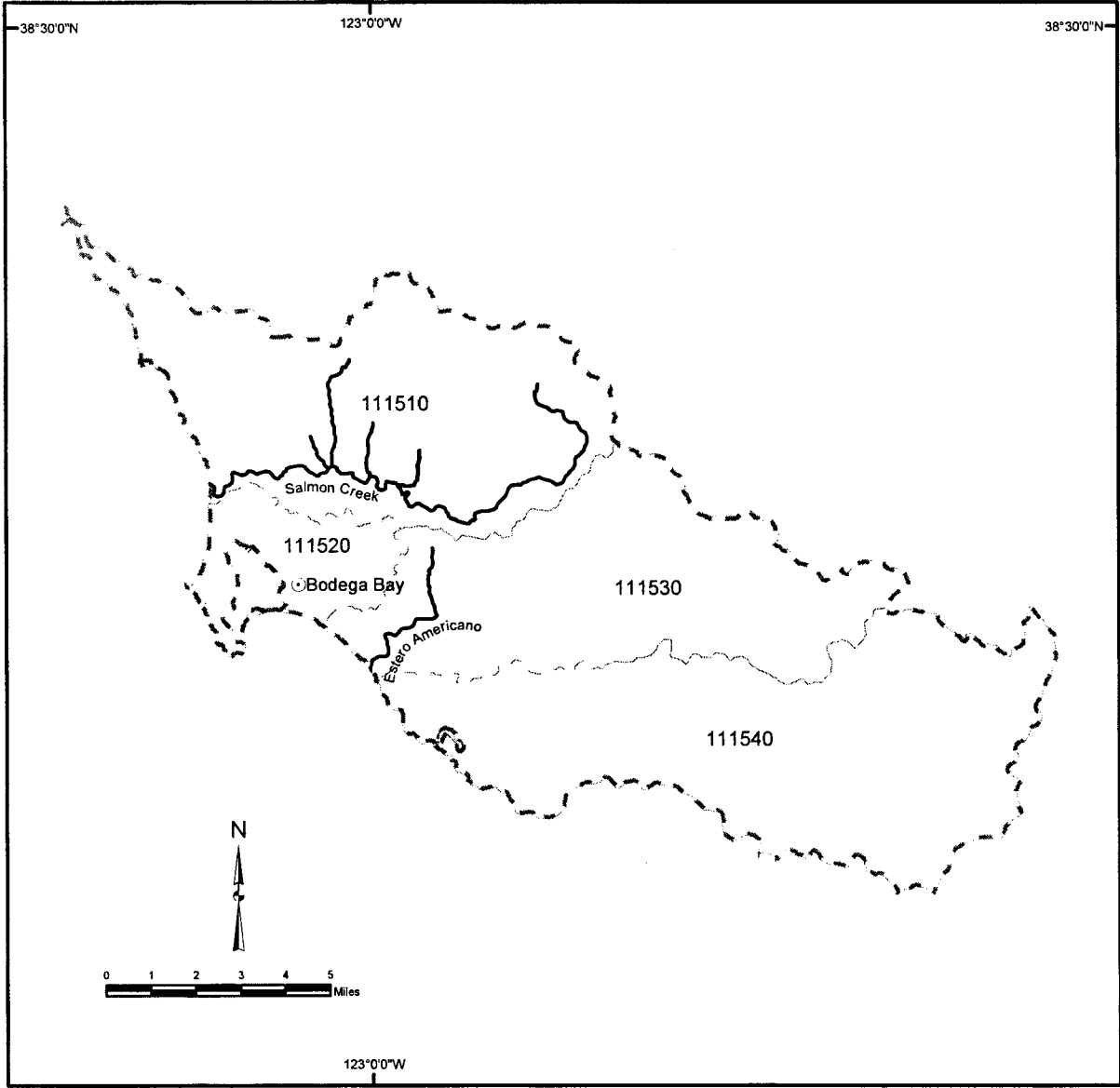
-  Cities/Towns
-  Critical Habitat
-  Occupied but excluded streams / areas
-  Hydrologic Unit Boundary
-  Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Coast Steelhead

Bodega Hydrologic Unit 1115



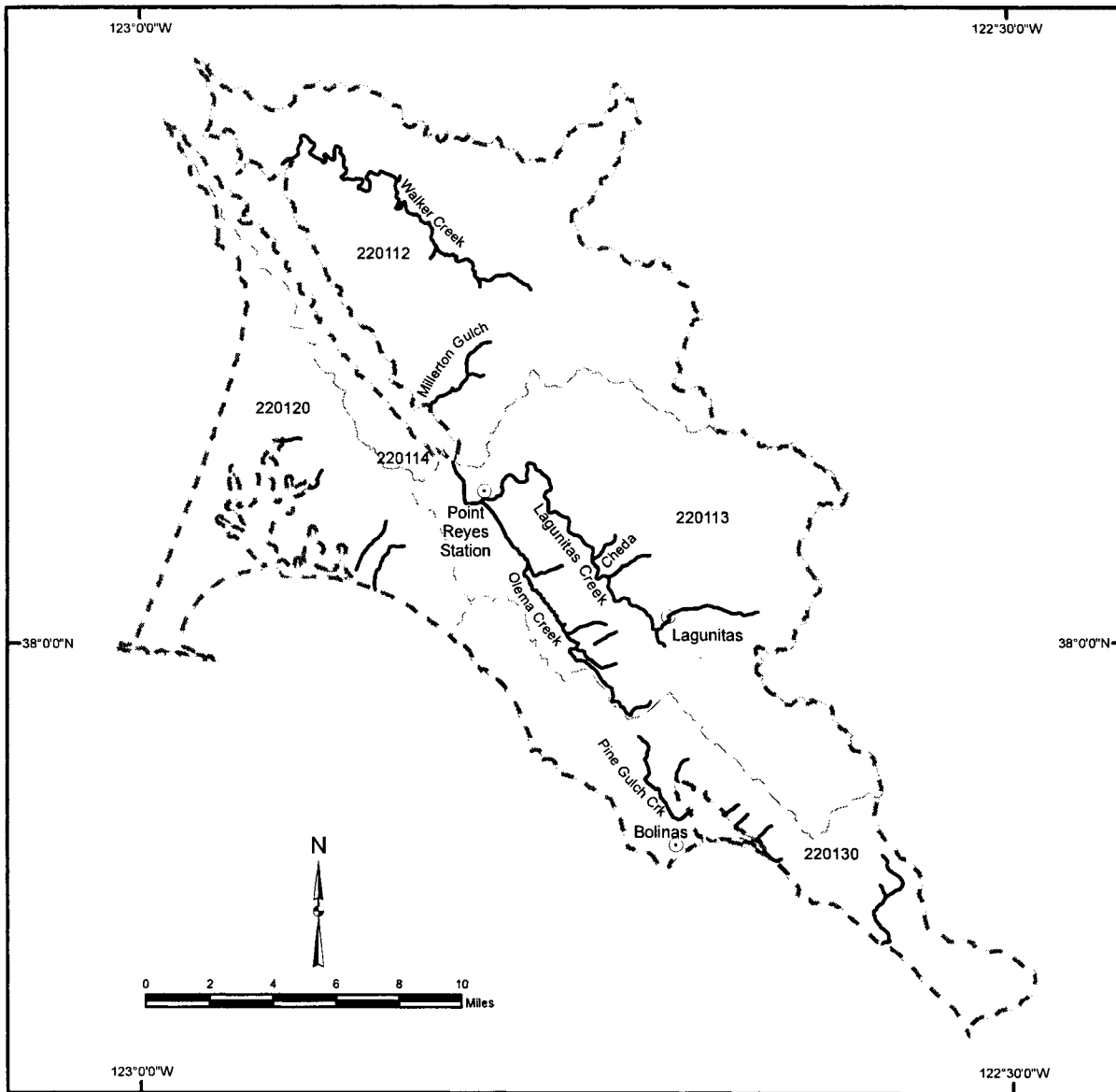
- Cities/Towns
- Critical Habitat
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary





110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Coast Steelhead

Marin Coastal Hydrologic Unit 2201

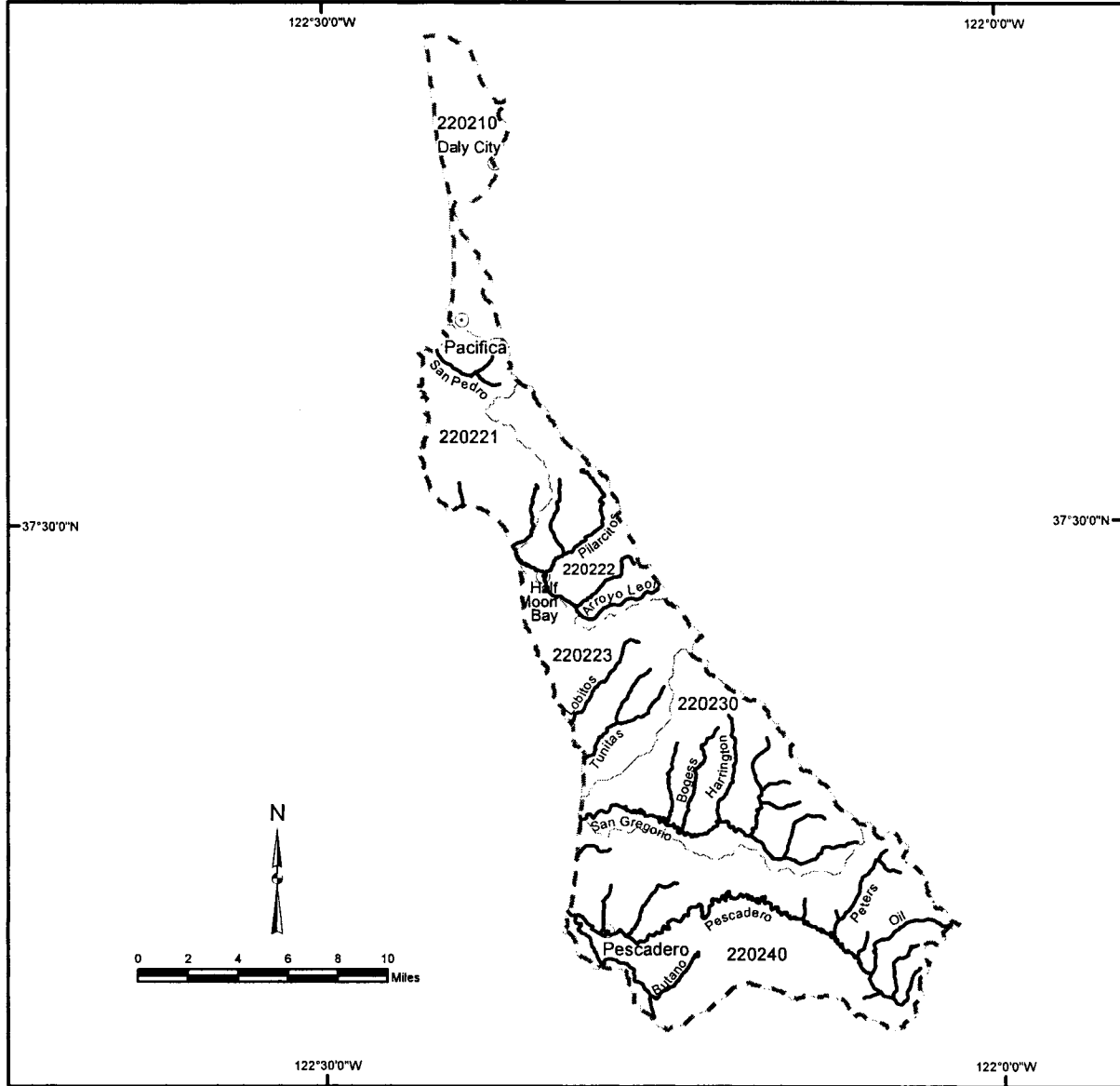


-  Cities/Towns
-  Critical Habitat
-  Hydrologic Unit Boundary
-  Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Coast Steelhead

San Mateo Hydrologic Unit 2202

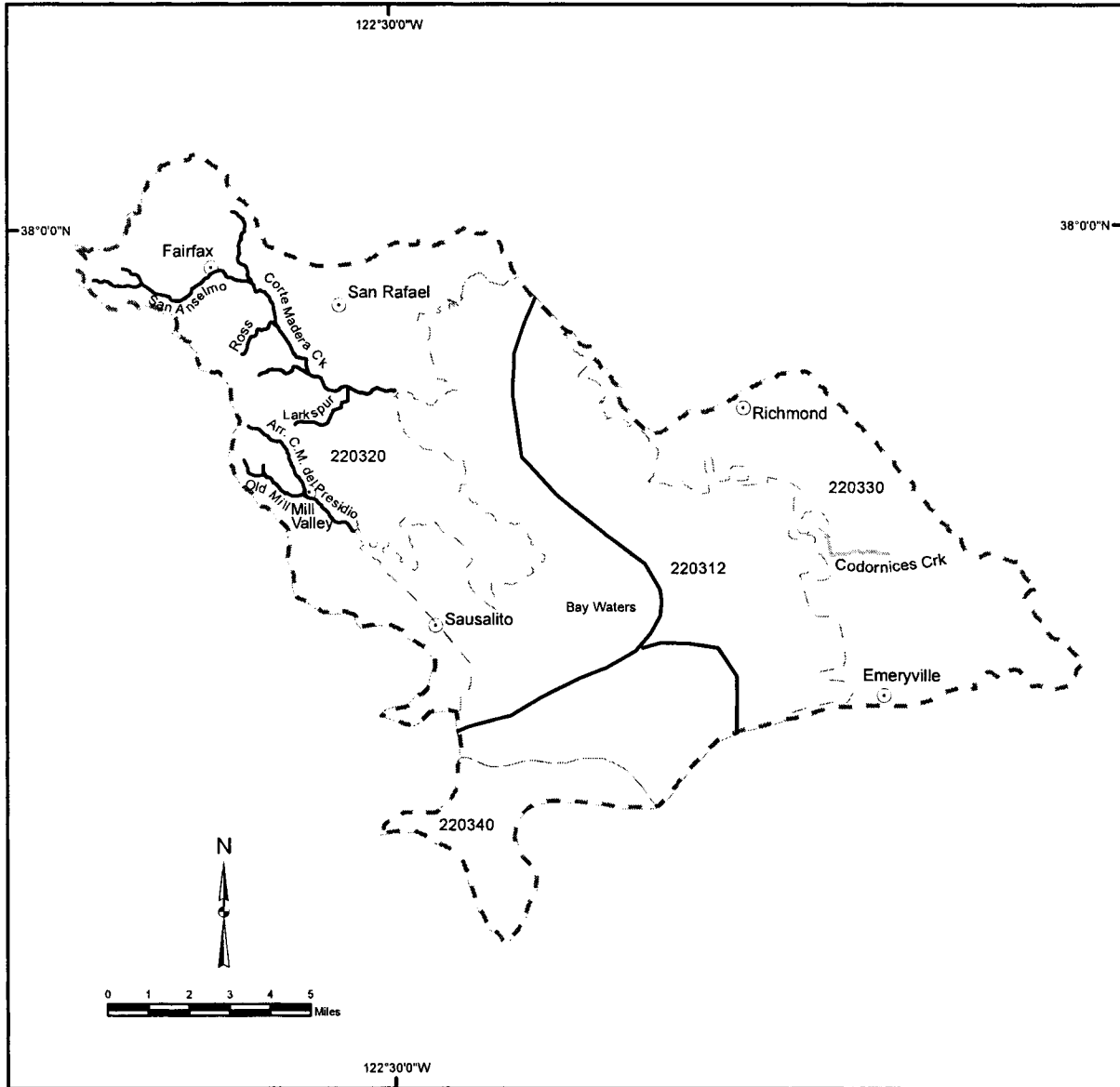


(•) Cities/Towns
 — Critical Habitat
 - - - Hydrologic Unit Boundary
 - - - Fifth Field Calwater Hydrologic Sub-Area Boundary
 110701 Fifth Field Calwater Hydrologic Sub-Area Number



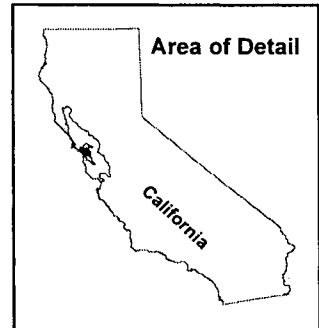
Critical Habitat for the California Central Coast Steelhead

Bay Bridges Hydrologic Unit 2203



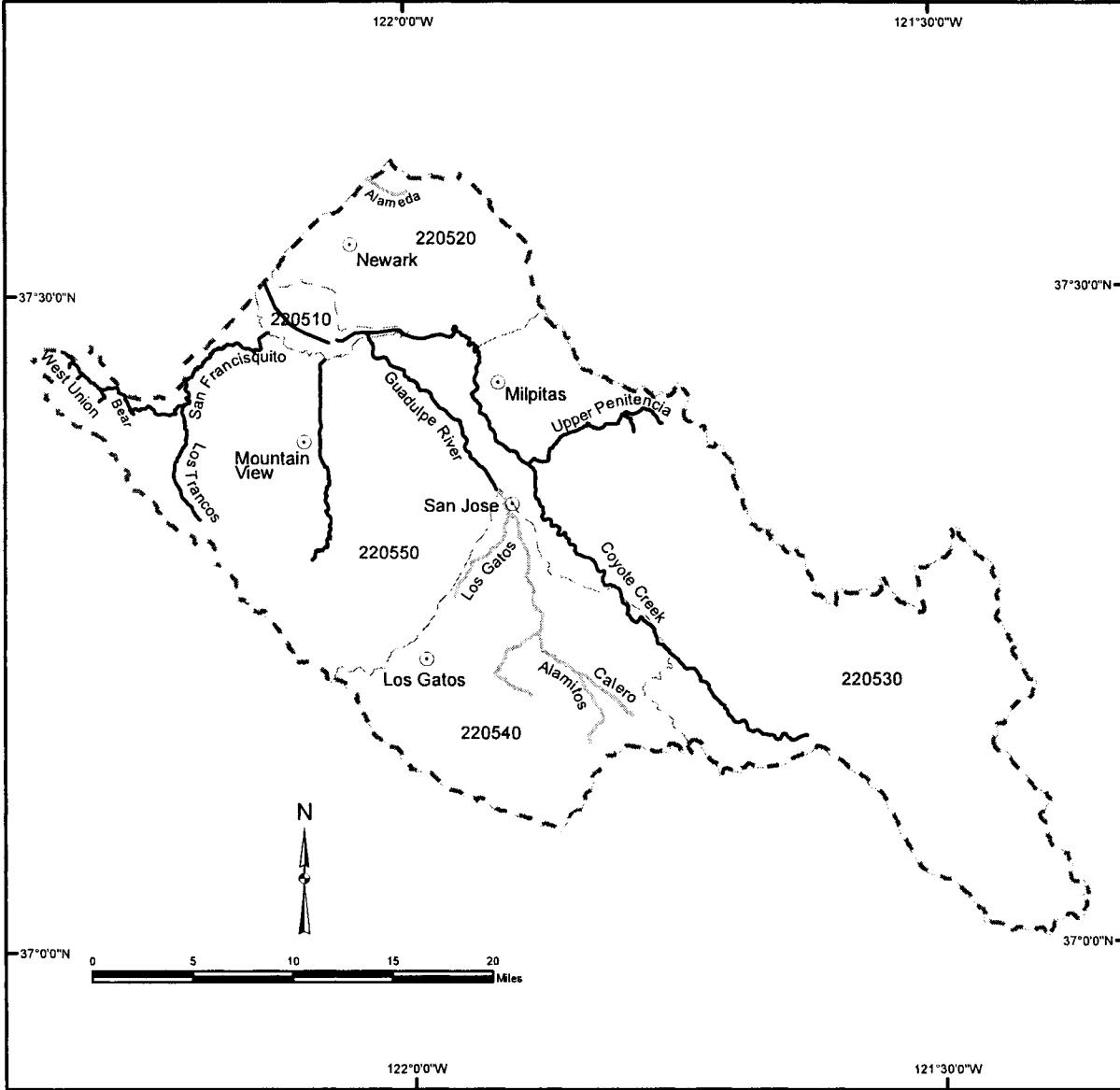
- Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary






110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Coast Steelhead

Santa Clara Hydrologic Unit 2205



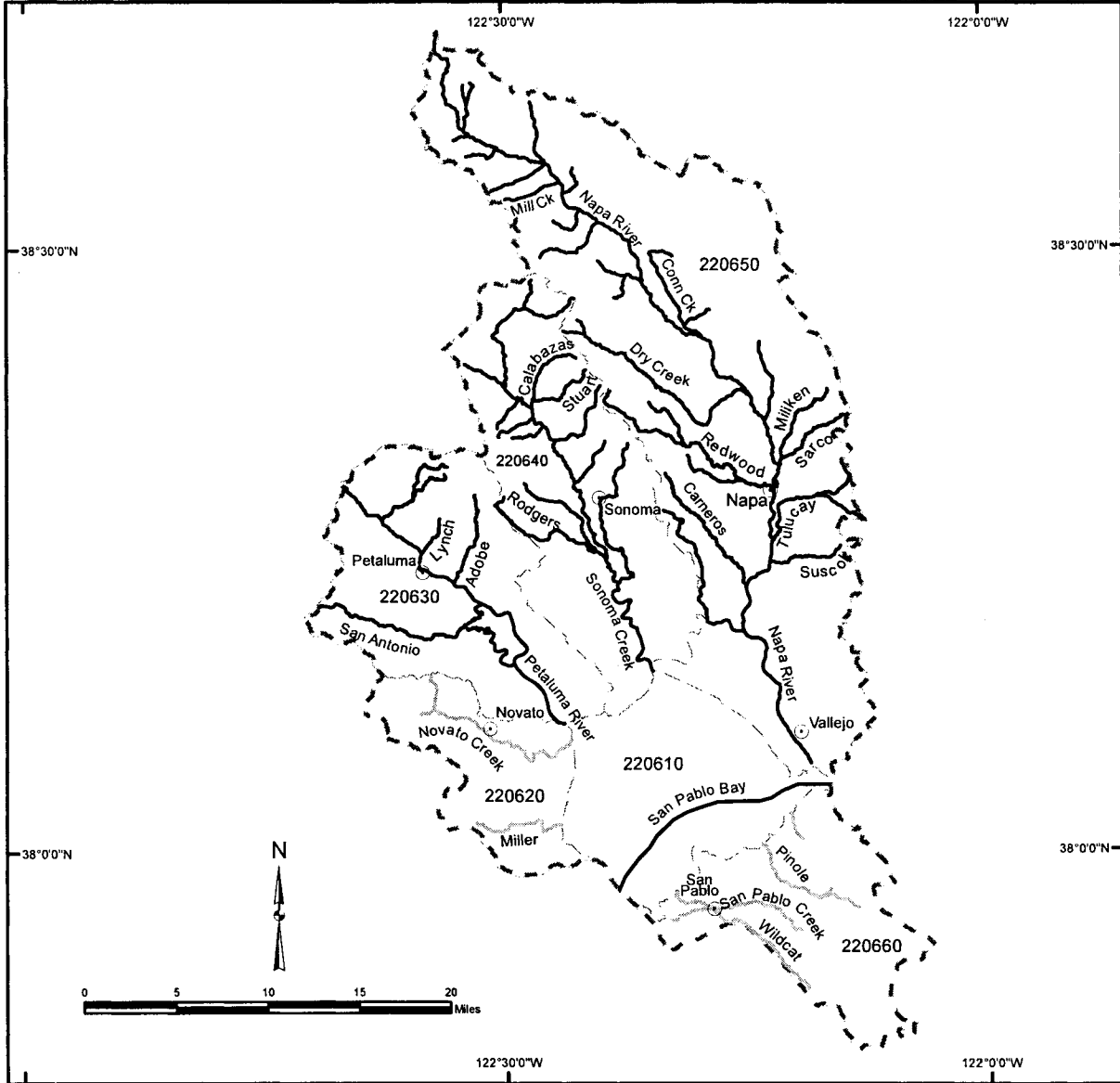
-  Cities/Towns
-  Critical Habitat
-  Occupied but excluded streams / areas
-  Hydrologic Unit Boundary
-  Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Coast Steelhead

San Pablo Hydrologic Unit 2206

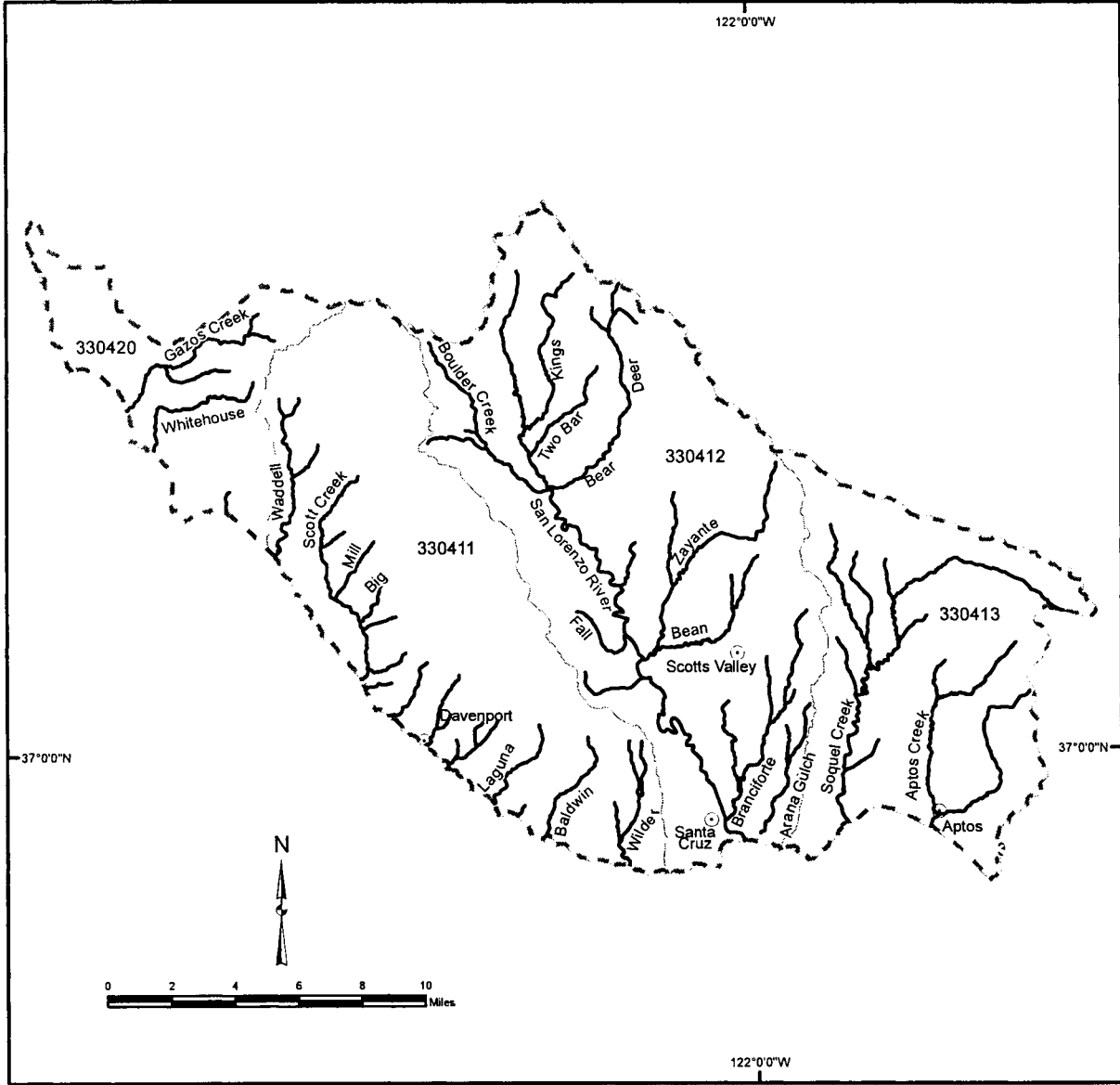


- ⊙ Cities/Towns
- Critical Habitat
- - - Occupied but excluded streams / areas
- ▭ Hydrologic Unit Boundary
- ▭ Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Coast Steelhead

Big Basin Hydrologic Unit 3304



(•) Cities/Towns
 — Critical Habitat
 - - - Hydrologic Unit Boundary
 . . . Fifth Field Calwater Hydrologic Sub-Area Boundary
 110701 Fifth Field Calwater Hydrologic Sub-Area Number



(i) *South-Central California Coast Steelhead (O. mykiss)*. Critical habitat is designated to include the areas defined in the following CALWATER Hydrologic Units:

(1) Pajaro River Hydrologic Unit 3305—(i) *Watsonville Hydrologic Sub-area 330510*. Outlet(s) = Pajaro River (Lat 36.8506, Long -121.8101) upstream to endpoint(s) in: Banks Canyon Creek (36.9958, -121.7264); Browns Creek (37.0255, -121.7754); Casserly Creek (36.9902, -121.7359); Corralitos Creek (37.0666, -121.8359); Gaffey Creek (36.9905, -121.7132); Gamecock Canyon (37.0362, -121.7587); Green Valley Creek (37.0073, -121.7256); Ramsey Gulch (37.0447, -121.7755); Redwood Canyon (37.0342, -121.7975); Salsipuedes Creek (36.9350, -121.7426); Shingle Mill Gulch (37.0446, -121.7971).

(ii) *Santa Cruz Mountains Hydrologic Sub-area 330520*. Outlet(s) = Pajaro River (Lat 36.9010, Long -121.5861); Bodfish Creek (37.0041, -121.6667); Pescadero Creek (36.9125, -121.5882); Tar Creek (36.9304, -121.5520); Uvas Creek (37.0146, -121.6314) upstream to endpoint(s) in: Blackhawk Canyon (37.0168, -121.6912); Bodfish Creek (36.9985, -121.6859); Little Arthur Creek (37.0299, -121.6874); Pescadero Creek (36.9826, -121.6274); Tar Creek (36.9558, -121.6009); Uvas Creek (37.0660, -121.6912).

(iii) *South Santa Clara Valley Hydrologic Sub-area 330530*. Outlet(s) = San Benito River (Lat 36.8961, Long -121.5625); Pajaro River (36.9222, -121.5388) upstream to endpoint(s) in: Arroyo Dos Picachos (36.8866, -121.3184); Bodfish Creek (37.0080, -121.6652); Bodfish Creek (37.0041, -121.6667); Carnadero Creek (36.9603, -121.5328); Llagas Creek (37.1159, -121.6938); Miller Canal (36.9698, -121.4814); Pacheco Creek (37.0055, -121.3598); San Felipe Lake (36.9835, -121.4604); Tar Creek (36.9304, -121.5520); Tequisquita Slough (36.9170, -121.3887); Uvas Creek (37.0146, -121.6314).

(iv) *Pacheco-Santa Ana Creek Hydrologic Sub-area 330540*. Outlet(s) = Arroyo Dos Picachos (Lat 36.8866, Long -121.3184); Pacheco Creek (37.0055, -121.3598) upstream to endpoint(s) in: Arroyo Dos Picachos (36.8912, -121.2305); Cedar Creek (37.0922, -121.3641); North Fork Pacheco Creek (37.0514, -121.2911); Pacheco Creek (37.0445, -121.2662); South Fork Pacheco Creek (37.0227, -121.2603).

(v) *San Benito River Hydrologic Sub-area 330550*. Outlet(s) = San Benito River (Lat 36.7838, Long -121.3731) upstream to endpoint(s) in: Bird Creek (36.7604, -121.4506); Pescadero Creek

(36.7202, -121.4187); San Benito River (36.3324, -120.6316); Sawmill Creek (36.3593, -120.6284).

(2) Carmel River Hydrologic Unit 3307—(i) *Carmel River Hydrologic Sub-area 330700*. Outlet(s) = Carmel River (Lat 36.5362, Long -121.9285) upstream to endpoint(s) in: Aqua Mojo Creek (36.4711, -121.5407); Big Creek (36.3935, -121.5419); Blue Creek (36.2796, -121.6530); Boronda Creek (36.3542, -121.6091); Bruce Fork (36.3221, -121.6385); Cachagua Creek (36.3909, -121.5950); Carmel River (36.2837, -121.6203); Danish Creek (36.3730, -121.7590); Hitchcock Canyon Creek (36.4470, -121.7597); James Creek (36.3235, -121.5804); Las Garzas Creek (36.4607, -121.7944); Millers Fork (36.2961, -121.5697); Pinch Creek (36.3236, -121.5574); Pine Creek (36.3827, -121.7727); Potrero Creek (36.4801, -121.8258); Rana Creek (36.4877, -121.5840); Rattlesnake Creek (36.3442, -121.7080); Robertson Canyon Creek (36.4776, -121.8048); Robertson Creek (36.3658, -121.5165); San Clemente Creek (36.4227, -121.8115); Tularcitos Creek (36.4369, -121.5163); Ventana Mesa Creek (36.2977, -121.7116).

(ii) [Reserved]

(3) Santa Lucia Hydrologic Unit 3308—(i) *Santa Lucia Hydrologic Sub-area 330800*. Outlet(s) = Alder Creek (Lat 35.8578, Long -121.4165); Big Creek (36.0696, -121.6005); Big Sur River (36.2815, -121.8593); Bixby Creek (36.3713, -121.9029); Garrapata Creek (36.4176, -121.9157); Limekiln Creek (36.0084, -121.5196); Little Sur River (36.3350, -121.8934); Malpaso Creek (36.4814, -121.9384); Mill Creek (35.9825, -121.4917); Partington Creek (36.1753, -121.6973); Plaskett Creek (35.9195, -121.4717); Prewitt Creek (35.9353, -121.4760); Rocky Creek (36.3798, -121.9028); Salmon Creek (35.3558, -121.3634); San Jose Creek (36.5259, -121.9253); Vicente Creek (36.0442, -121.5855); Villa Creek (35.8495, -121.4087); Willow Creek (35.8935, -121.4619) upstream to endpoint(s) in: Alder Creek (35.8685, -121.3974); Big Creek (36.0830, -121.5884); Big Sur River (36.2490, -121.7269); Bixby Creek (36.3715, -121.8440); Devil's Canyon Creek (36.0773, -121.5695); Garrapata Creek (36.4042, -121.8594); Joshua Creek (36.4182, -121.9000); Limekiln Creek (36.0154, -121.5146); Little Sur River (36.3312, -121.7557); Malpaso Creek (36.4681, -121.8800); Mill Creek (35.9907, -121.4632); North Fork Big Sur River (36.2178, -121.5948); Partington Creek (36.1929, -121.6825); Plaskett Creek (35.9228, -121.4493); Prewitt Creek (35.9419, -121.4598);

Redwood Creek (36.2825, -121.6745); Rocky Creek (36.3805, -121.8440); San Jose Creek (36.4662, -121.8118); South Fork Little Sur River (36.3026, -121.8093); Vicente Creek (36.0463, -121.5780); Villa Creek (35.8525, -121.3973); Wildcat Canyon Creek (36.4124, -121.8680); Williams Canyon Creek (36.4466, -121.8526); Willow Creek (35.9050, -121.3851).

(ii) [Reserved]

(4) Salinas River Hydrologic Unit 3309—(i) *Neponset Hydrologic Sub-area 330911*. Outlet(s) = Salinas River (Lat 36.7498, Long -121.8055); upstream to endpoint(s) in: Gabilan Creek (36.6923, -121.6300); Old Salinas River (36.7728, -121.7884); Tembladero Slough (36.6865, -121.6409).

(ii) *Chualar Hydrologic Sub-area 330920*. Outlet(s) = Gabilan Creek (Lat 36.6923, Long -121.6300) upstream.

(iii) *Soledad Hydrologic Sub-area 330930*. Outlet(s) = Salinas River (Lat 36.4878, Long -121.4688) upstream to endpoint(s) in: Arroyo Seco River (36.2644, -121.3812); Reliz Creek (36.2438, -121.2881).

(iv) *Upper Salinas Valley Hydrologic Sub-area 330940*. Outlet(s) = Salinas River (Lat 36.3183, Long -121.1837) upstream.

(v) *Arroyo Seco Hydrologic Sub-area 330960*. Outlet(s) = Arroyo Seco River (Lat 36.2644, Long -121.3812); Reliz Creek (36.2438, -121.2881); Vasqueros Creek (36.2648, -121.3368) upstream to endpoint(s) in: Arroyo Seco River (36.2041, -121.5002); Calaboose Creek (36.2942, -121.5082); Church Creek (36.2762, -121.5877); Horse Creek (36.2046, -121.3931); Paloma Creek (36.3195, -121.4894); Piney Creek (36.3023, -121.5629); Reliz Creek (36.1935, -121.2777); Rocky Creek (36.2676, -121.5225); Santa Lucia Creek (36.1999, -121.4785); Tassajara Creek (36.2679, -121.6149); Vaqueros Creek (36.2479, -121.3369); Willow Creek (36.2059, -121.5642).

(vi) *Gabilan Range Hydrologic Sub-area 330970*. Outlet(s) = Gabilan Creek (Lat 36.7800, -121.5836) upstream to endpoint(s) in: Gabilan Creek (36.7335, -121.4939).

(vii) *Paso Robles Hydrologic Sub-area 330981*. Outlet(s) = Salinas River (Lat 35.9241, Long -120.8650) upstream to endpoint(s) in:

Atascadero Creek (35.4468, -120.7010); Graves Creek (35.4838, -120.7631); Jack Creek (35.5815, -120.8560); Nacimiento River (35.7610, -120.8853); Paso Robles Creek (35.5636, -120.8455); Salinas River (35.3886, -120.5582); San Antonio River (35.7991, -120.8849); San Marcos Creek (35.6734, -120.8140); Santa Margarita Creek (35.3923, -120.6619); Santa Rita Creek

(35.5262, -120.8396); Sheepcamp Creek (35.6145, -120.7795); Summit Creek (35.6441, -120.8046); Tassajera Creek (35.3895, -120.6926); Trout Creek (35.3394, -120.5881); Willow Creek (35.6107, -120.7720).

(5) Estero Bay Hydrologic Unit 3310—
(i) *San Carpofoero Hydrologic Sub-area 331011*. Outlet(s) = San Carpofoero Creek (Lat 35.7646, Long -121.3247) upstream to endpoint(s) in: Dutra Creek (35.8197, -121.3273); Estrada Creek (35.7710, -121.2661); San Carpofoero Creek (35.8202, -121.2745); Unnamed Tributary (35.7503, -121.2703); Wagner Creek (35.8166, -121.2387).

(ii) *Arroyo De La Cruz Hydrologic Sub-area 331012*. Outlet(s) = Arroyo De La Cruz (Lat 35.7097, Long -121.3080) upstream to endpoint(s) in: Arroyo De La Cruz (35.6986, -121.1722); Burnett Creek (35.7520, -121.1920); Green Canyon Creek (35.7375, -121.2314); Marmolejo Creek (35.6774, -121.1082); Spanish Cabin Creek (35.7234, -121.1497); Unnamed Tributary (35.7291, -121.1977); West Fork Burnett Creek (35.7516, -121.2075).

(iii) *San Simeon Hydrologic Sub-area 331013*. Outlet(s) = Arroyo del Corral (Lat 35.6838, Long -121.2875); Arroyo del Puerto (35.6432, -121.1889); Little Pico Creek (35.6336, -121.1639); Oak Knoll Creek (35.6512, -121.2197); Pico Creek (35.6155, -121.1495); San Simeon Creek (35.5950, -121.1272) upstream to endpoint(s) in: Arroyo Laguna (35.6895, -121.2337); Arroyo del Corral (35.6885, -121.2537); Arroyo del Puerto (35.6773, -121.1713); Little Pico Creek (35.6890, -121.1375); Oak Knoll Creek (35.6718, -121.2010); North Fork Pico Creek (35.6886, -121.0861); San Simeon Creek (35.6228, -121.0561); South Fork Pico Creek (35.6640, -121.0685); Steiner Creek (35.6032, -121.0640); Unnamed Tributary (35.6482, -121.1067); Unnamed Tributary (35.6616, -121.0639); Unnamed Tributary (35.6741, -121.0981); Unnamed Tributary (35.6777, -121.1503); Unnamed Tributary (35.6604, -121.1571); Unnamed Tributary (35.6579, -121.1356); Unnamed Tributary (35.6744, -121.1187); Unnamed Tributary (35.6460, -121.1373); Unnamed Tributary (35.6839, -121.0955); Unnamed Tributary (35.6431, -121.0795); Unnamed Tributary (35.6820,

-121.2130); Unnamed Tributary (35.6977, -121.2613); Unnamed Tributary (35.6702, -121.1884); Unnamed Tributary (35.6817, -121.0885); Van Gordon Creek (35.6286, -121.0942).

(iv) *Santa Rosa Hydrologic Sub-area 331014*. Outlet(s) = Santa Rosa Creek (Lat 35.5685, Long -121.1113) upstream to endpoint(s) in: Green Valley Creek (35.5511, -120.9471); Perry Creek (35.5323-121.0491); Santa Rosa Creek (35.5525, -120.9278); Unnamed Tributary (35.5965, -120.9413); Unnamed Tributary (35.5684, -120.9211); Unnamed Tributary (35.5746, -120.9746).

(v) *Villa Hydrologic Sub-area 331015*. Outlet(s) = Villa Creek (Lat 35.4601, Long -120.9704) upstream to endpoint(s) in: Unnamed Tributary (35.4798, -120.9630); Unnamed Tributary (35.5080, -121.0171); Unnamed Tributary (35.5348, -120.8878); Unnamed Tributary (35.5510, -120.9406); Unnamed Tributary (35.5151, -120.9497); Unnamed Tributary (35.4917, -120.9584); Unnamed Tributary (35.5173, -120.9516); Villa Creek (35.5352, -120.8942).

(vi) *Cayucos Hydrologic Sub-area 331016*. Outlet(s) = Cayucos Creek (Lat 35.4491, Long -120.9079) upstream to endpoint(s) in: Cayucos Creek (35.5257, -120.9271); Unnamed Tributary (35.5157, -120.9005); Unnamed Tributary (35.4943, -120.9513); Unnamed Tributary (35.4887, -120.8968).

(vii) *Old Hydrologic Sub-area 331017*. Outlet(s) = Old Creek (Lat 35.4345, Long -120.8868) upstream to endpoint(s) in: Old Creek (35.4480, -120.8871)

(viii) *Toro Hydrologic Sub-area 331018*. Outlet(s) = Toro Creek (Lat 35.4126, Long -120.8739) upstream to endpoint(s) in: Toro Creek (35.4945, -120.7934); Unnamed Tributary (35.4917, -120.7983).

(ix) *Morro Hydrologic Sub-area 331021*. Outlet(s) = Morro Creek (Lat 35.3762, Long -120.8642) upstream to endpoint(s) in: East Fork Morro Creek (35.4218, -120.7282); Little Morro Creek (35.4155, -120.7532); Morro Creek (35.4291, -120.7515); Unnamed Tributary (35.4292, -120.8122); Unnamed Tributary (35.4458, -120.7906); Unnamed Tributary

(35.4122, -120.8335); Unnamed Tributary (35.4420, -120.7796).

(x) *Chorro Hydrologic Sub-area 331022*. Outlet(s) = Chorro Creek (Lat 35.3413, Long -120.8388) upstream to endpoint(s) in: Chorro Creek (35.3340, -120.6897); Dairy Creek (35.3699, -120.6911); Pennington Creek (35.3655, -120.7144); San Bernardo Creek (35.3935, -120.7638); San Luisito (35.3755, -120.7100); Unnamed Tributary (35.3821, -120.7217); Unnamed Tributary (35.3815, -120.7350).

(xi) *Los Osos Hydrologic Sub-area 331023*. Outlet(s) = Los Osos Creek (Lat 35.3379, Long -120.8273) upstream to endpoint(s) in: Los Osos Creek (35.2718, -120.7627).

(xii) *San Luis Obispo Creek Hydrologic Sub-area 331024*. Outlet(s) = San Luis Obispo Creek (Lat 35.1822, Long -120.7303) upstream to endpoint(s) in: Brizzolari Creek (35.3236, -120.6411); Froom Creek (35.2525, -120.7144); Prefumo Creek (35.2615, -120.7081); San Luis Obispo Creek (35.3393, -120.6301); See Canyon Creek (35.2306, -120.7675); Stenner Creek (35.3447, -120.6584); Unnamed Tributary (35.2443, -120.7655).

(xiii) *Point San Luis Hydrologic Sub-area 331025*. Outlet(s) = Coon Creek (Lat 35.2590, Long -120.8951); Islay Creek (35.2753, -120.8884) upstream to endpoint(s) in: Coon Creek (35.2493, -120.7774); Islay Creek (35.2574, -120.7810); Unnamed Tributary (35.2753, -120.8146); Unnamed Tributary (35.2809, -120.8147); Unnamed Tributary (35.2648, -120.7936).

(xiv) *Pismo Hydrologic Sub-area 331026*. Outlet(s) = Pismo Creek (Lat 35.1336, Long -120.6408) upstream to endpoint(s) in: East Corral de Piedra Creek (35.2343, -120.5571); Pismo Creek (35.1969, -120.6107); Unnamed Tributary (35.2462, -120.5856).

(xv) *Oceano Hydrologic Sub-area 331031*. Outlet(s) = Arroyo Grande Creek (Lat 35.1011, Long -120.6308) upstream to endpoint(s) in: Arroyo Grande Creek (35.1868, -120.4881); Los Berros Creek (35.0791, -120.4423).

(6) Maps of critical habitat for the South-Central Coast Steelhead ESU follow:

BILLING CODE 3510-22-P

**Critical Habitat for the
South-central California Coast Steelhead**

Pajaro River Hydrologic Unit
3305



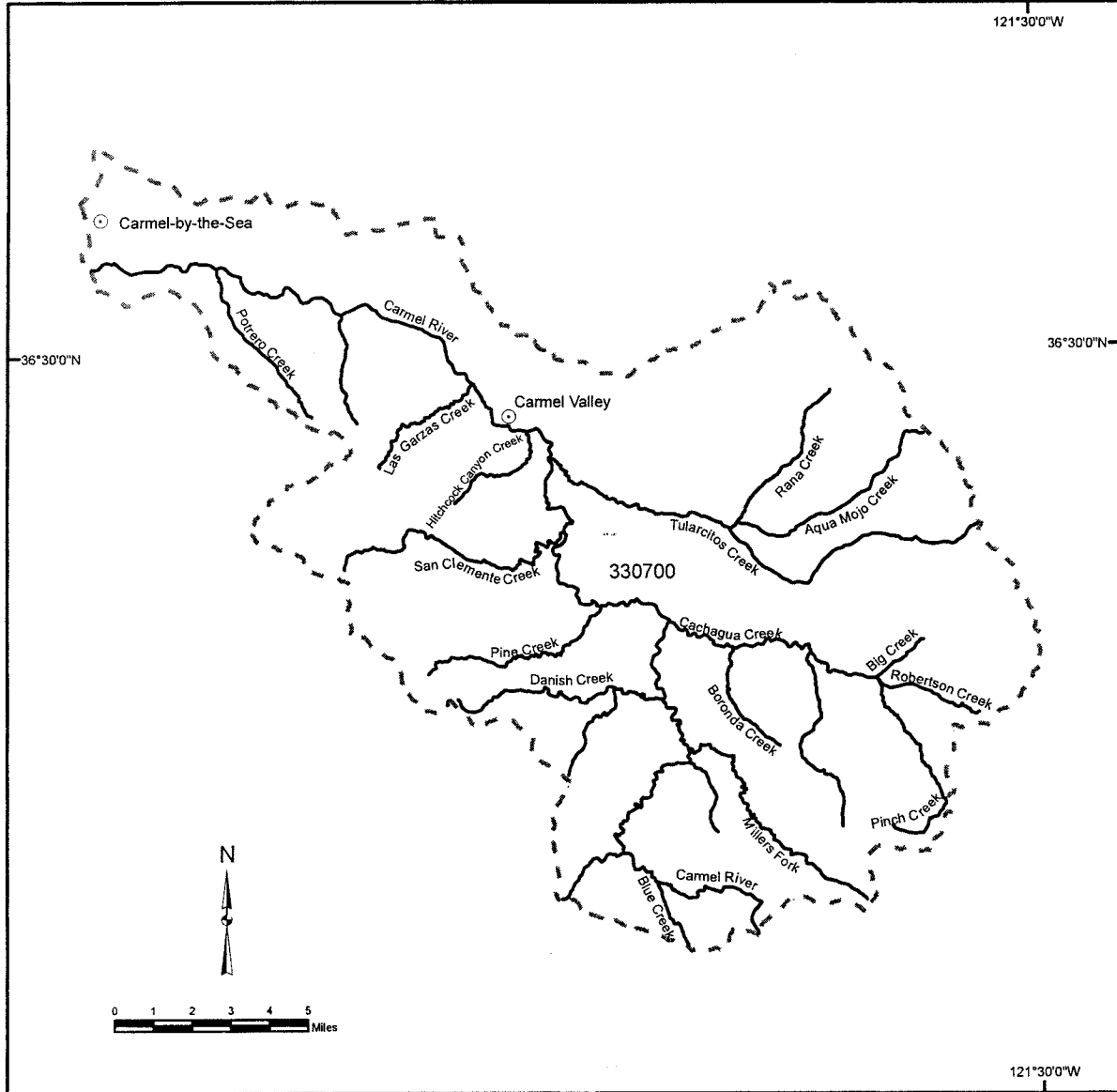
- ⊙ Cities/Towns
- Critical Habitat
- - - Calwater Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the South-central California Coast Steelhead

Carmel River Hydrologic Unit 3307

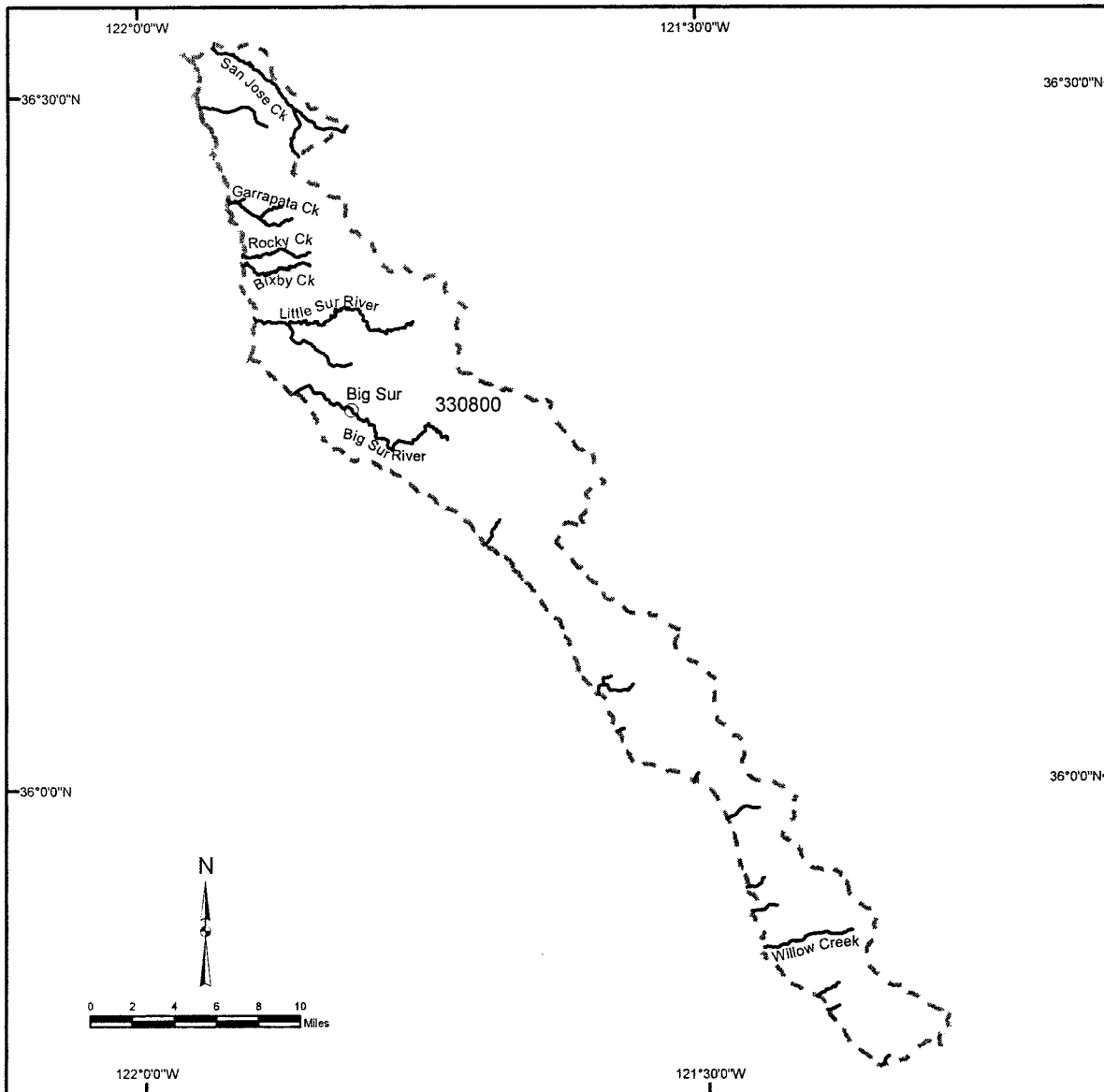


••• Cities/Towns
 — Critical Habitat
 - - - Calwater Hydrologic Unit Boundary
 - - - Fifth Field Calwater Hydrologic Sub-Area Boundary
 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the South-central California Coast Steelhead

Santa Lucia Hydrologic Unit
3308

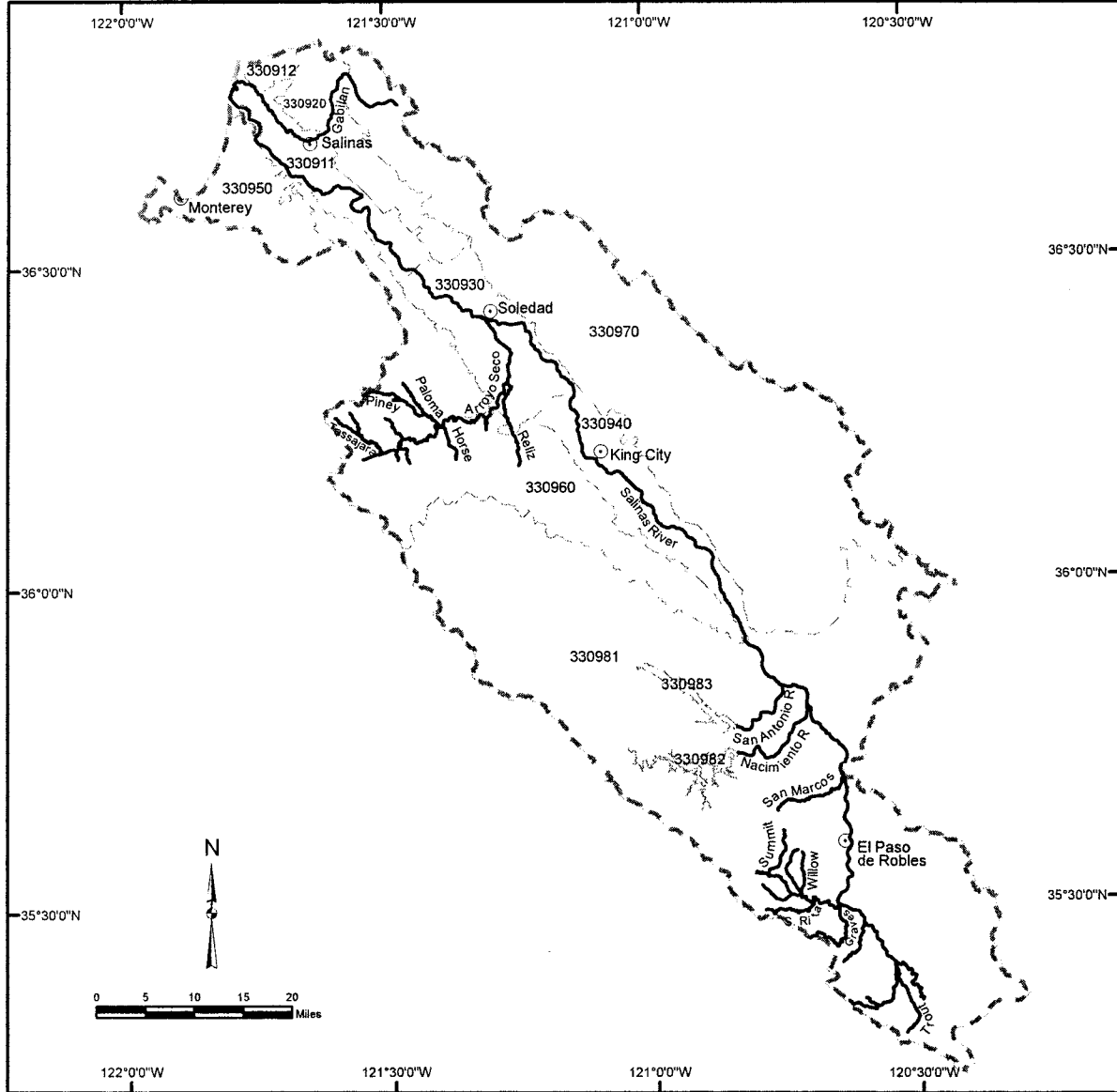


••• Cities/Towns
— Critical Habitat
- - - Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the South-central California Coast Steelhead

Salinas Hydrologic Unit 3309



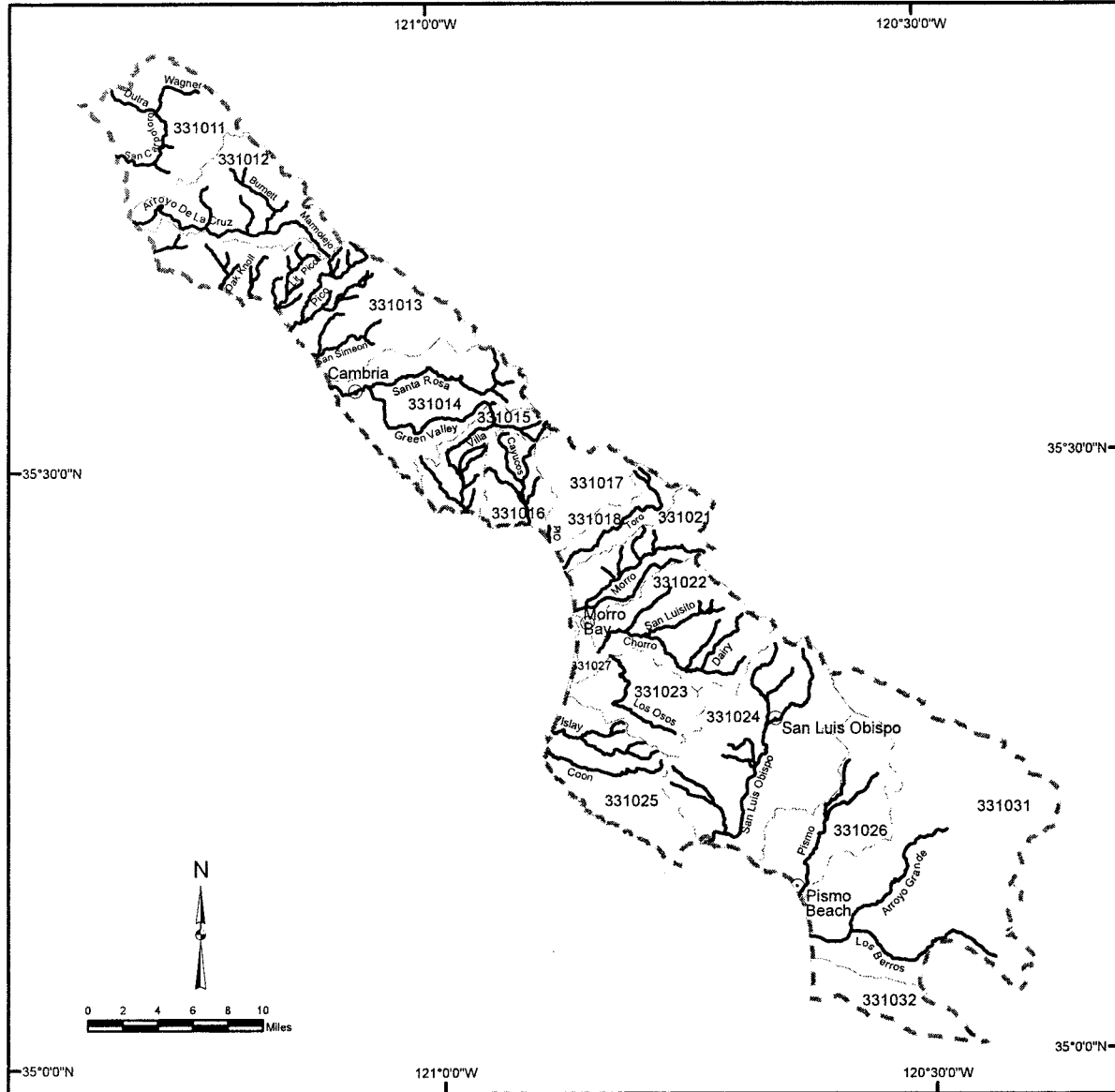
- Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



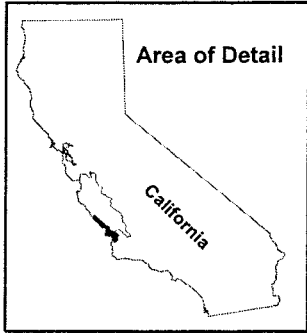
**Critical Habitat for the
South-central California Coast Steelhead**

**Estero Bay Hydrologic Unit
3310**



- Cities/Towns
- Critical Habitat
- ⌘ Hydrologic Unit Boundary
- ⌘ Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



(j) *Southern California Steelhead (O. mykiss)*. Critical habitat is designated to include the areas defined in the following CALWATER Hydrologic Units:

(1) Santa Maria River Hydrologic Unit 3312—(i) *Santa Maria Hydrologic Sub-area 331210*. Outlet(s) = Santa Maria River (Lat 34.9710, Long -120.6504) upstream to endpoint(s) in: Cuyama River (34.9058, -120.3026); Santa Maria River (34.9042, -120.3077); Sisquoc River (34.8941, -120.3063).

(ii) *Sisquoc Hydrologic Sub-area 331220*. Outlet(s) = Sisquoc River (Lat 34.8941, Long -120.3063) upstream to endpoint(s) in: Abel Canyon (34.8662, -119.8354); Davey Brown Creek (34.7541, -119.9650); Fish Creek (34.7531, -119.9100); Foresters Leap (34.8112, -119.7545); La Brea Creek (34.8804, -120.1316); Horse Creek (34.8372, -120.0171); Judell Creek (34.7613, -119.6496); Manzana Creek (34.7082, -119.8324); North Fork La Brea Creek (34.9681, -120.0112); Sisquoc River (34.7087, -119.6409); South Fork La Brea Creek (34.9543, -119.9793); South Fork Sisquoc River (34.7300, -119.7877); Unnamed Tributary (34.9342, -120.0589); Unnamed Tributary (34.9510, -120.0140); Unnamed Tributary (34.9687, -120.1419); Unnamed Tributary (34.9626, -120.1500); Unnamed Tributary (34.9672, -120.1194); Unnamed Tributary (34.9682, -120.0990); Unnamed Tributary (34.9973, -120.0662); Unnamed Tributary (34.9922, -120.0294); Unnamed Tributary (35.0158, -120.0337); Unnamed Tributary (34.9464, -120.0309); Unnamed Tributary (34.7544, -119.9476); Unnamed Tributary (34.7466, -119.9047); Unnamed Tributary (34.7646, -119.8673); Unnamed Tributary (34.8726, -119.9525); Unnamed Tributary (34.8884, -119.9325); Unnamed Tributary (34.8659, -119.8982); Unnamed Tributary (34.8677, -119.8513); Unnamed Tributary (34.8608, -119.8541); Unnamed Tributary (34.8784, -119.8458); Unnamed Tributary (34.8615, -119.8159); Unnamed Tributary (34.8694, -119.8229); Unnamed Tributary (34.7931, -119.8485); Unnamed Tributary (34.7846, -119.8337); Unnamed Tributary (34.7872, -119.7684); Unnamed Tributary (34.7866, -119.7552); Unnamed Tributary (34.8129, -119.7714); Unnamed Tributary (34.7760, -119.7448); Unnamed Tributary (34.7579, -119.7999); Unnamed Tributary (34.7510, -119.7921); Unnamed Tributary

(34.7769, -119.7149); Unnamed Tributary (34.7617, -119.6878); Unnamed Tributary (34.7680, -119.6503); Unnamed Tributary (34.7738, -119.6493); Unnamed Tributary (34.7332, -119.6286); Unnamed Tributary (34.7519, -119.6209); Unnamed Tributary (34.7188, -119.6673); Water Canyon (34.8754, -119.9324).

(2) Santa Ynez Hydrologic Unit 3314—(i) *Mouth of Santa Ynez Hydrologic Sub-area 331410*. Outlet(s) = Santa Ynez River (Lat 34.6930, Long -120.6033) upstream to endpoint(s) in: San Miguelito Creek (34.6309, -120.4631).

(ii) *Santa Ynez, Salsipuedes Hydrologic Sub-area 331420*. Outlet(s) = Santa Ynez River (Lat 34.6335, Long -120.4126) upstream to endpoint(s) in: El Callejon Creek (34.5475, -120.2701); El Jaro Creek (34.5327, -120.2861); Llanito Creek (34.5499, -120.2762); Salsipuedes Creek (34.5711, -120.4076).

(iii) *Santa Ynez, Zaca Hydrologic Sub-area 331430*. Outlet(s) = Santa Ynez River (Lat 34.6172, Long -120.2352) upstream.

(iv) *Santa Ynez to Bradbury Hydrologic Sub-area 331440*. Outlet(s) = Santa Ynez River (Lat 34.5847, Long -120.1445) upstream to endpoint(s) in: Alisal Creek (34.5465, -120.1358); Hilton Creek (34.5839, -119.9855); Quiota Creek (34.5370, -120.0321); San Lucas Creek (34.5558, -120.0119); Santa Ynez River (34.5829, -119.9805); Unnamed Tributary (34.5646, -120.0043).

(3) South Coast Hydrologic Unit 3315—(i) *Arroyo Hondo Hydrologic Sub-area 331510*. Outlet(s) = Alegria Creek (Lat 34.4688, Long -120.2720); Arroyo Hondo Creek (34.4735, -120.1415); Cojo Creek (34.4531, -120.4165); Dos Pueblos Creek (34.4407, -119.9646); El Capitan Creek (34.4577, -120.0225); Gato Creek (34.4497, -119.9885); Gaviota Creek (34.4706, -120.2267); Jalama Creek (34.5119, -120.5023); Refugio Creek (34.4627, -120.0696); Sacate Creek (34.4708, -120.2942); San Augustine Creek (34.4588, -120.3542); San Onofre Creek (34.4699, -120.1872); Santa Anita Creek (34.4669, -120.3066); Tecolote Creek (34.4306, -119.9173) upstream to endpoint(s) in: Alegria Creek (34.4713, -120.2714); Arroyo Hondo Creek (34.5112, -120.1704); Cojo Creek (34.4840, -120.4106); Dos Pueblos Creek (34.5230, -119.9249); El Capitan Creek (34.5238, -119.9806); Escondido Creek (34.5663, -120.4643); Gato Creek (34.5203, -119.9758); Gaviota Creek (34.5176, -120.2179); Jalama Creek (34.5031, -120.3615); La Olla (34.4836, -120.4071); Refugio Creek (34.5109,

-120.0508); Sacate Creek (34.4984, -120.2993); San Augustine Creek (34.4598, -120.3561); San Onofre Creek (34.4853, -120.1890); Santa Anita Creek (34.4742, -120.3085); Tecolote Creek (34.5133, -119.9058); Unnamed Tributary (34.5527, -120.4548); Unnamed Tributary (34.4972, -120.3026).

(ii) *UCSB Slough Hydrologic Sub-area 331531*. Outlet(s) = San Pedro Creek (Lat 34.4179, Long -119.8295); Tecolito Creek (34.4179, -119.8295) upstream to endpoint(s) in: Atascadero Creek (34.4345, -119.7755); Cameros Creek (34.4674, -119.8584); Cieneguitas Creek (34.4690, -119.7565); Glen Annie Creek (34.4985, -119.8666); Maria Ygnacio Creek (34.4900, -119.7830); San Antonio Creek (34.4553, -119.7826); San Pedro Creek (34.4774, -119.8359); San Jose Creek (34.4919, -119.8032); Tecolito Creek (34.4478, -119.8763); Unnamed Tributary (34.4774, -119.8846).

(iii) *Mission Hydrologic Sub-area 331532*. Outlet(s) = Arroyo Burro Creek (Lat 34.4023, Long -119.7430); Mission Creek (34.4124, -119.6876); Sycamore Creek (34.4166, -119.6668) upstream to endpoint(s) in: Arroyo Burro Creek (34.4620, -119.7461); Mission Creek (34.4482, -119.7089); Rattlesnake Creek (34.4633, -119.6902); San Roque Creek (34.4530, -119.7323); Sycamore Creek (34.4609, -119.6841).

(iv) *San Ysidro Hydrologic Sub-area 331533*. Outlet(s) = Montecito Creek (Lat 34.4167, Long -119.6344); Romero Creek (34.4186, -119.6208); San Ysidro Creek (34.4191, -119.6254); upstream to endpoint(s) in: Cold Springs Creek (34.4794, -119.6604); Montecito Creek (34.4594, -119.6542); Romero Creek (34.4452, -119.5924); San Ysidro Creek (34.4686, -119.6229); Unnamed Tributary (34.4753, -119.6437).

(v) *Carpinteria Hydrologic Sub-area 331534*. Outlet(s) = Arroyo Paredon (Lat 34.4146, Long -119.5561); Carpinteria Lagoon (Carpinteria Creek) (34.3904, -119.5204); Rincon Lagoon (Rincon Creek) (34.3733, -119.4769) upstream to endpoint(s) in: Arroyo Paredon (34.4371, -119.5481); Carpinteria Creek (34.4429, -119.4964); El Dorado Creek (34.4682, -119.4809); Gobernador Creek (34.4249, -119.4746); Rincon Lagoon (Rincon Creek) (34.3757, -119.4777); Steer Creek (34.4687, -119.4596); Unnamed Tributary (34.4481, -119.5112).

(4) Ventura River Hydrologic Unit 4402—(i) *Ventura Hydrologic Sub-area 440210*. Outlet(s) = Ventura Estuary (Ventura River) (Lat 34.2742, Long -119.3077) upstream to endpoint(s) in: Canada Larga (34.3675, -119.2377); Hammond Canyon (34.3903,

–119.2230); Sulphur Canyon (34.3727, –119.2362); Unnamed Tributary (34.3344, –119.2426); Unnamed Tributary (34.3901, –119.2747).

(ii) *Ventura Hydrologic Sub-area 440220*. Outlet(s) = Ventura River (Lat 34.3517, Long –119.3069) upstream to endpoint(s) in: Coyote Creek (34.3735, –119.3337); Matilija Creek (34.4846, –119.3086); North Fork Matilija Creek (34.5129, –119.2737); San Antonio Creek (34.4224, –119.2644); Ventura River (34.4852, –119.3001).

(iii) *Lions Hydrologic Sub-area 440231*. Outlet(s) = Lion Creek (Lat 34.4222, Long –119.2644) upstream to endpoint(s) in: Lion Creek (34.4331, –119.2004).

(iv) *Thatcher Hydrologic Sub-area 440232*. Outlet(s) = San Antonio Creek (Lat 34.4224, Long –119.2644) upstream to endpoint(s) in: San Antonio Creek (34.4370, –119.2417).

(5) Santa Clara Calleguas Hydrologic Unit 4403—(i) *Mouth of Santa Clara Hydrologic Sub-area 440310*. Outlet(s) = Santa Clara River (Lat 34.2348, Long –119.2568) upstream.

(ii) *Santa Clara, Santa Paula Hydrologic Sub-area 440321*. Outlet(s) = Santa Clara River (Lat 34.2731, Long –119.1474) upstream to endpoint(s) in: Santa Paula Creek (34.4500, –119.0563).

(iii) *Sisar Hydrologic Sub-area 440322*. Outlet(s) = Sisar Creek (Lat 34.4271, Long –119.0908) upstream to endpoint(s) in: Sisar Creek (34.4615, –119.1312).

(iv) *Sespe, Santa Clara Hydrologic Sub-area 440331*. Outlet(s) = Santa Clara River (Lat 34.3513, Long –119.0397) upstream to endpoint(s) in: Sespe Creek (34.4509, –118.9258).

(v) *Sespe Hydrologic Sub-area 440332*. Outlet(s) = Sespe Creek (Lat

34.4509, Long –118.9258) upstream to endpoint(s) in: Abadi Creek (34.6099, –119.4223); Alder Creek (34.5691, –118.9528); Bear Creek (34.5314, –119.1041); Chorro Grande Creek (34.6285, –119.3245); Fourfork Creek (34.4735, –118.8893); Howard Creek (34.5459, –119.2154); Lady Bug Creek (34.5724, –119.3173); Lion Creek (34.5047, –119.1101); Little Sespe Creek (34.4598, –118.8938); Munson Creek (34.6152, –119.2963); Park Creek (34.5537, –119.0028); Piedra Blanca Creek (34.6109, –119.1838); Pine Canyon Creek (34.4488, –118.9661); Portrero John Creek (34.6010, –119.2695); Red Reef Creek (34.5344, –119.0441); Rose Valley Creek (34.5195, –119.1756); Sespe Creek (34.6295, –119.4412); Timber Creek (34.5184, –119.0698); Trout Creek (34.5869, –119.1360); Tule Creek (34.5614, –119.2986); Unnamed Tributary (34.5125, –118.9311); Unnamed Tributary (34.5537, –119.0088); Unnamed Tributary (34.5537, –119.0048); Unnamed Tributary (34.5757, –119.3051); Unnamed Tributary (34.5988, –119.2736); Unnamed Tributary (34.5691, –119.3428); West Fork Sespe Creek (34.5106, –119.0502).

(vi) *Santa Clara, Hopper Canyon, Piru Hydrologic Sub-area 440341*. Outlet(s) = Santa Clara River (Lat 34.3860, Long –118.8711) upstream to endpoint(s) in: Hopper Creek (34.4263, –118.8309); Piru Creek (34.4613, –118.7537); Santa Clara River (34.3996, –118.7837).

(6) Santa Monica Bay Hydrologic Unit 4404—(i) *Topanga Hydrologic Sub-area 440411*. Outlet(s) = Topanga Creek (Lat 34.0397, Long –118.5831) upstream to

endpoint(s) in: Topanga Creek (34.0838, –118.5980).

(ii) *Malibu Hydrologic Sub-area 440421*. Outlet(s) = Malibu Creek (Lat 34.0322, Long –118.6796) upstream to endpoint(s) in: Malibu Creek (34.0648, –118.6987).

(iii) *Arroyo Sequit Hydrologic Sub-area 440444*. Outlet(s) = Arroyo Sequit (Lat 34.0445, Long –118.9338) upstream to endpoint(s) in: Arroyo Sequit (34.0839, –118.9186); West Fork Arroyo Sequit (34.0909, –118.9235).

(7) Calleguas Hydrologic Unit 4408—(i) *Calleguas Estuary Hydrologic Sub-area 440813*. Outlet(s) = Mugu Lagoon (Calleguas Creek) (Lat 34.1093, Long –119.0917) upstream to endpoint(s) in: Mugu Lagoon (Calleguas Creek) (Lat 34.1125, Long –119.0816).

(ii) [Reserved]

(8) San Juan Hydrologic Unit 4901—(i) *Middle Trabuco Hydrologic Sub-area 490123*. Outlet(s) = Trabuco Creek (Lat 33.5165, Long –117.6727) upstream to endpoint(s) in: Trabuco Creek (33.5264, –117.6700).

(ii) *Lower San Juan Hydrologic Sub-area 490127*. Outlet(s) = San Juan Creek (Lat 33.4621, Long –117.6842) upstream to endpoint(s) in: San Juan Creek (33.4929, –117.6610); Trabuco Creek (33.5165, –117.6727).

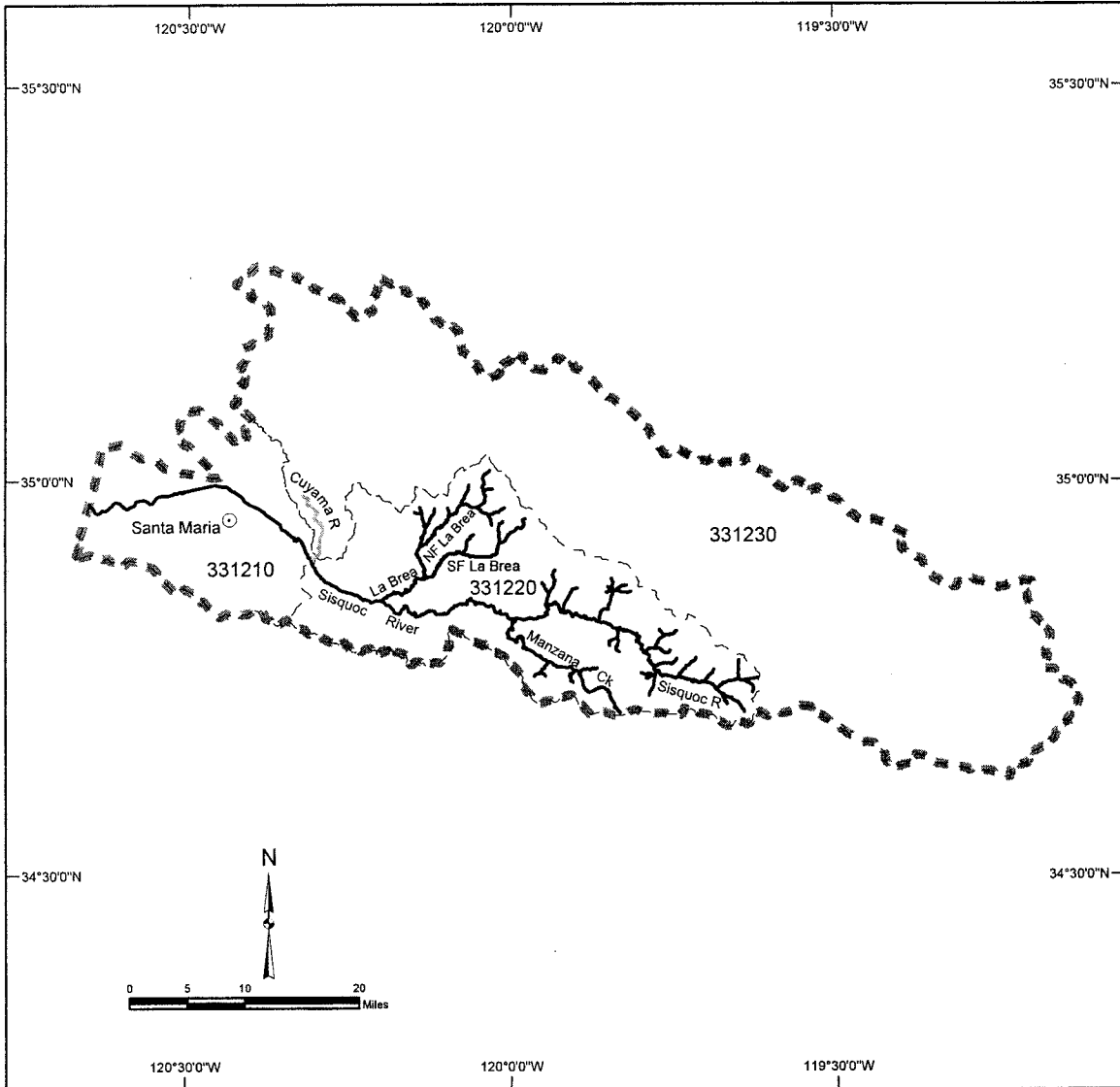
(iii) *San Mateo Hydrologic Sub-area 490140*. Outlet(s) = San Mateo Creek (Lat 33.3851, Long –117.5933) upstream to endpoint(s) in: San Mateo Creek (33.4779, –117.4386); San Mateo Canyon (33.4957, –117.4522).

(9) Maps of critical habitat for the Southern California Steelhead ESU follow:

BILLING CODE 3510-22P

Critical Habitat for the Southern California Steelhead

Santa Maria River Hydrologic Unit 3312

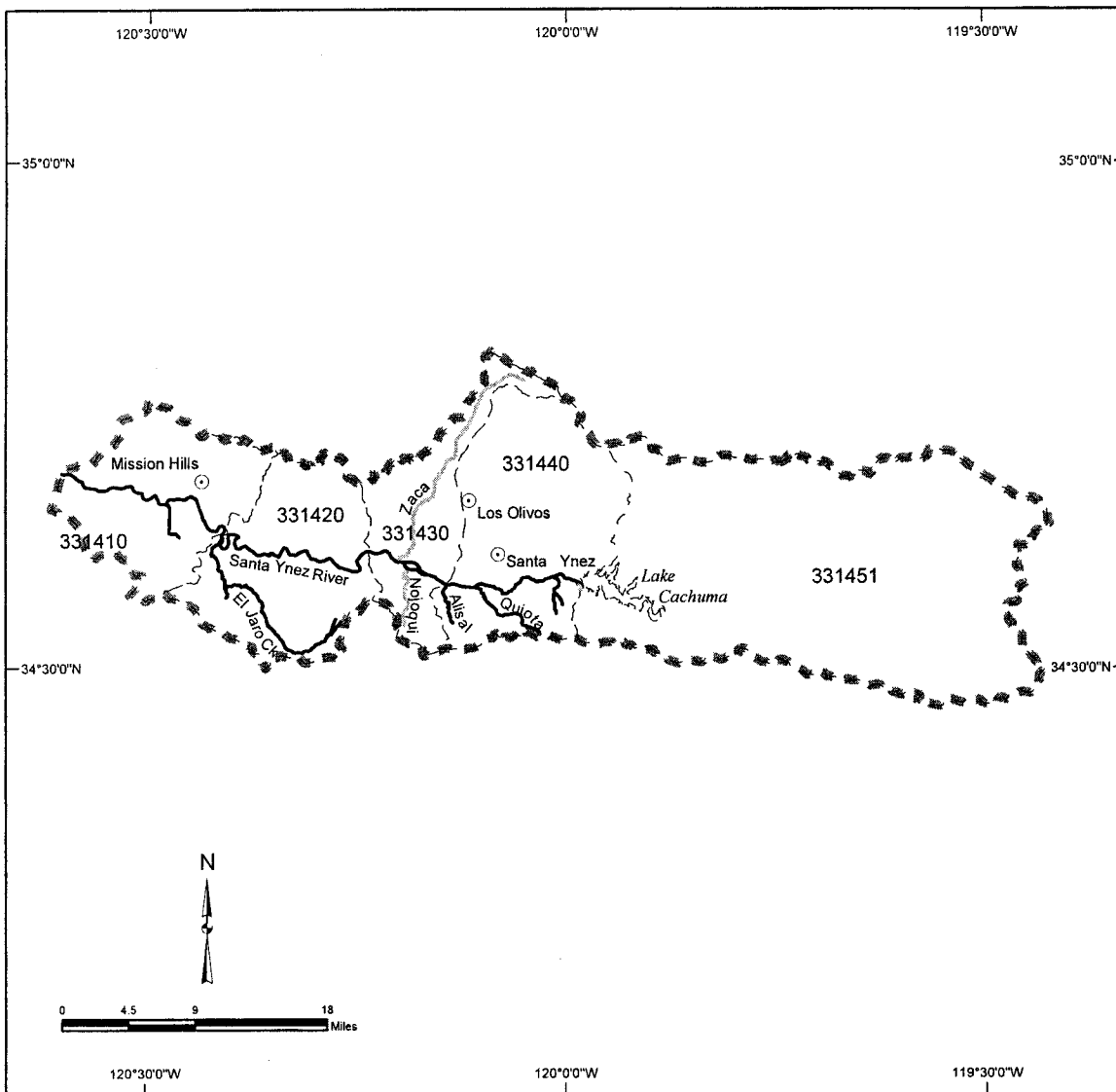


- ⊙ Cities/Towns
- Critical Habitat
- ⋯ Occupied but excluded streams / areas
- - - Calwater Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 331210 Fifth Field Calwater Hydrologic Sub-Area Number



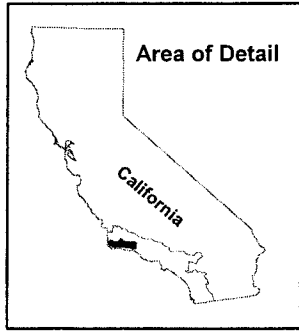
**Critical Habitat for the
Southern California Steelhead**

**Santa Ynez Hydrologic Unit
3314**



- ⊙ Cities/Towns
- Critical Habitat
- - - - - Occupied but excluded streams / areas
- ⋯⋯⋯ Calwater Hydrologic Unit Boundary
- - - - - Fifth Field Calwater Hydrologic Sub-Area Boundary

331210 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Southern California Steelhead

South Coast Hydrologic Unit 3315

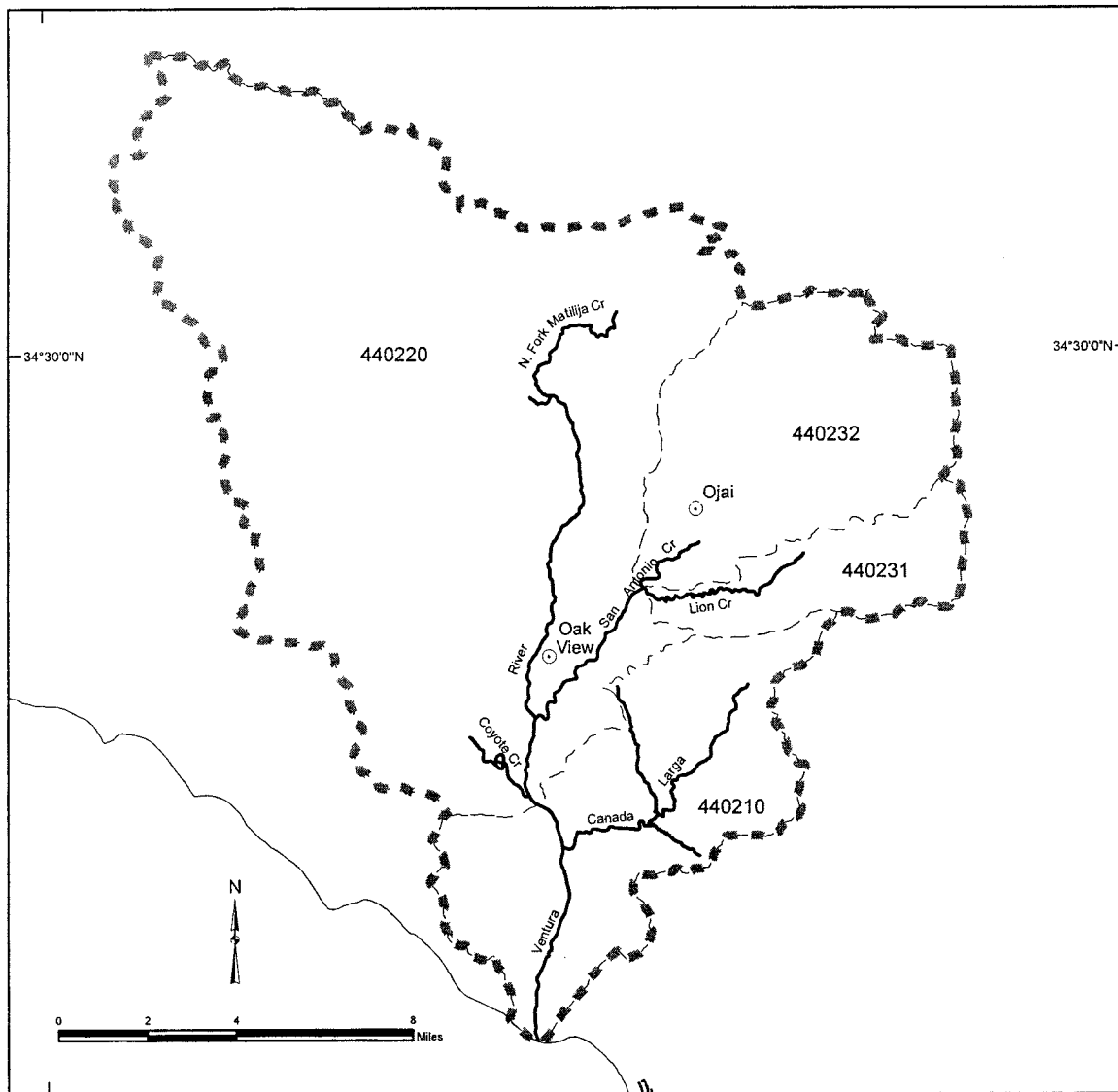


	Cities/Towns
	Critical Habitat
	Calwater Hydrologic Unit Boundary
	Fifth Field Calwater Hydrologic Sub-Area Boundary
	331210 Fifth Field Calwater Hydrologic Sub-Area Number

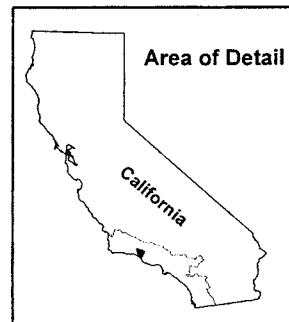


**Critical Habitat for the
Southern California Steelhead**

**Ventura River Hydrologic Unit
4402**

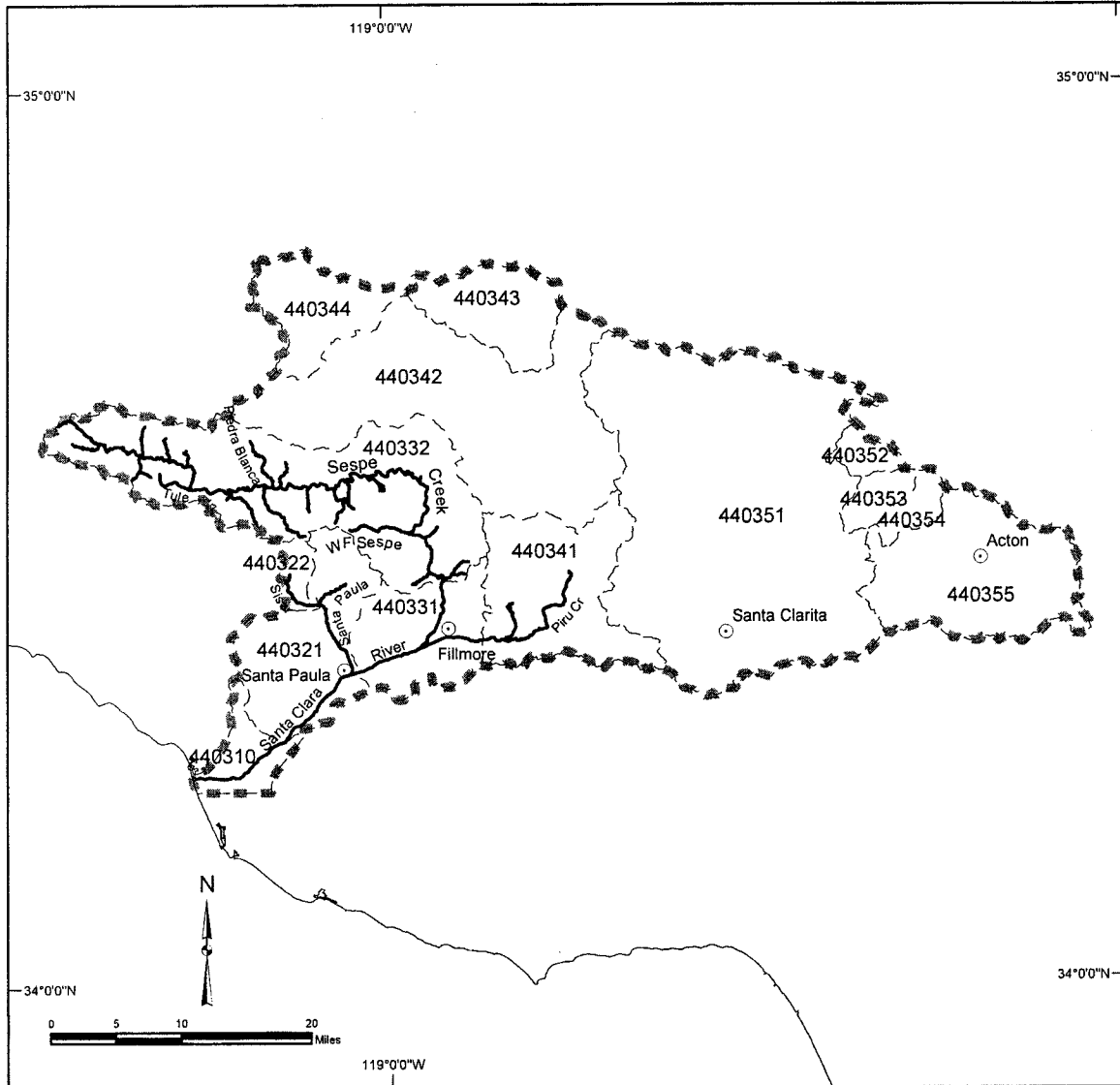


- ⊙ Cities/Towns
- Critical Habitat
- ⋯ Calwater Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 331210 Fifth Field Calwater Hydrologic Sub-Area Number

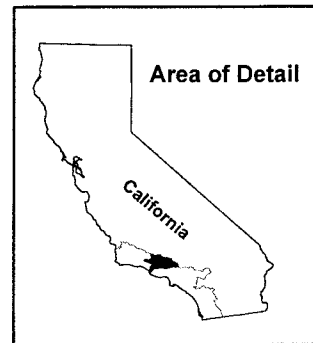


Critical Habitat for the Southern California Steelhead

Santa Clara-Calleguas Hydrologic Unit 4403

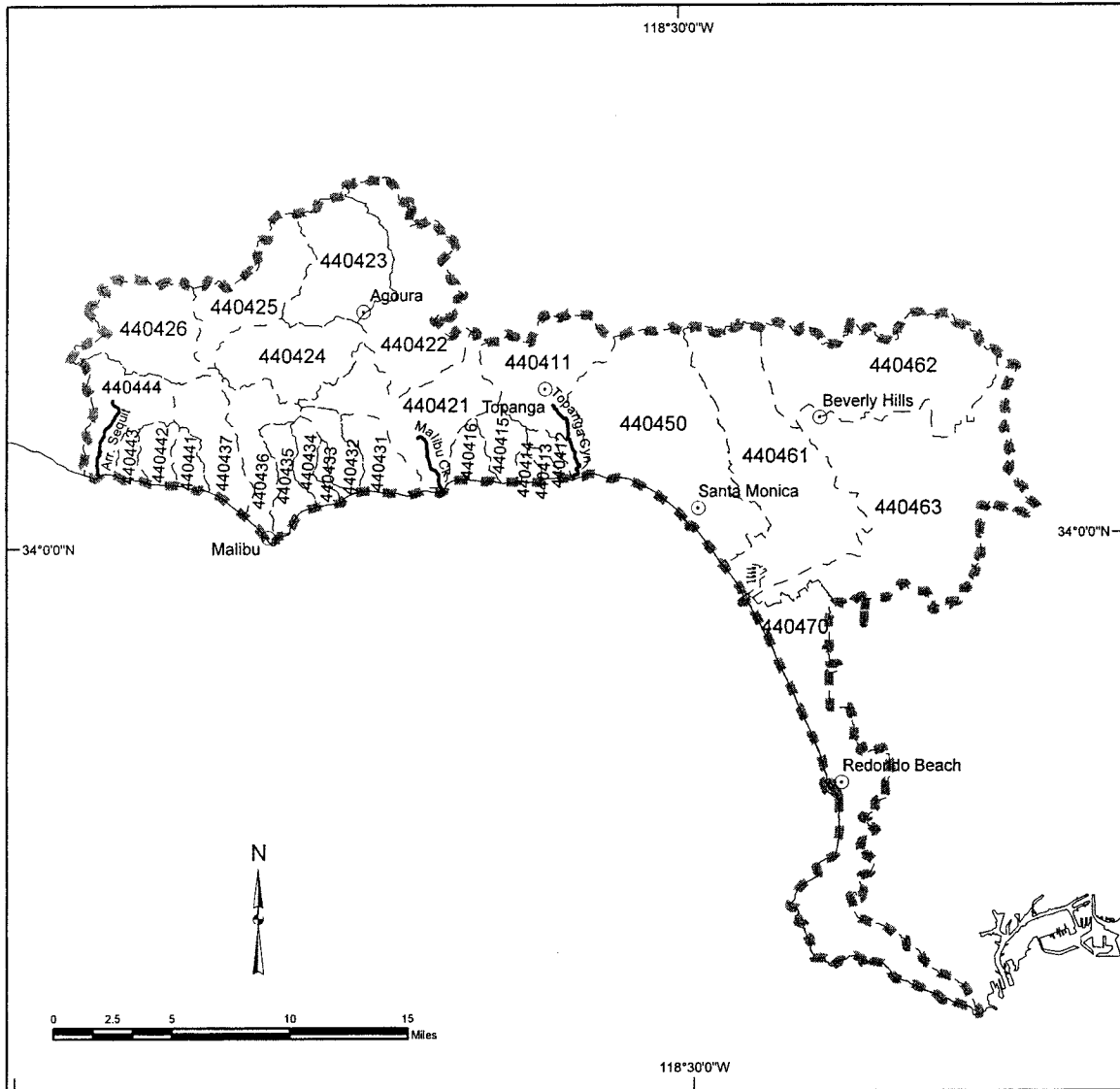


- ⊙ Cities/Towns
- Critical Habitat
- ⋯ Calwater Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 331210 Fifth Field Calwater Hydrologic Sub-Area Number

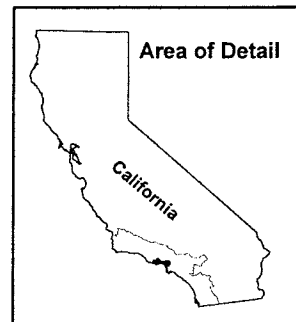


Critical Habitat for the Southern California Steelhead

Santa Monica Bay Hydrologic Unit 4404

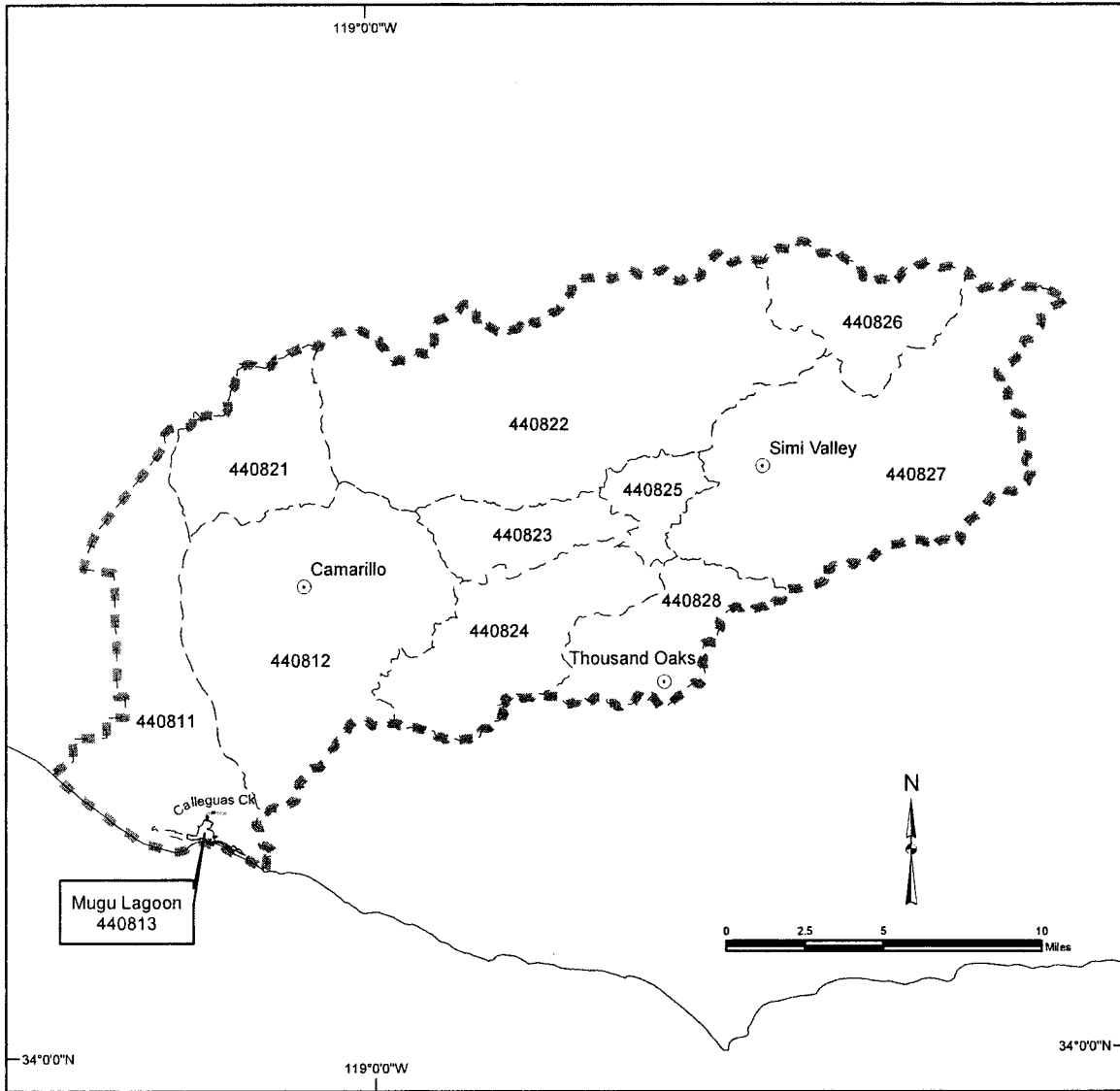


	Cities/Towns
	Critical Habitat
	Calwater Hydrologic Unit Boundary
	Fifth Field Calwater Hydrologic Sub-Area Boundary
331210 Fifth Field Calwater Hydrologic Sub-Area Number	



Critical Habitat for the Southern California Steelhead

Calleguas Hydrologic Unit 4408

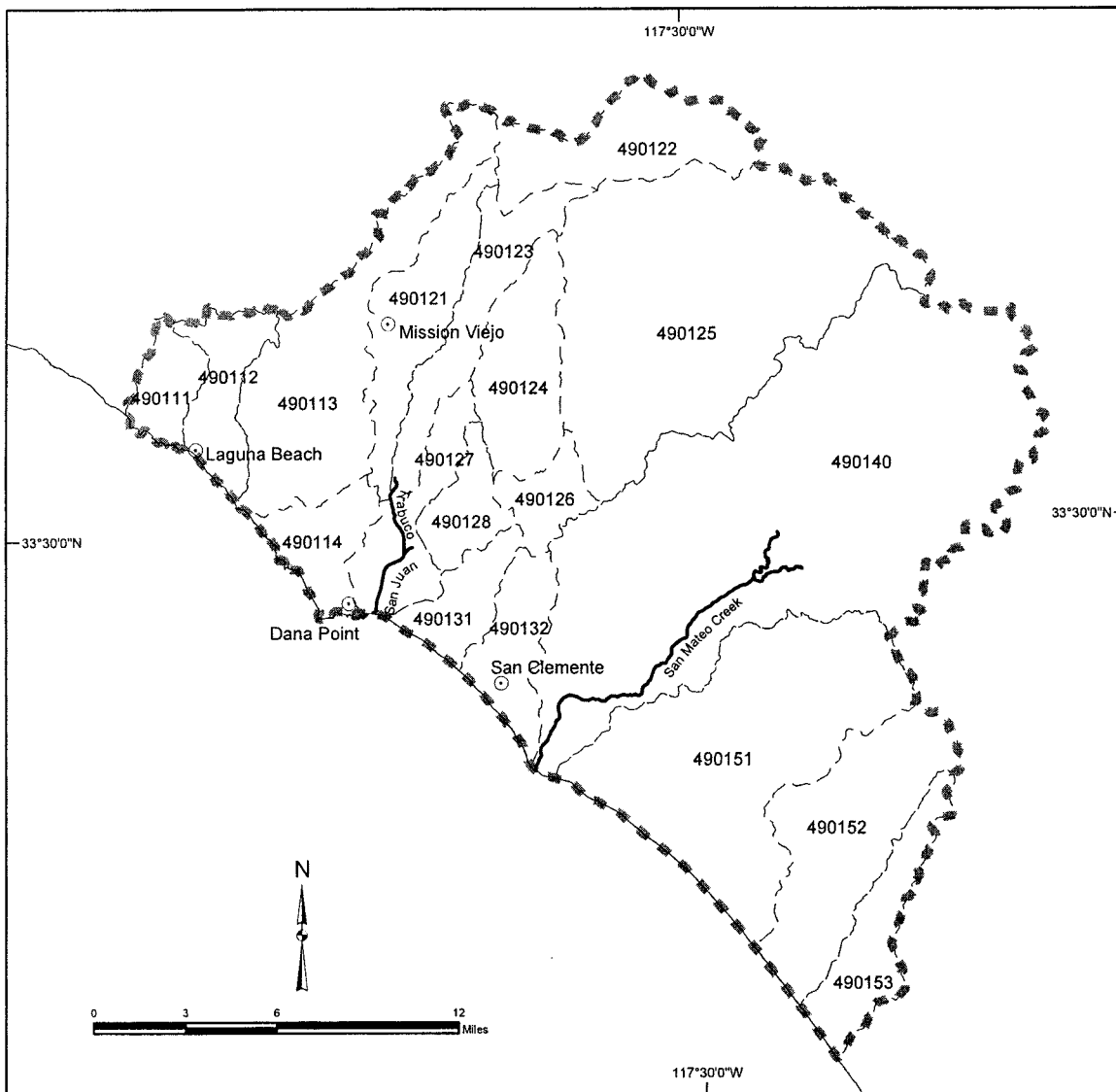


- ⊙ Cities/Towns
 - Critical Habitat
 - - - - - Occupied but excluded streams / areas
 - ⋯⋯⋯ Calwater Hydrologic Unit Boundary
 - ⋯⋯⋯ Fifth Field Calwater Hydrologic Sub-Area Boundary
- 331210 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Southern California Steelhead

San Juan Hydrologic Unit 4901



	Cities/Towns
	Critical Habitat
	Calwater Hydrologic Unit Boundary
	Fifth Field Calwater Hydrologic Sub-Area Boundary
331210 Fifth Field Calwater Hydrologic Sub-Area Number	



(k) *Central Valley Spring Run Chinook Salmon (O. tshawytscha)*. Critical habitat is designated to include the areas defined in the following CALWATER Hydrologic Units:

(1) Tehama Hydrologic Unit 5504—(i) *Lower Stony Creek Hydrologic Sub-area 550410*. Outlet(s) = Glenn-Colusa Canal (Lat 39.6762, Long -122.0151); Stony Creek (39.7122, -122.0072) upstream to endpoint(s) in: Glenn-Colusa Canal (39.7122, -122.0072); Stony Creek (39.8178, -122.3253).

(ii) *Red Bluff Hydrologic Sub-area 550420*. Outlet(s) = Sacramento River (Lat 39.6998, Long -121.9419) upstream to endpoint(s) in: Antelope Creek (40.2023, -122.1275); Big Chico Creek (39.7757, -121.7525); Blue Tent Creek (40.2284, -122.2551); Burch Creek (39.8526, -122.1502); Butler Slough (40.1579, -122.1320); Coyote Creek (40.0929, -122.1621); Craig Creek (40.1617, -122.1350); Deer Creek (40.0144, -121.9481); Dibble Creek (40.2003, -122.2420); Dye Creek (40.0904, -122.0767); Elder Creek (40.0526, -122.1717); Jewet Creek (39.8913, -122.1005); Kusal Slough (39.7577, -121.9699); Lindo Channel (39.7623, -121.7923); McClure Creek (40.0074, -122.1729); Mill Creek (40.0550, -122.0317); Mud Creek (39.7931, -121.8865); New Creek (40.1873, -122.1350); Oat Creek (40.0847, -122.1658); Pine Creek (39.8760, -121.9777); Red Bank Creek (40.1391, -122.2157); Reeds Creek (40.1687, -122.2377); Rice Creek (39.8495, -122.1626); Rock Creek (39.8189, -121.9124); Salt Creek (40.1869, -122.1845); Singer Creek (39.9200, -121.9612); Thomes Creek (39.8822, -122.5527); Toomes Creek (39.9808, -122.0642); Unnamed Tributary (39.8532, -122.1627); Unnamed Tributary (40.1682, -122.1459); Unnamed Tributary (40.1867, -122.1353).

(2) Whitmore Hydrologic Unit 5507—(i) *Inks Creek Hydrologic Sub-area 550711*. Outlet(s) = Inks Creek (Lat 40.3305, Long -122.1520) upstream to endpoint(s) in: Inks Creek 40.3418, -122.1332).

(ii) *Battle Creek Hydrologic Sub-area 550712*. Outlet(s) = Battle Creek (Lat 40.4083, Long -122.1102) upstream to endpoint(s) in: Battle Creek (40.4228, -121.9975); North Fork Battle Creek (40.4746, -121.8436); South Fork Battle Creek (40.3549, -121.6861).

(iii) *Inwood Hydrologic Sub-area 550722*. Outlet(s) = Bear Creek (Lat 40.4352, Long -122.2039) upstream to endpoint(s) in: Bear Creek (40.4859, -122.1529); Dry Creek (40.4574, -122.1993).

(3) Redding Hydrologic Unit 5508—(i) *Enterprise Flat Hydrologic Sub-area 550810*. Outlet(s) = Sacramento River (Lat 40.2526, Long -122.1707) upstream to endpoint(s) in: Anderson Creek (40.3910, -122.1984); Ash Creek (40.4451, -122.1815); Battle Creek (40.4083, -122.1102); Churn Creek (40.5431, -122.3395); Clear Creek (40.5158, -122.5256); Cow Creek (40.5438, -122.1318); Olney Creek (40.5262, -122.3783); Paynes Creek (40.2810, -122.1587); Stillwater Creek (40.4789, -122.2597).

(ii) *Lower Cottonwood Hydrologic Sub-area 550820*. Outlet(s) = Cottonwood Creek (Lat 40.3777, Long -122.1991) upstream to endpoint(s) in: Cottonwood Creek (40.3943, -122.5254); Middle Fork Cottonwood Creek (40.3314, -122.6663); South Fork Cottonwood Creek (40.1578, -122.5809).

(4) Eastern Tehama Hydrologic Unit 5509—(i) *Big Chico Creek Hydrologic Sub-area 550914*. Outlet(s) = Big Chico Creek (Lat 39.7757, Long -121.7525) upstream to endpoint(s) in: Big Chico Creek (39.8873, -121.6979).

(ii) *Deer Creek Hydrologic Sub-area 550920*. Outlet(s) = Deer Creek (Lat 40.0144, Long -121.9481) upstream to endpoint(s) in: Deer Creek (40.2019, -121.5130).

(iii) *Upper Mill Creek Hydrologic Sub-area 550942*. Outlet(s) = Mill Creek (Lat 40.0550, Long -122.0317) upstream to endpoint(s) in: Mill Creek (40.3997, -121.5131).

(iv) *Antelope Creek Hydrologic Sub-area 550963*. Outlet(s) = Antelope Creek (Lat 40.2023, Long -122.1272) upstream to endpoint(s) in: Antelope Creek (40.2416, -121.8630); North Fork Antelope Creek (40.2691, -121.8226); South Fork Antelope Creek (40.2309, -121.8325).

(5) Sacramento Delta Hydrologic Unit 5510—(i) *Sacramento Delta Hydrologic Sub-area 551000*. Outlet(s) = Sacramento River (Lat 38.0612, Long -121.7948) upstream to endpoint(s) in: Cache Slough (38.3086, -121.7633); Delta Cross Channel (38.2433, -121.4964); Elk Slough (38.4140, -121.5212); Elkhorn Slough (38.2898, -121.6271); Georgiana Slough (38.2401, -121.5172); Miners Slough (38.2864, -121.6051); Prospect Slough (38.1477, -121.6641); Sevenmile Slough (38.1171, -121.6298); Steamboat Slough (38.3052, -121.5737); Sutter Slough (38.3321, -121.5838); Threemile Slough (38.1155, -121.6835); Yolo Bypass (38.5800, -121.5838).

(ii) [Reserved]

(6) Valley-Putah-Cache Hydrologic Unit 5511—(i) *Lower Putah Creek Hydrologic Sub-area 551120*. Outlet(s) = Yolo Bypass (Lat 38.5800, Long

-121.5838) upstream to endpoint(s) in: Sacramento Bypass (38.6057, -121.5563); Yolo Bypass (38.7627, -121.6325).

(ii) [Reserved]

(7) Marysville Hydrologic Unit 5515—(i) *Lower Yuba River Hydrologic Sub-area 551510*. Outlet(s) = Bear River (Lat 38.9398, Long -121.5790) upstream to endpoint(s) in: Bear River (38.9783, -121.5166).

(ii) *Lower Yuba River Hydrologic Sub-area 551530*. Outlet(s) = Yuba River (Lat 39.1270, Long -121.5981) upstream to endpoint(s) in: Yuba River (39.2203, -121.3314).

(iii) *Lower Feather River Hydrologic Sub-area 551540*. Outlet(s) = Feather River (Lat 39.1270, Long -121.5981) upstream to endpoint(s) in: Feather River (39.5203, -121.5475).

(8) Yuba River Hydrologic Unit 5517—(i) *Browns Valley Hydrologic Sub-Area 551712*. Outlet(s) = Dry Creek (Lat 39.2207, Long -121.4088); Yuba River (39.2203, -121.3314) upstream to endpoint(s) in: Dry Creek (39.3201, -121.3117); Yuba River (39.2305, -121.2813).

(ii) *Englebright Hydrologic Sub-area 551714*. Outlet(s) = Yuba River (Lat 39.2305, Long -121.2813) upstream to endpoint(s) in: Yuba River (39.2388, -121.2698).

(9) Valley-American Hydrologic Unit 5519—(i) *Lower American Hydrologic Sub-area 551921*. Outlet(s) = American River (Lat 38.5971, Long -121.5088) upstream to endpoint(s) in: American River (38.5669, -121.3827).

(ii) *Pleasant Grove Hydrologic Sub-area 551922*. Outlet(s) = Sacramento River (Lat 38.5965, Long -121.5086) upstream to endpoint(s) in: Feather River (39.1270, -121.5981).

(10) Colusa Basin Hydrologic Unit 5520—(i) *Sycamore-Sutter Hydrologic Sub-area 552010*. Outlet(s) = Sacramento River (Lat 38.7604, Long -121.6767) upstream to endpoint(s) in: Tisdale Bypass (39.0261, -121.7456).

(ii) *Sutter Bypass Hydrologic Sub-area 552030*. Outlet(s) = Sacramento River (Lat 38.7849, Long -121.6219) upstream to endpoint(s) in: Butte Creek (39.1987, -121.9285); Butte Slough (39.1987, -121.9285); Nelson Slough (38.8901, -121.6352); Sacramento Slough (38.7843, -121.6544); Sutter Bypass (39.1417, -121.8196); 39.1484, -121.8386); Tisdale Bypass (39.0261, -121.7456); Unnamed Tributary (39.1586, -121.8747).

(iii) *Butte Basin Hydrologic Sub-area 552040*. Outlet(s) = Butte Creek (Lat 39.1990, Long -121.9286); Sacramento River (39.4141, -122.0087) upstream to endpoint(s) in: Butte creek (39.7095, -121.7506); Colusa Bypass (39.2276,

–121.9402); Unnamed Tributary (39.6762, –122.0151).

(11) Butte Creek Hydrologic Unit 5521—*Upper Little Chico Hydrologic Sub-area 552130*. Outlet(s) = Butte Creek (Lat 39.7096, –121.7504) upstream to endpoint(s) in Butte Creek (39.8665, –121.6344).

(12) Shasta Bally Hydrologic Unit 5524—(i) *Platina Hydrologic Sub-area 552436*. Outlet(s) = Middle Fork

Cottonwood Creek (Lat 40.3314, –122.6663) upstream to endpoint(s) in Beegum Creek (40.3066, –122.9205); Middle Fork Cottonwood Creek (40.3655, –122.7451).

(ii) *Spring Creek Hydrologic Sub-area 552440*. Outlet(s) = Sacramento River (Lat 40.5943, Long –122.4343) upstream to endpoint(s) in: Sacramento River (40.6116, –122.4462)

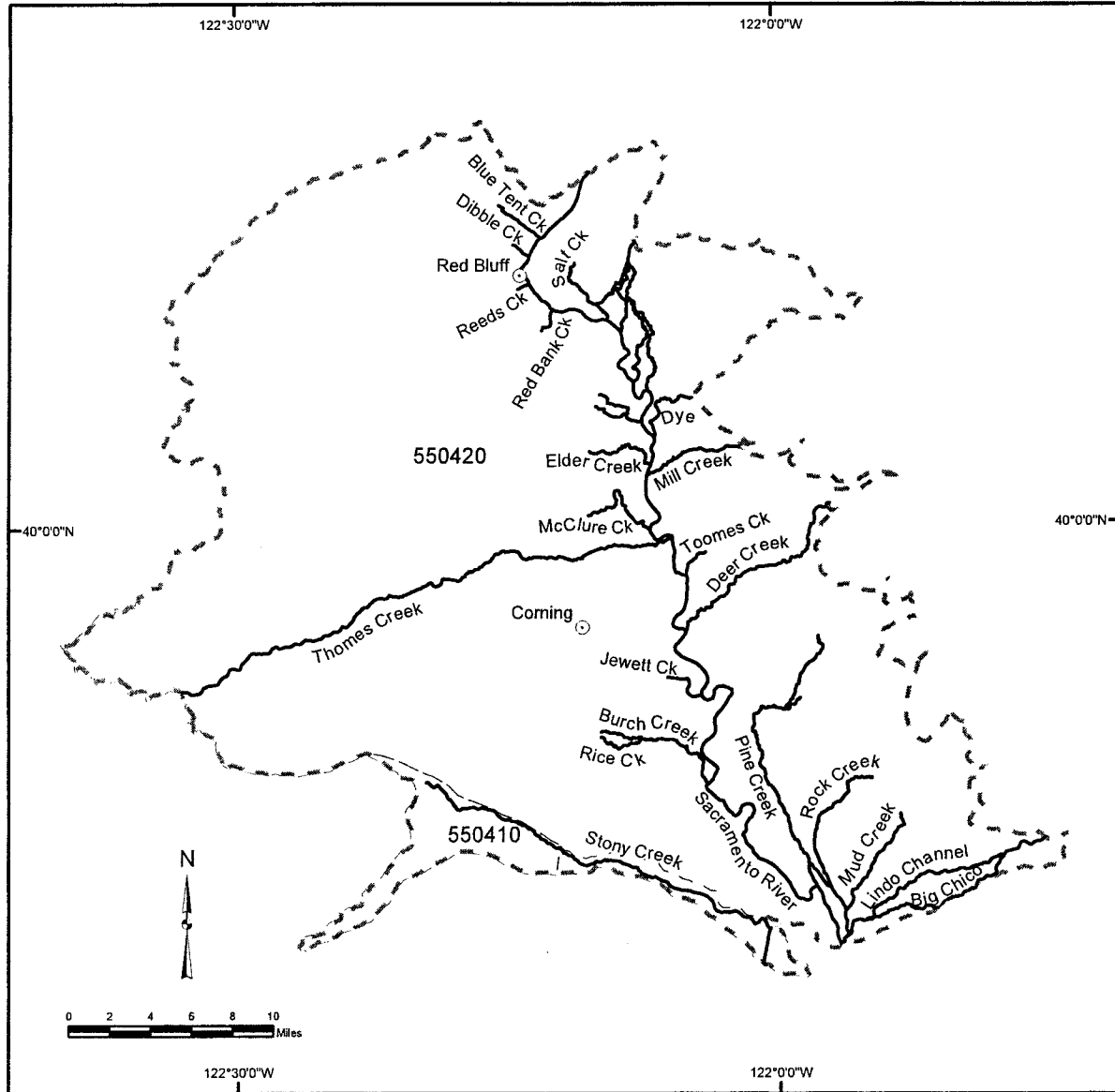
(iii) *Kanaka Peak Hydrologic Sub-area 552462*. Outlet(s) = Clear Creek (Lat 40.5158, Long –122.5256) upstream to endpoint(s) in: Clear Creek (40.5992, –122.5394).

(13) Maps of critical habitat for the Central Valley Spring Run Chinook ESU follow:

BILLING CODE 3510–22–P

Critical Habitat for the Central Valley Spring-run Chinook Salmon

Tehama Hydrologic Unit 5504



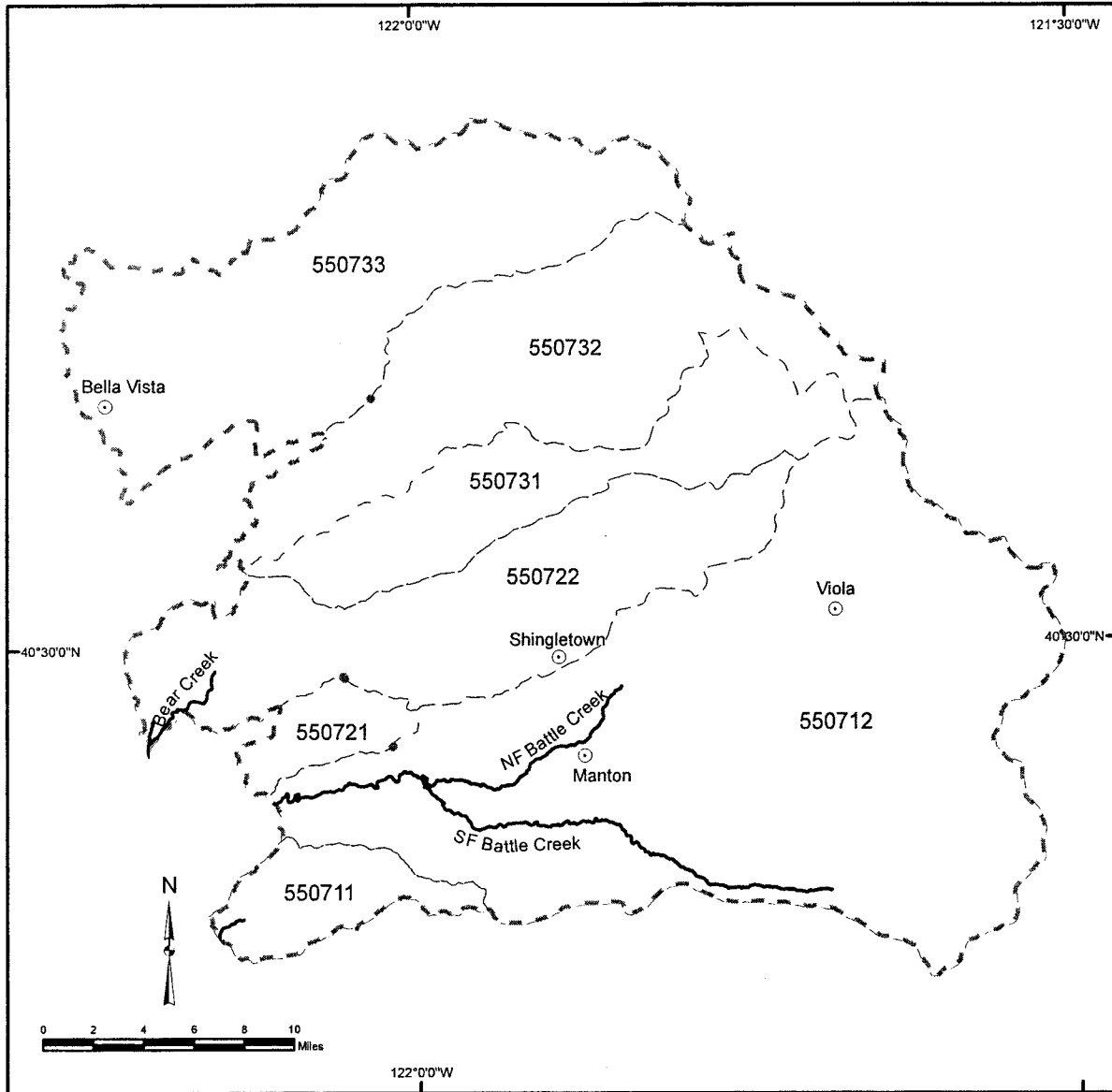
- Cities/Towns
- Critical Habitat
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number

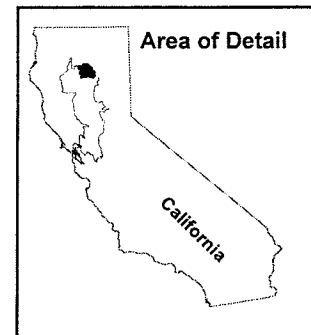


**Critical Habitat for the
Central Valley Spring-run Chinook Salmon**

**Whitmore Hydrologic Unit
5507**

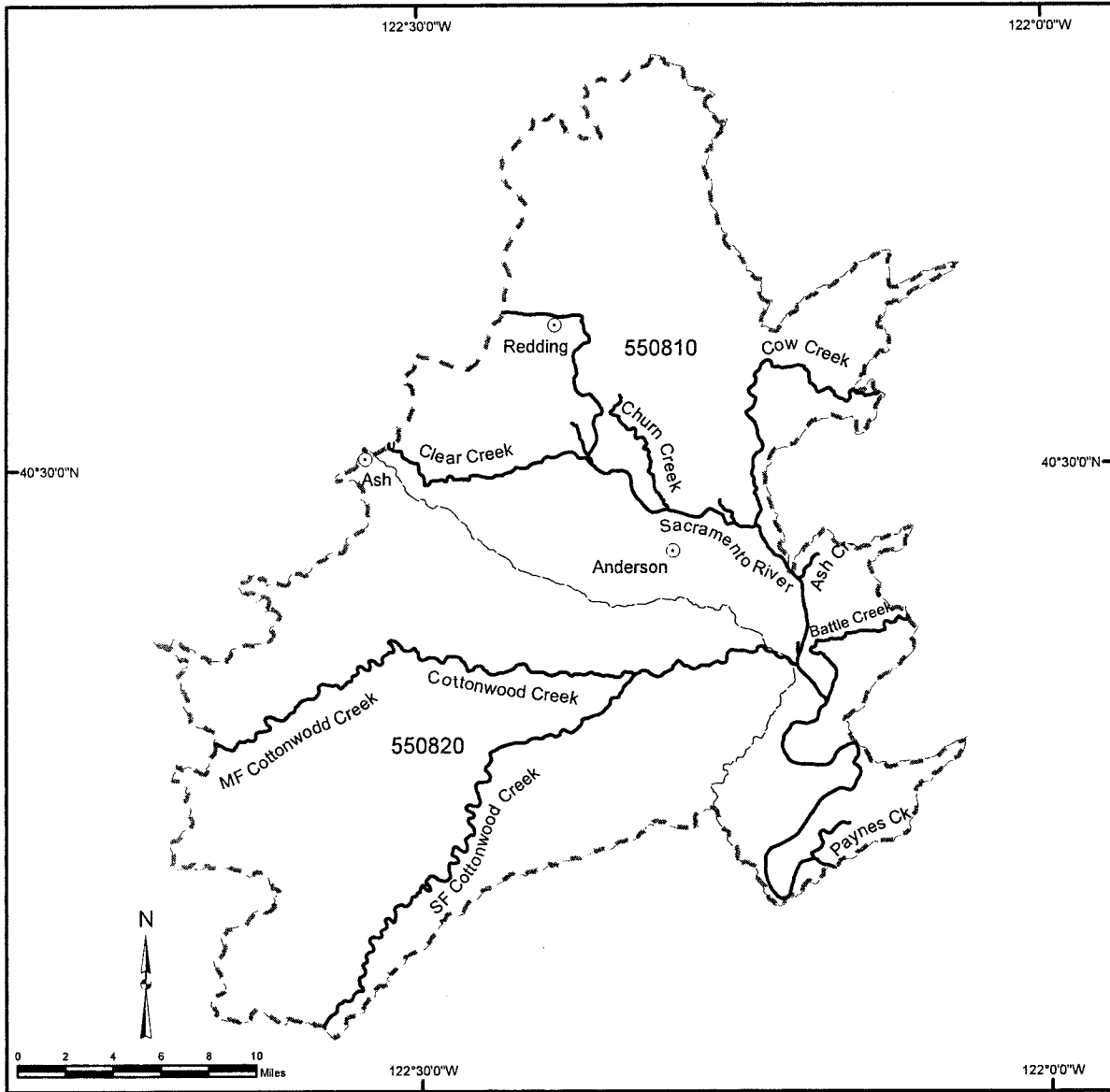


- Cities/Towns
 - Critical Habitat
 - - - Hydrologic Unit Boundary
 - - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Central Valley Spring-run Chinook Salmon

Redding Hydrologic Unit 5508



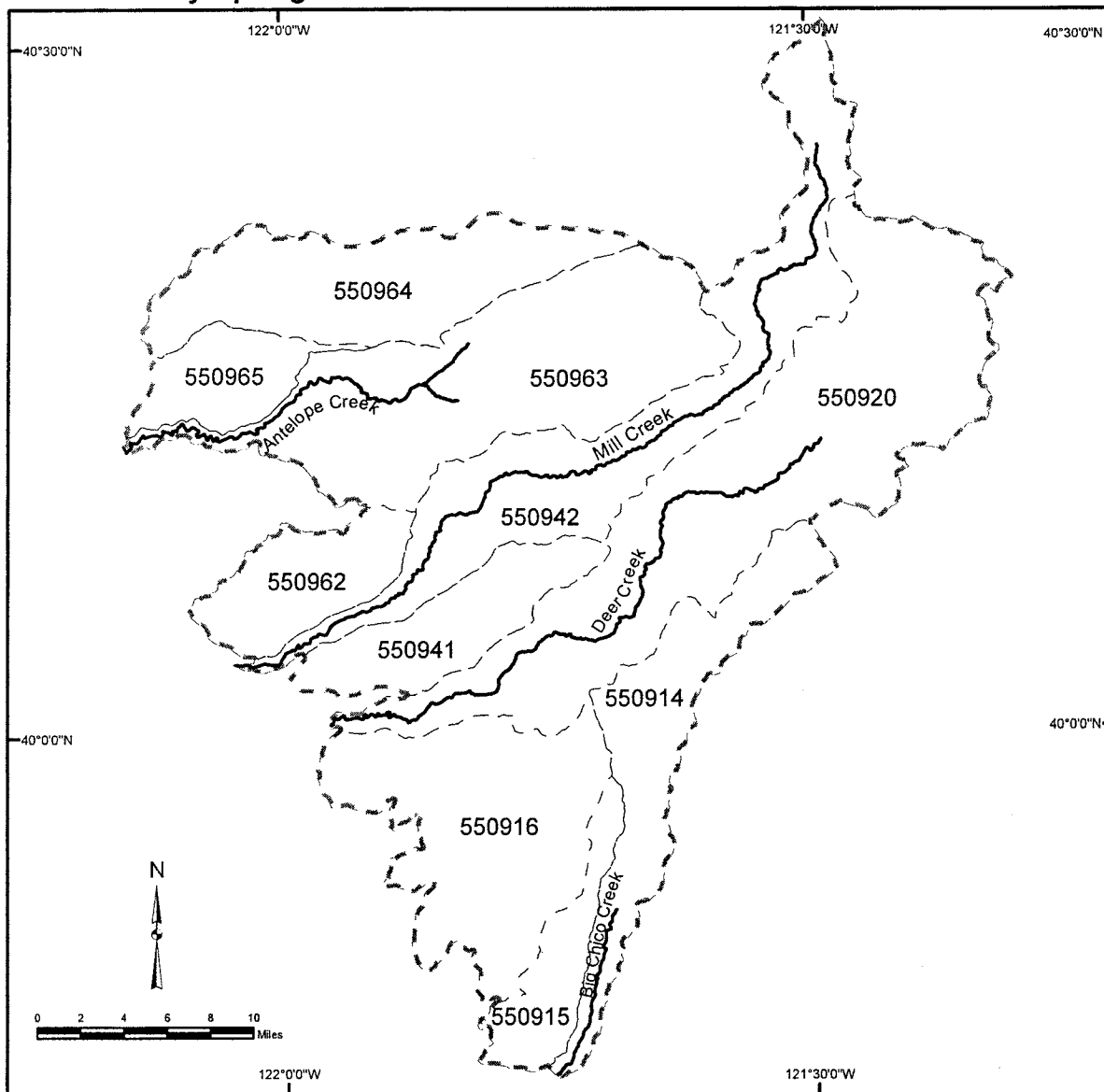
- Cities/Towns
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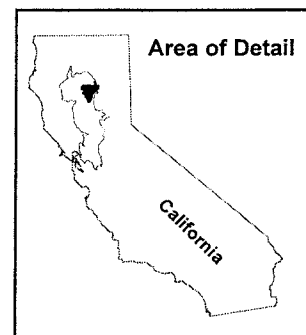


**Critical Habitat for the
Central Valley Spring-run Chinook Salmon**

**Eastern Tehama Hydrologic Unit
5509**



- Cities/Towns
 - Critical Habitat
 - ⋯ Hydrologic Unit Boundary
 - - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Central Valley Spring-run Chinook Salmon

Sacramento Delta Hydrologic Unit 5510



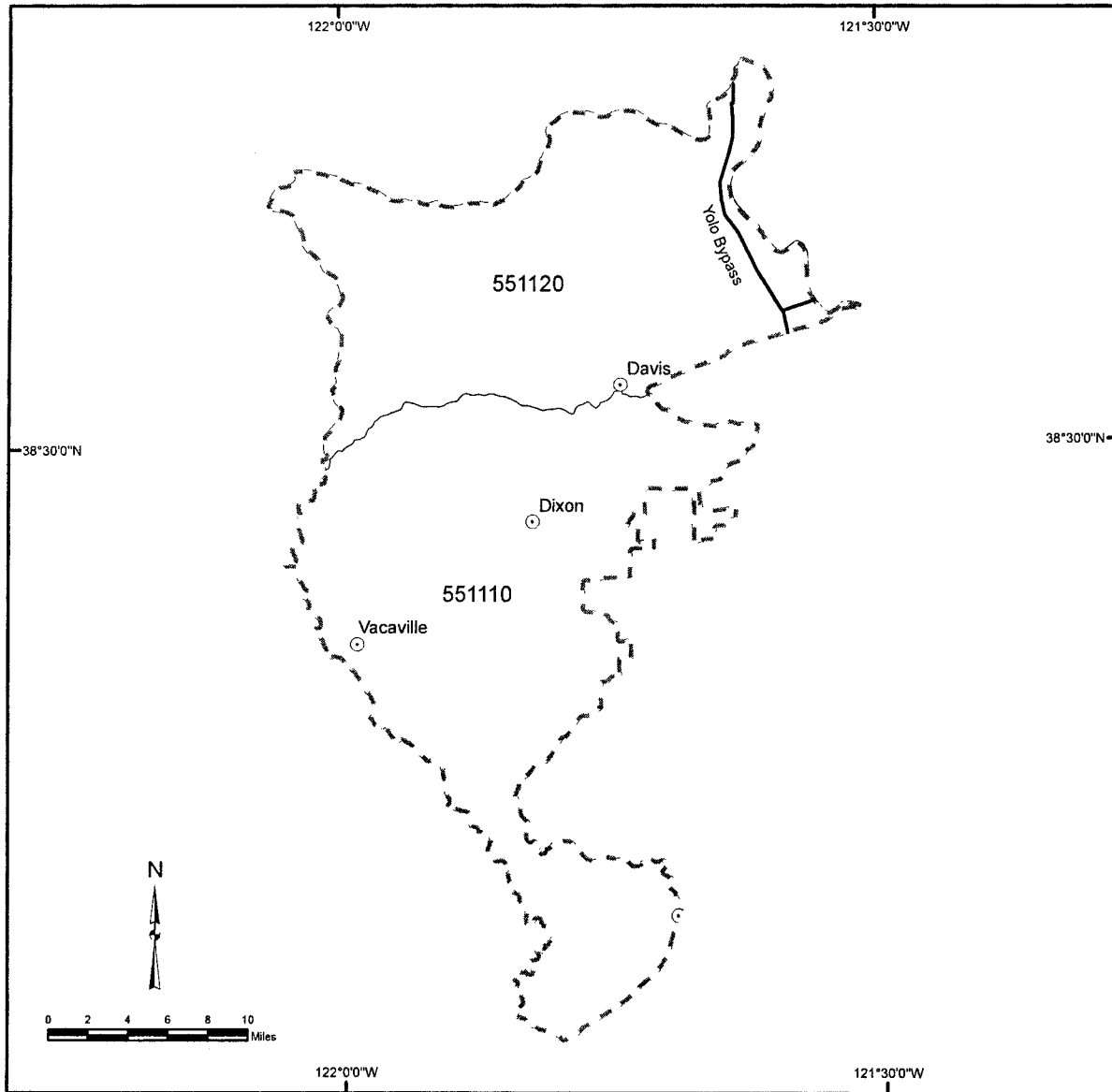
- Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- Hydrologic Unit Boundary
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110701 Fifth Field Calwater Hydrologic Sub-Area Number

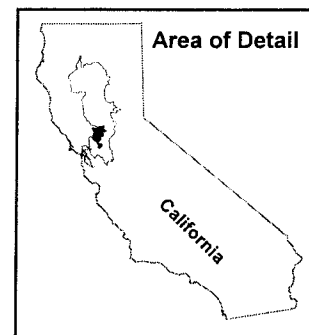


**Critical Habitat for the
Central Valley Spring-run Chinook Salmon**

**Valley Putah-Cache Hydrologic Unit
5511**

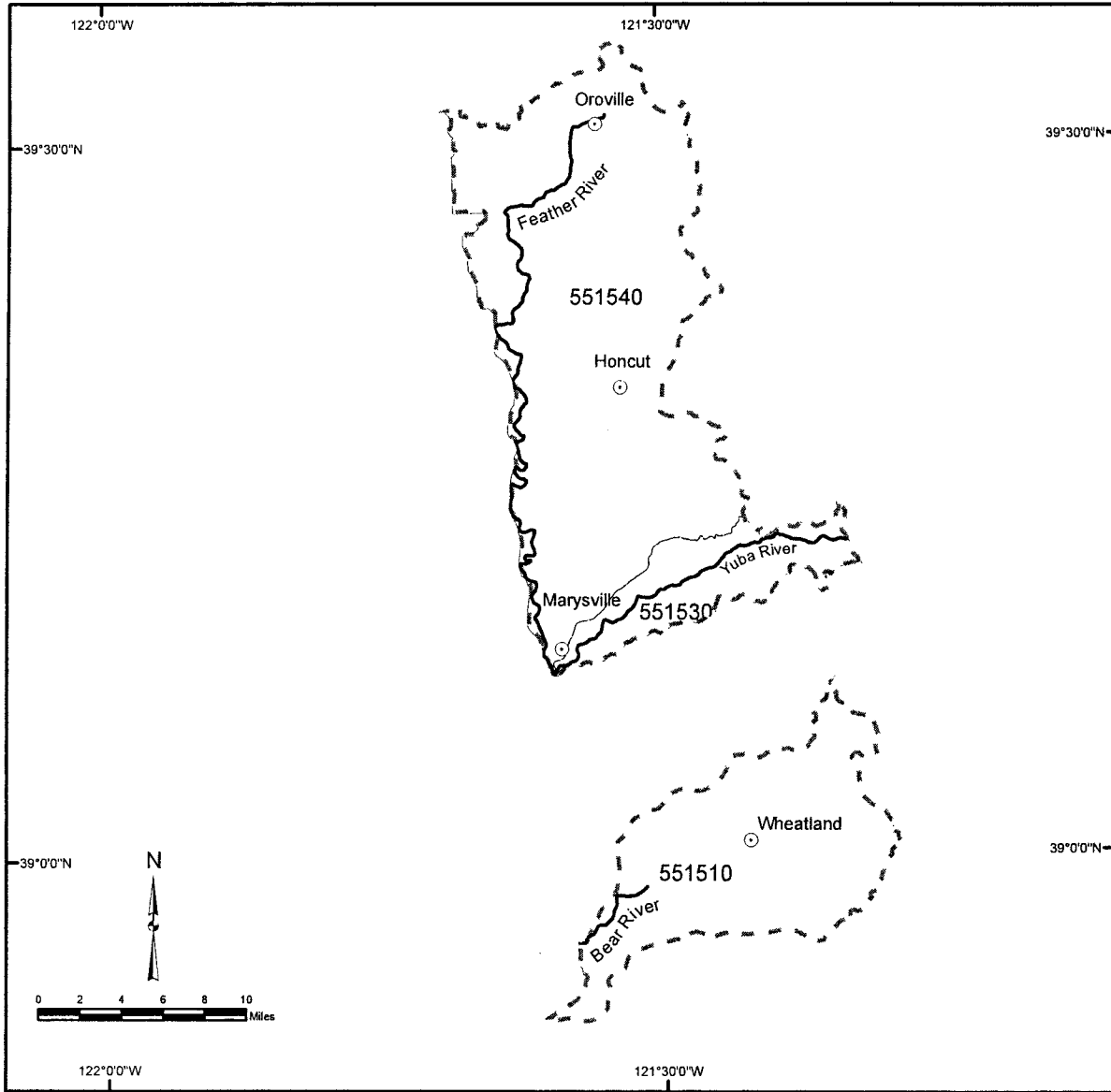


- Cities/Towns
 - Critical Habitat
 - Hydrologic Unit Boundary
 - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number

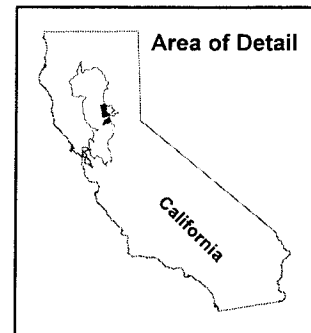


Critical Habitat for the Central Valley Spring-run Chinook Salmon

Marysville Hydrologic Unit
5515

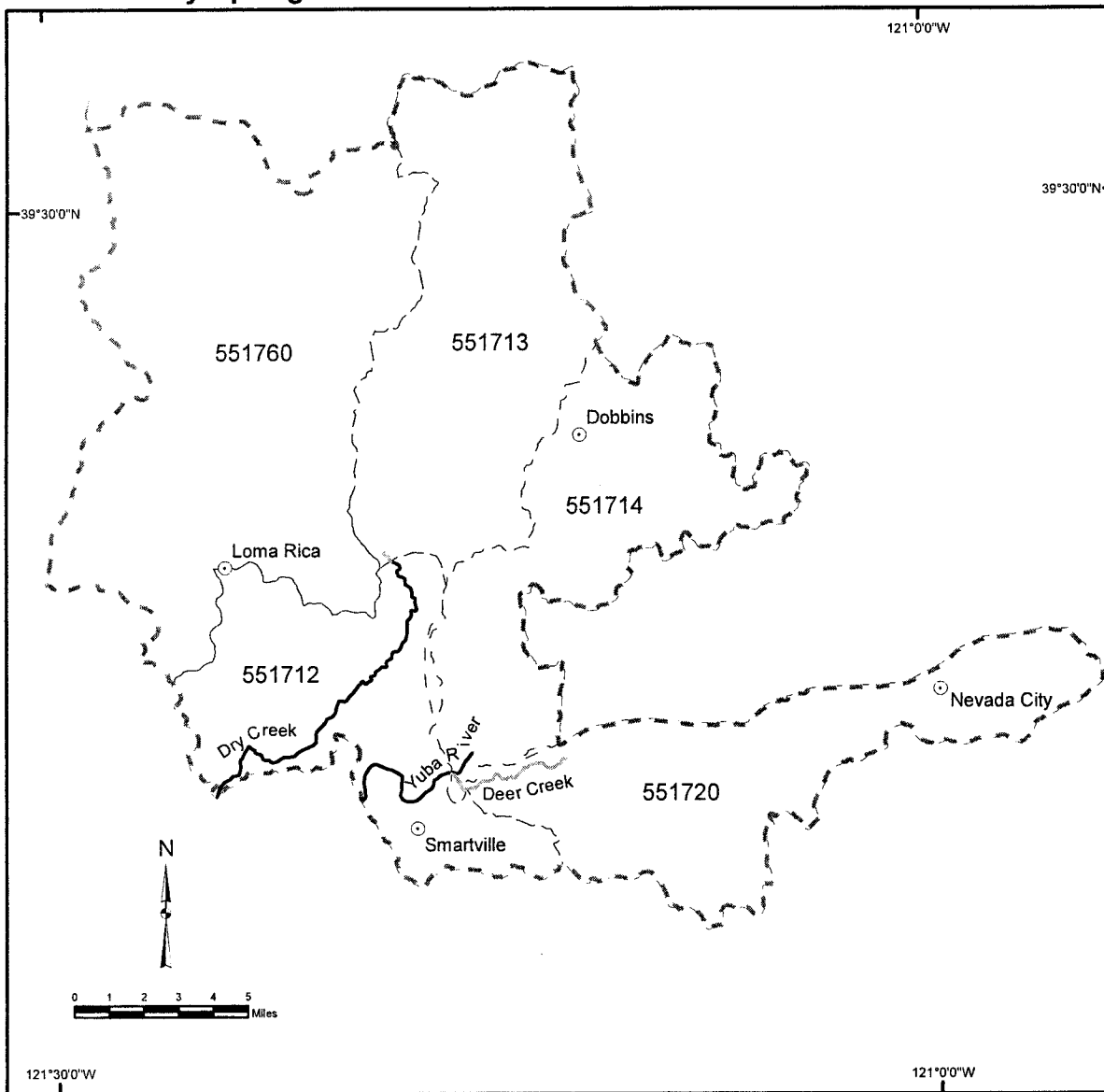


- Cities/Towns
 - Critical Habitat
 - - - Hydrologic Unit Boundary
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- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



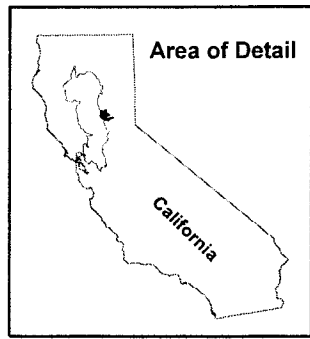
**Critical Habitat for the
Central Valley Spring-run Chinook Salmon**

**Yuba River Hydrologic Unit
5517**



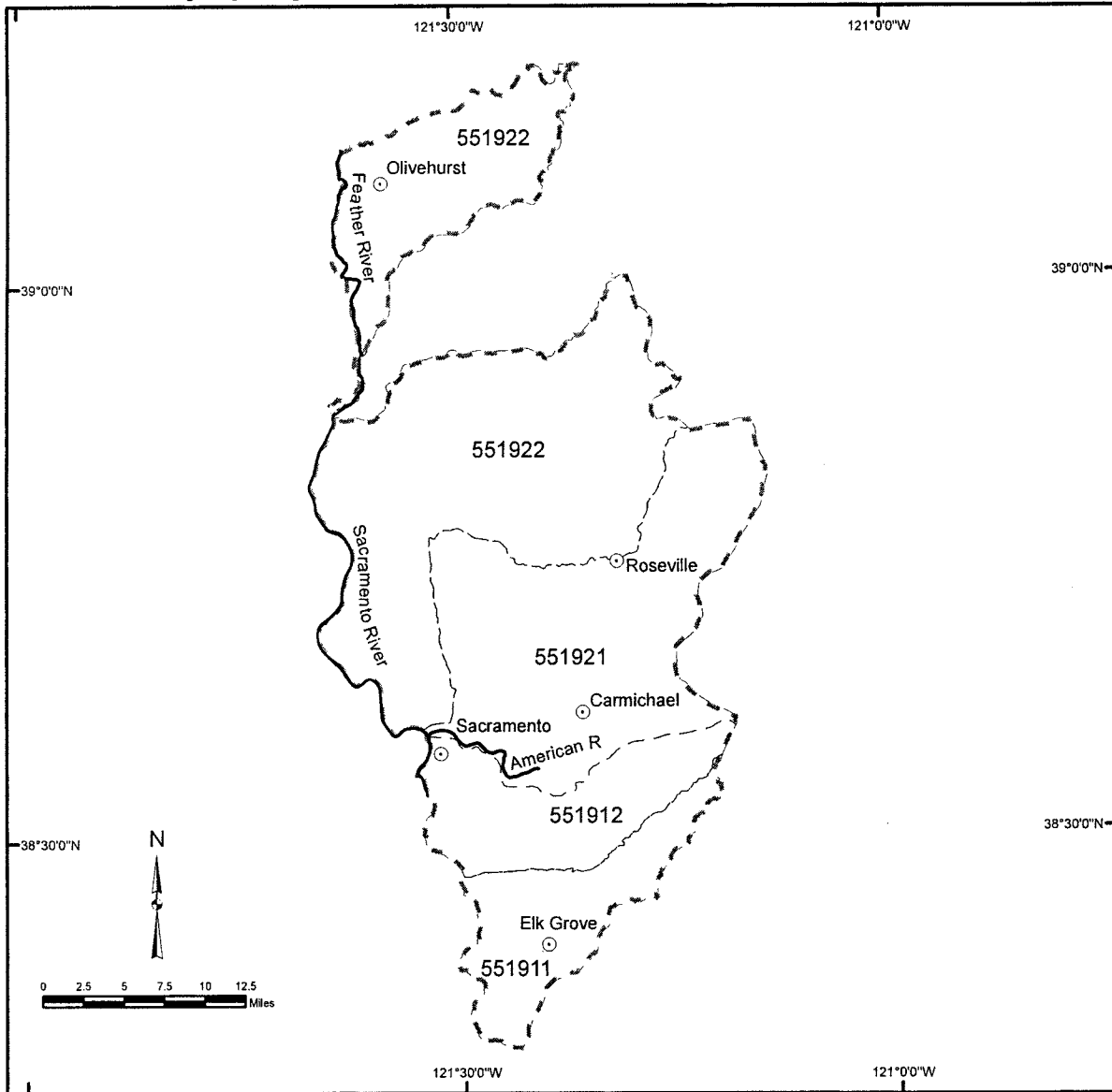
- ⊙ Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- ⌘ Hydrologic Unit Boundary
- ⌘ Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Central Valley Spring-run Chinook Salmon

Valley-American Hydrologic Unit 5519

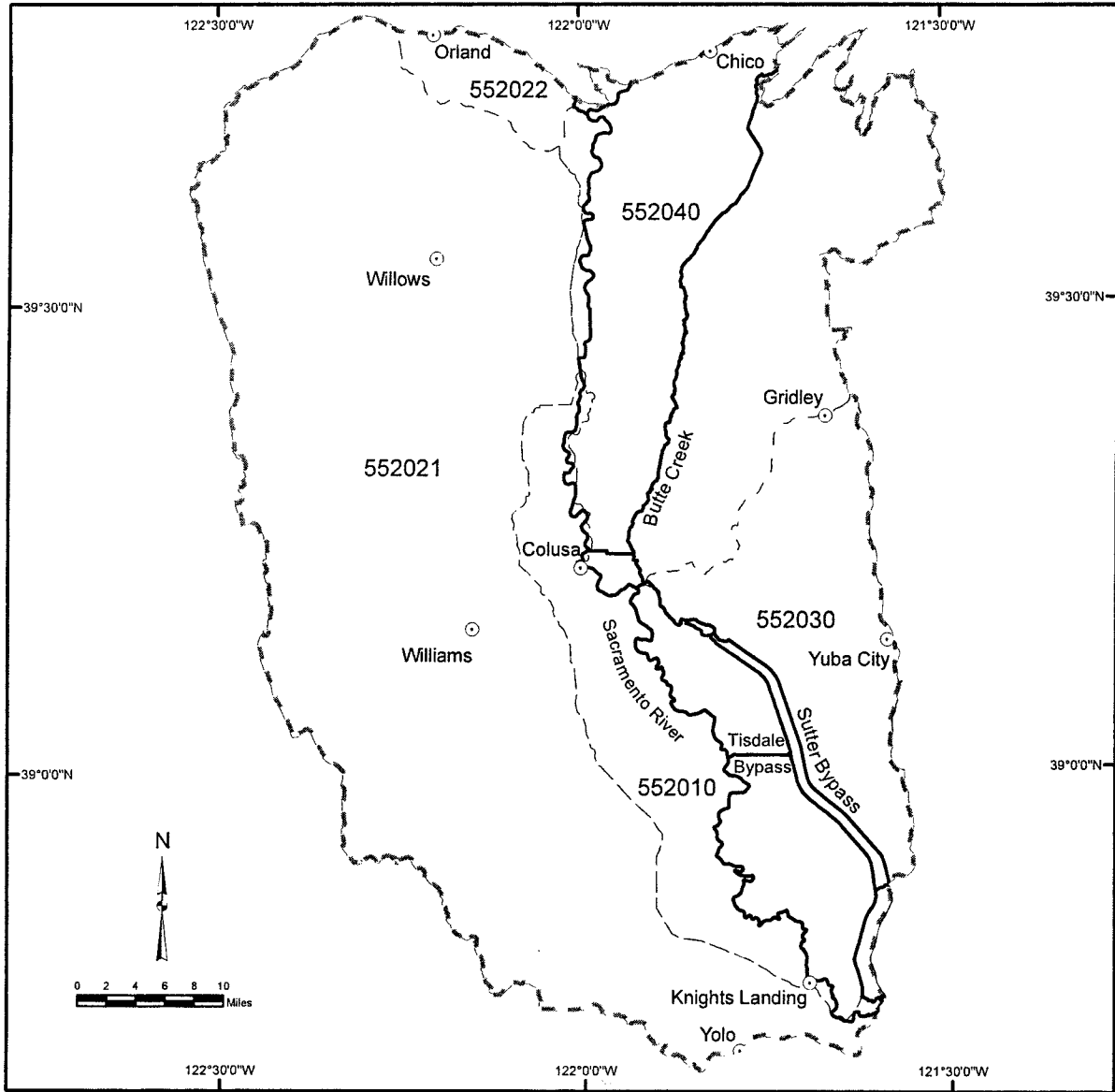


- Cities/Towns
- Critical Habitat
- ▭ Hydrologic Unit Boundary
- ▭ Fifth Field Calwater Hydrologic Sub-Area Boundary
- ▭ 110701 Fifth Field Calwater Hydrologic Sub-Area Number



**Critical Habitat for the
Central Valley Spring-run Chinook Salmon**

**Colusa Basin Hydrologic Unit
5520**



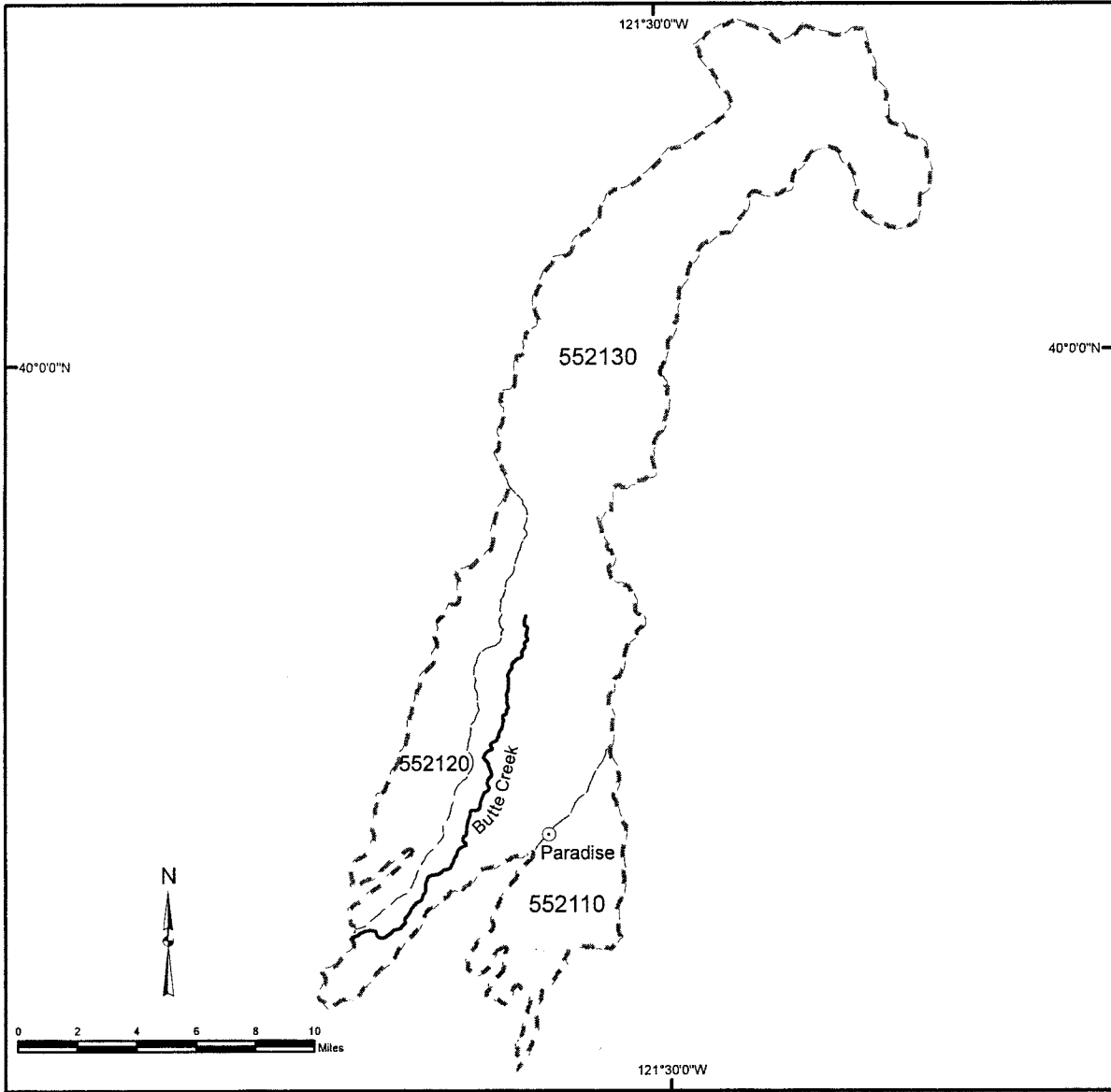
- Cities/Towns
- Critical Habitat
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the Central Valley Spring-run Chinook Salmon

Butte Creek Hydrologic Unit 5521

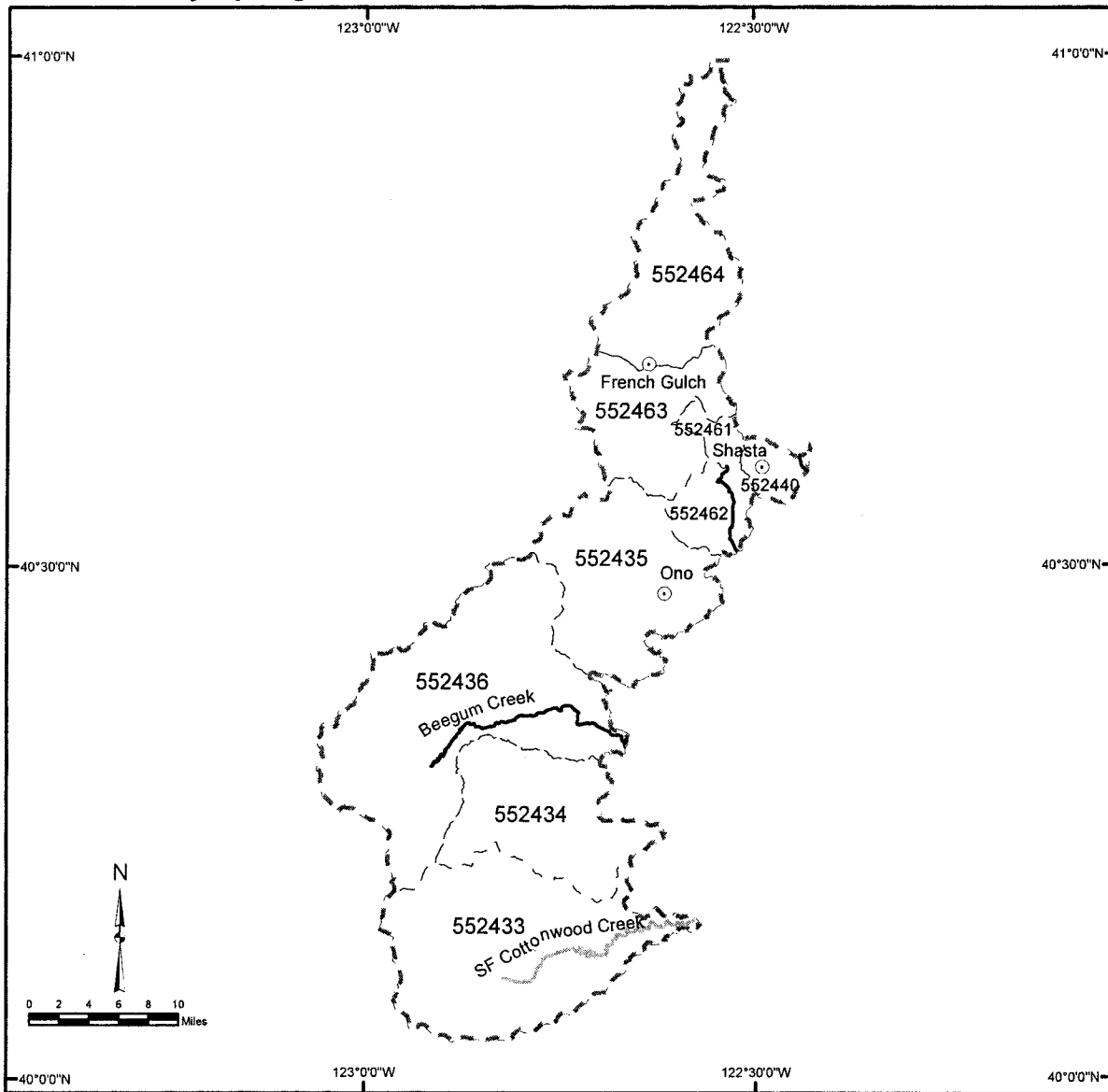


- Cities/Towns
- Critical Habitat
- - - Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



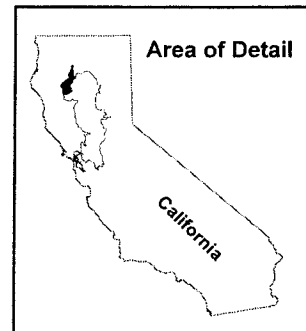
**Critical Habitat for the
Central Valley Spring-run Chinook Salmon**

**Shasta Bally Hydrologic Unit
5524**



- Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



(l) *Central Valley steelhead (O. mykiss)*. Critical habitat is designated to include the areas defined in the following CALWATER Hydrologic Units:

(1) Tehama Hydrologic Unit 5504—(i) *Lower Stony Creek Hydrologic Sub-area 550410*. Outlet(s) = Stony Creek (Lat 39.6760, Long -121.9732) upstream to endpoint(s) in: Stony Creek (39.8199, -122.3391).

(ii) Red Bluff Hydrologic Sub-area 550420. Outlet(s) = Sacramento River (Lat 39.6998, Long -121.9419) upstream to endpoint(s) in: Antelope Creek (40.2023, -122.1272); Big Chico Creek (39.7757, -121.7525); Blue Tent Creek (40.2166, -122.2362); Burch Creek (39.8495, -122.1615); Butler Slough (40.1579, -122.1320); Craig Creek (40.1617, -122.1350); Deer Creek (40.0144, -121.9481); Dibble Creek (40.2002, -122.2421); Dye Creek (40.0910, -122.0719); Elder Creek (40.0438, -122.2133); Lindo Channel (39.7623, -121.7923); McClure Creek (40.0074, -122.1723); Mill Creek (40.0550, -122.0317); Mud Creek (39.7985, -121.8803); New Creek (40.1873, -122.1350); Oat Creek (40.0769, -122.2168); Red Bank Creek (40.1421, -122.2399); Rice Creek (39.8495, -122.1615); Rock Creek (39.8034, -121.9403); Salt Creek (40.1572, -122.1646); Thomes Creek (39.8822, -122.5527); Unnamed Tributary (40.1867, -122.1353); Unnamed Tributary (40.1682, -122.1459); Unnamed Tributary (40.1143, -122.1259); Unnamed Tributary (40.0151, -122.1148); Unnamed Tributary (40.0403, -122.1009); Unnamed Tributary (40.0514, -122.0851); Unnamed Tributary (40.0530, -122.0769).

(2) Whitmore Hydrologic Unit 5507—(i) *Inks Creek Hydrologic Sub-area 550711*. Outlet(s) = Inks Creek (Lat 40.3305, Long -122.1520) upstream to endpoint(s) in: Inks Creek (40.3418, -122.1332).

(ii) *Battle Creek Hydrologic Sub-area 550712*. Outlet(s) = Battle Creek (Lat 40.4083, Long -122.1102) upstream to endpoint(s) in: Baldwin Creek (40.4369, -121.9885); Battle Creek (40.4228, -121.9975); Brush Creek (40.4913, -121.8664); Millseat Creek (40.4808, -121.8526); Morgan Creek (40.3654, -121.9132); North Fork Battle Creek (40.4877, -121.8185); Panther Creek (40.3897, -121.6106); South Ditch (40.3997, -121.9223); Ripley Creek (40.4099, -121.8683); Soap Creek (40.3904, -121.7569); South Fork Battle Creek (40.3531, -121.6682); Unnamed Tributary (40.3567, -121.8293); Unnamed Tributary (40.4592, -121.8671).

(iii) *Ash Creek Hydrologic Sub-area 550721*. Outlet(s) = Ash Creek (Lat 40.4401, Long -122.1375) upstream to endpoint(s) in: Ash Creek (40.4628, -122.0066).

(iv) *Inwood Hydrologic Sub-area 550722*. Outlet(s) = Ash Creek (Lat 40.4628, Long -122.0066); Bear Creek (40.4352, -122.2039) upstream to endpoint(s) in: Ash Creek (40.4859, -121.8993); Bear Creek (40.5368, -121.9560); North Fork Bear Creek (40.5736, -121.8683).

(v) *South Cow Creek Hydrologic Sub-area 550731*. Outlet(s) = South Cow Creek (Lat 40.5438, Long -122.1318) upstream to endpoint(s) in: South Cow Creek (40.6023, -121.8623).

(vi) *Old Cow Creek Hydrologic Sub-area 550732*. Outlet(s) = Clover Creek (Lat 40.5788, Long -122.1252); Old Cow Creek (40.5442, -122.1317) upstream to endpoint(s) in: Clover Creek (40.6305, -122.0304); Old Cow Creek (40.6295, -122.9619).

(vii) *Little Cow Creek Hydrologic Sub-area 550733*. Outlet(s) = Little Cow Creek (Lat 40.6148, -122.2271); Oak Run Creek (40.6171, -122.1225) upstream to endpoint(s) in: Little Cow Creek (40.7114, -122.0850); Oak Run Creek (40.6379, -122.0856).

(3) Redding Hydrologic Unit 5508—(i) *Enterprise Flat Hydrologic Sub-area 550810*. Outlet(s) = Sacramento River (Lat 40.2526, Long -122.1707) upstream to endpoint(s) in: Ash Creek (40.4401, -122.1375); Battle Creek (40.4083, -122.1102); Bear Creek (40.4360, -122.2036); Calaboose Creek (40.5742, -122.4142); Canyon Creek (40.5532, -122.3814); Churn Creek (40.5986, -122.3418); Clear Creek (40.5158, -122.5256); Clover Creek (40.5788, -122.1252); Cottonwood Creek (40.3777, -122.1991); Cow Creek (40.5437, -122.1318); East Fork Stillwater Creek (40.6495, -122.2934); Inks Creek (40.3305, -122.1520); Jenny Creek (40.5734, -122.4338); Little Cow Creek (40.6148, -122.2271); Oak Run (40.6171, -122.1225); Old Cow Creek (40.5442, -122.1317); Olney Creek (40.5439, -122.4687); Oregon Gulch (40.5463, -122.3866); Paynes Creek (40.3024, -122.1012); Stillwater Creek (40.6495, -122.2934); Sulphur Creek (40.6164, -122.4077).

(ii) *Lower Cottonwood Hydrologic Sub-area 550820*. Outlet(s) = Cottonwood Creek (Lat 40.3777, Long -122.1991) upstream to endpoint(s) in: Cold Fork Cottonwood Creek (40.2060, -122.6608); Cottonwood Creek (40.3943, -122.5254); Middle Fork Cottonwood Creek (40.3314, -122.6663); North Fork Cottonwood Creek (40.4539, -122.5610); South Fork Cottonwood Creek (40.1578, -122.5809).

(4) Eastern Tehama Hydrologic Unit 5509—(i) *Big Chico Creek Hydrologic Sub-area 550914*. Outlet(s) = Big Chico Creek (Lat 39.7757, Long -121.7525) upstream to endpoint(s) in: Big Chico Creek (39.8898, -121.6952).

(ii) *Deer Creek Hydrologic Sub-area 550920*. Outlet(s) = Deer Creek (Lat 40.0142, Long -121.9476) upstream to endpoint(s) in: Deer Creek (40.2025, -121.5130).

(iii) *Upper Mill Creek Hydrologic Sub-area 550942*. Outlet(s) = Mill Creek (Lat 40.0550, Long -122.0317) upstream to endpoint(s) in: Mill Creek (40.3766, -121.5098); Rocky Gulch Creek (40.2888, -121.5997).

(iv) *Dye Creek Hydrologic Sub-area 550962*. Outlet(s) = Dye Creek (Lat 40.0910, Long -122.0719) upstream to endpoint(s) in: Dye Creek (40.0996, -121.9612).

(v) *Antelope Creek Hydrologic Sub-area 550963*. Outlet(s) = Antelope Creek (Lat 40.2023, Long -122.1272) upstream to endpoint(s) in: Antelope Creek (40.2416, -121.8630); Middle Fork Antelope Creek (40.2673, -121.7744); North Fork Antelope Creek (40.2807, -121.7645); South Fork Antelope Creek (40.2521, -121.7575).

(5) Sacramento Delta Hydrologic Unit 5510—*Sacramento Delta Hydrologic Sub-area 551000*. Outlet(s) = Sacramento River (Lat 38.0653, Long -121.8418) upstream to endpoint(s) in: Cache Slough (38.2984, -121.7490); Elk Slough (38.4140, -121.5212); Elkhorn Slough (38.2898, -121.6271); Georgiana Slough (38.2401, -121.5172); Horseshoe Bend (38.1078, -121.7117); Lindsey Slough (38.2592, -121.7580); Miners Slough (38.2864, -121.6051); Prospect Slough (38.2830, -121.6641); Putah Creek (38.5155, -121.5885); Sevenmile Slough (38.1171, -121.6298); Streamboat Slough (38.3052, -121.5737); Sutter Slough (38.3321, -121.5838); Threemile Slough (38.1155, -121.6835); Ulatis Creek (38.2961, -121.7835); Unnamed Tributary (38.2937, -121.7803); Unnamed Tributary (38.2937, -121.7804); Yolo Bypass (38.5800, -121.5838).

(6) Valley-Putah-Cache Hydrologic Unit 5511—*Lower Putah Creek Hydrologic Sub-area 551120*. Outlet(s) = Sacramento Bypass (Lat 38.6057, Long -121.5563); Yolo Bypass (38.5800, -121.5838) upstream to endpoint(s) in: Sacramento Bypass (38.5969, -121.5888); Yolo Bypass (38.7627, -121.6325).

(7) American River Hydrologic Unit 5514—*Auburn Hydrologic Sub-area 551422*. Outlet(s) = Auburn Ravine (Lat 38.8921, Long -121.2181); Coon Creek (38.9891, -121.2556); Doty Creek (38.9401, -121.2434) upstream to

endpoint(s) in: Auburn Ravine (38.8888, -121.1151); Coon Creek (38.9659, -121.1781); Doty Creek (38.9105, -121.1244).

(8) Marysville Hydrologic Unit 5515—(i) *Lower Bear River Hydrologic Sub-area 551510*. Outlet(s) = Bear River (Lat 39.9398, Long -121.5790) upstream to endpoint(s) in: Bear River (39.0421, -121.3319).

(ii) *Lower Yuba River Hydrologic Sub-area 551530*. Outlet(s) = Yuba River (Lat 39.1270, Long -121.5981) upstream to endpoint(s) in: Yuba River (39.2203, -121.3314).

(iii) *Lower Feather River Hydrologic Sub-area 551540*. Outlet(s) = Feather River (Lat 39.1264, Long -121.5984) upstream to endpoint(s) in: Feather River (39.5205, -121.5475).

(9) Yuba River Hydrologic Unit 5517—(i) *Browns Valley Hydrologic Sub-area 551712*. Outlet(s) = Dry Creek (Lat 39.2215, Long -1121.4082); Yuba River (39.2203, -1121.3314) upstream to endpoint(s) in: Dry Creek (39.3232, Long -1121.3155); Yuba River (39.2305, -1121.2813).

(ii) *Englebright Hydrologic Sub-area 551714*. Outlet(s) = Yuba River (Lat 39.2305, Long -1121.2813) upstream to endpoint(s) in: Yuba River (39.2399, -1121.2689).

(10) Valley American Hydrologic Unit 5519—(i) *Lower American Hydrologic Sub-area 551921*. Outlet(s) = American River (Lat 38.5971, -1121.5088) upstream to endpoint(s) in: American River (38.6373, -1121.2202); Dry Creek (38.7554, -1121.2676); Miner's Ravine (38.8429, -1121.1178); Natomas East Main Canal (38.6646, -1121.4770); Secret Ravine (38.8541, -1121.1223).

(ii) *Pleasant Grove Hydrologic Sub-area 551922*. Outlet(s) = Sacramento River (Lat 38.6026, Long -1121.5155) upstream to endpoint(s) in: Auburn Ravine (38.8913, -1121.2424); Coon Creek (38.9883, -1121.2609); Doty Creek (38.9392, -1121.2475); Feather River (39.1264, -1121.5984).

(11) Colusa Basin Hydrologic Unit 5520—(i) *Sycamore-Sutter Hydrologic Sub-area 552010*. Outlet(s) = Sacramento River (Lat 38.7604, Long -1121.6767) upstream to endpoint(s) in: Tisdale Bypass (39.0261, -1121.7456).

(ii) *Sutter Bypass Hydrologic Sub-area 552030*. Outlet(s) = Sacramento River (Lat 38.7851, Long -1121.6238) upstream to endpoint(s) in: Butte Creek (39.1990, -1121.9286); Butte Slough (39.1987, -1121.9285); Nelson Slough (38.8956, -1121.6180); Sacramento Slough (38.7844, -1121.6544); Sutter Bypass (39.1586, -1121.8747).

(iii) *Butte Basin Hydrologic Sub-area 552040*. Outlet(s) = Butte Creek (Lat 39.1990, Long -1121.9286); Sacramento

River (39.4141, -1122.0087) upstream to endpoint(s) in: Butte Creek (39.7096, -1121.7504); Colusa Bypass (39.2276, -1121.9402); Little Chico Creek (39.7380, -1121.7490); Little Dry Creek (39.6781, -1121.6580).

(12) Butte Creek Hydrologic Unit 5521—(i) *Upper Dry Creek Hydrologic Sub-area 552110*. Outlet(s) = Little Dry Creek (Lat 39.6781, -1121.6580) upstream to endpoint(s) in: Little Dry Creek (39.7424, -1121.6213).

(ii) *Upper Butte Creek Hydrologic Sub-area 552120*. Outlet(s) = Little Chico Creek (Lat 39.7380, Long -1121.7490) upstream to endpoint(s) in: Little Chico Creek (39.8680, -1121.6660).

(iii) *Upper Little Chico Hydrologic Sub-area 552130*. Outlet(s) = Butte Creek (Lat 39.7096, Long -1121.7504) upstream to endpoint(s) in: Butte Creek (39.8215, -1121.6468); Little Butte Creek (39.8159, -1121.5819).

(13) Ball Mountain Hydrologic Unit 5523—*Thomes Creek Hydrologic Sub-area 552310*. Outlet(s) = Thomes Creek (39.8822, -1122.5527) upstream to endpoint(s) in: Doll Creek (39.8941, -1122.9209); Fish Creek (40.0176, -1122.8142); Snake Creek (39.9945, -1122.7788); Thomes Creek (39.9455, -1122.8491); Willow Creek (39.8941, -1122.9209).

(14) Shasta Bally Hydrologic Unit 5524—(i) *South Fork Hydrologic Sub-area 552433*. Outlet(s) = Cold Fork Cottonwood Creek (Lat 40.2060, Long -1122.6608); South Fork Cottonwood Creek (40.1578, -1122.5809) upstream to endpoint(s) in: Cold Fork Cottonwood Creek (40.1881, -1122.8690); South Fork Cottonwood Creek (40.1232, -1122.8761).

(ii) *Platina Hydrologic Sub-area 552436*. Outlet(s) = Middle Fork Cottonwood Creek (Lat 40.3314, Long -1122.6663) upstream to endpoint(s) in: Beegum Creek (40.3149, -1122.9776); Middle Fork Cottonwood Creek (40.3512, -1122.9629).

(iii) *Spring Creek Hydrologic Sub-area 552440*. Outlet(s) = Sacramento River (Lat 40.5943, Long -1122.4343) upstream to endpoint(s) in: Middle Creek (40.5904, -1121.4825); Rock Creek (40.6155, -1122.4702); Sacramento River (40.6116, -1122.4462); Salt Creek (40.5830, -1122.4586); Unnamed Tributary (40.5734, -1122.4844).

(iv) *Kanaka Peak Hydrologic Sub-area 552462*. Outlet(s) = Clear Creek (Lat 40.5158, Long -1122.5256) upstream to endpoint(s) in: Clear Creek (40.5998, -1122.5399).

(15) North Valley Floor Hydrologic Unit 5531—(i) *Lower Mokelumne Hydrologic Sub-area 553120*. Outlet(s) =

Mokelumne River (Lat 38.2104, Long -1121.3804) upstream to endpoint(s) in: Mokelumne River (38.2263, -1121.0241); Murphy Creek (38.2491, -1121.0119).

(ii) *Lower Calaveras Hydrologic Sub-area 553130*. Outlet(s) = Calaveras River (Lat 37.9836, Long -1121.3110); Mormon Slough (37.9456, -121.2907) upstream to endpoint(s) in: Calaveras River (38.1025, -1120.8503); Mormon Slough (38.0532, -1121.0102); Stockton Diverting Canal (37.9594, -1121.2024).

(16) Upper Calaveras Hydrologic Unit 5533—*New Hogan Reservoir Hydrologic Sub-area 553310*. Outlet(s) = Calaveras River (Lat 38.1025, Long -1120.8503) upstream to endpoint(s) in: Calaveras River (38.1502, -1120.8143).

(17) Stanislaus River Hydrologic Unit 5534—*Table Mountain Hydrologic Sub-area 553410*. Outlet(s) = Stanislaus River (Lat 37.8355, Long -1120.6513) upstream to endpoint(s) in: Stanislaus River (37.8631, -1120.6298).

(18) San Joaquin Valley Floor Hydrologic Unit 5535—(i) *Riverbank Hydrologic Sub-area 553530*. Outlet(s) = Stanislaus River (Lat 37.6648, Long -1121.2414) upstream to endpoint(s) in: Stanislaus River (37.8355, -1120.6513).

(ii) *Turlock Hydrologic Sub-area 553550*. Outlet(s) = Tuolumne River (Lat 37.6059, Long -1121.1739) upstream to endpoint(s) in: Tuolumne River (37.6401, -1120.6526).

(iii) *Montpelier Hydrologic Sub-area 553560*. Outlet(s) = Tuolumne River (Lat 37.6401, Long -1120.6526) upstream to endpoint(s) in: Tuolumne River (37.6721, -1120.4445).

(iv) *El Nido-Stevinson Hydrologic Sub-area 553570*. Outlet(s) = Merced River (Lat 37.3505, Long -1120.9619) upstream to endpoint(s) in: Merced River (37.3620, -1120.8507).

(v) *Merced Hydrologic Sub-area 553580*. Outlet(s) = Merced River (Lat 37.3620, Long -1120.8507) upstream to endpoint(s) in: Merced River (37.4982, -1120.4612).

(vi) *Fahr Creek Hydrologic Sub-area 553590*. Outlet(s) = Merced River (Lat 37.4982, Long -1120.4612) upstream to endpoint(s) in: Merced River (37.5081, -1120.3581).

(19) Delta-Mendota Canal Hydrologic Unit 5541—(i) *Patterson Hydrologic Sub-area 554110*. Outlet(s) = San Joaquin River (Lat 37.6763, Long -1121.2653) upstream to endpoint(s) in: San Joaquin River (37.3491, -1120.9759).

(ii) *Los Banos Hydrologic Sub-area 554120*. Outlet(s) = Merced River (Lat 37.3490, Long -1120.9756) upstream to endpoint(s) in: Merced River (37.3505, -1120.9619).

(20) North Diablo Range Hydrologic Unit 5543—*North Diablo Range Hydrologic Sub-area 554300*. Outlet(s) = San Joaquin River (Lat 38.0247, Long -1121.8218) upstream to endpoint(s) in: San Joaquin River (38.0246, -1121.7471).

(21) San Joaquin Delta Hydrologic Unit 5544—*San Joaquin Delta Hydrologic Sub-area 554400*. Outlet(s) = San Joaquin River (Lat 38.0246, Long -1121.7471) upstream to endpoint(s) in: Big Break (38.0160, -1121.6849); Bishop Cut (38.0870, -1121.4158); Calaveras River (37.9836, -1121.3110); Cosumnes River (38.2538, -1121.4074); Disappointment Slough (38.0439,

-1121.4201); Dutch Slough (38.0088, -1121.6281); Empire Cut (37.9714, -1121.4762); False River (38.0479, -1121.6232); Frank's Tract (38.0220, -1121.5997); Frank's Tract (38.0300, -1121.5830); Holland Cut (37.9939, -1121.5757); Honker Cut (38.0680, -1121.4589); Kellog Creek (37.9158, -1121.6051); Latham Slough (37.9716, -1121.5122); Middle River (37.8216, -1121.3747); Mokelumne River (38.2104, -1121.3804); Mormon Slough (37.9456, -121.2907); Mosher Creek (38.0327, -1121.3650); North Mokelumne River (38.2274, -1121.4918); Old River (37.8086, -1121.3274); Orwood Slough (37.9409,

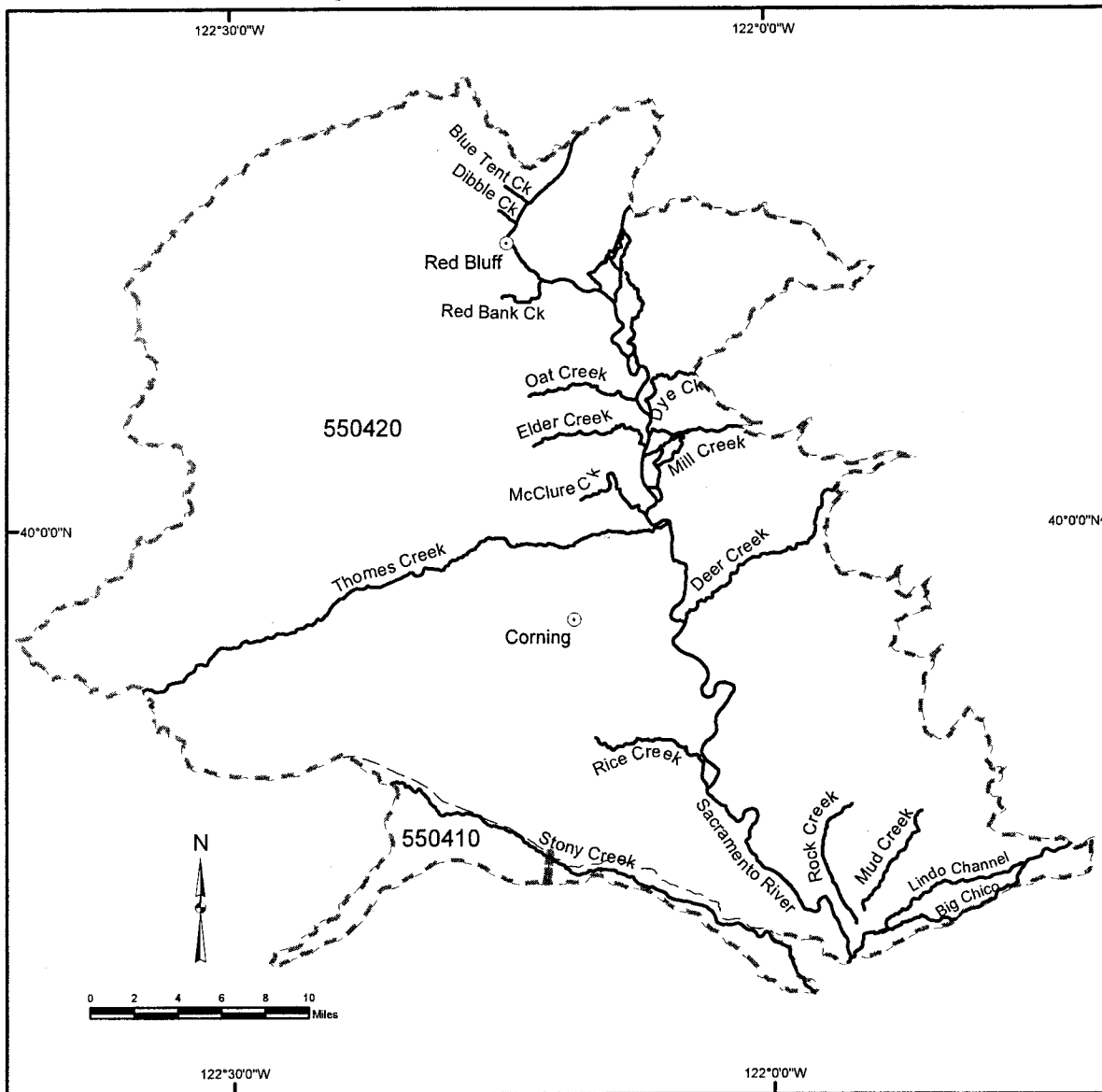
-1121.5332); Paradise Cut (37.7605, -1121.3085); Pixley Slough (38.0443, -1121.3868); Potato Slough (38.0440, -1121.4997); Rock Slough (37.9754, -1121.5795); Sand Mound Slough (38.0220, -1121.5997); Stockton Deep Water Channel (37.9957, -1121.4201); Turner Cut (37.9972, -1121.4434); Unnamed Tributary (38.1165, -1121.4976); Victoria Canal (37.8891, -1121.4895); White Slough (38.0818, -1121.4156); Woodward Canal (37.9037, -1121.4973).

(22) Maps of critical habitat for the Central Valley Steelhead ESU follow:

BILLING CODE 3510-22-P

Critical Habitat for the California Central Valley Steelhead

Tehama Hydrologic Unit 5504

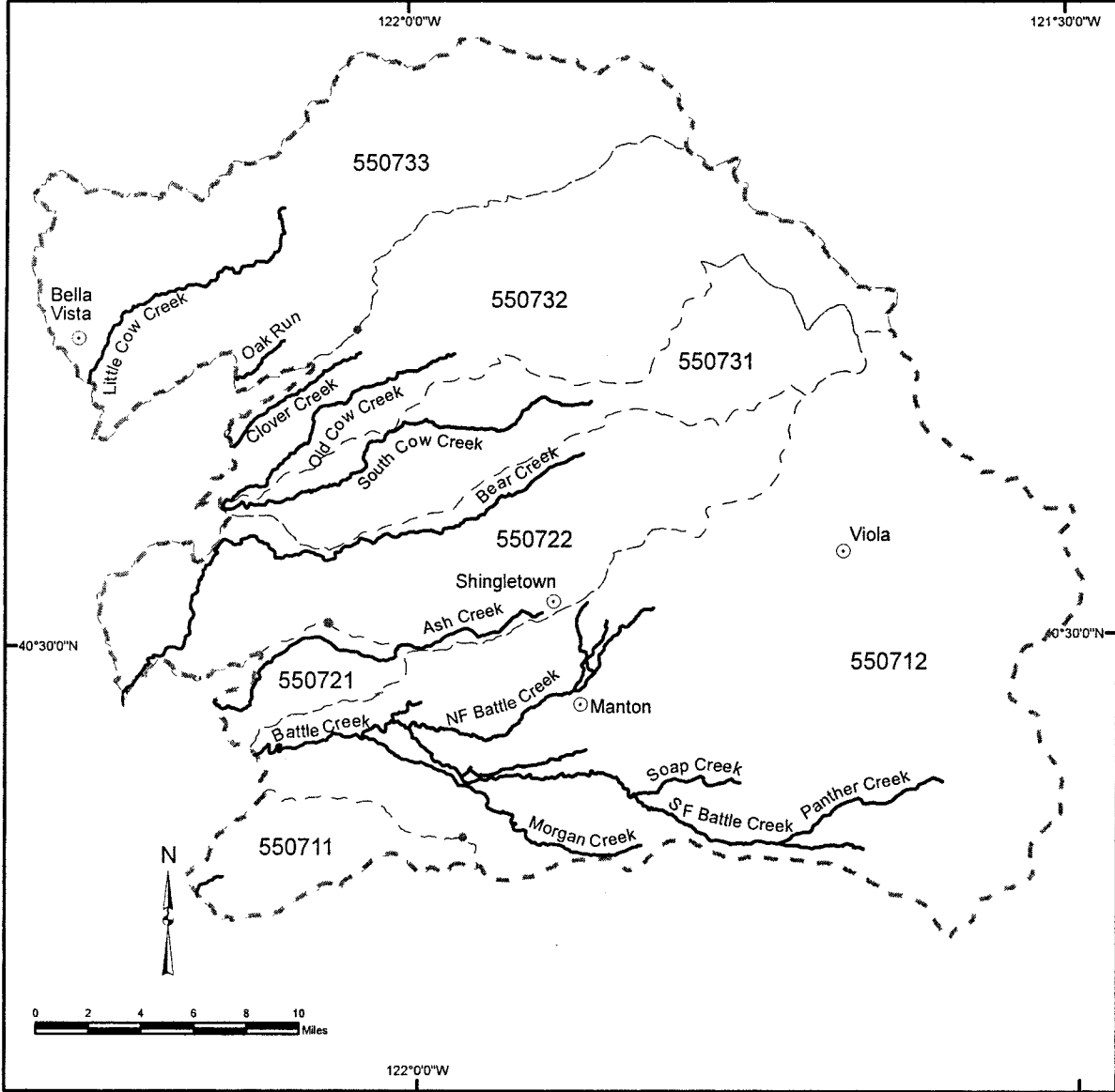


- ⊙ Cities/Towns
- Critical Habitat
- - - Hydrologic Unit Boundary
- ⋯ Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

Whitmore Hydrologic Unit
5507

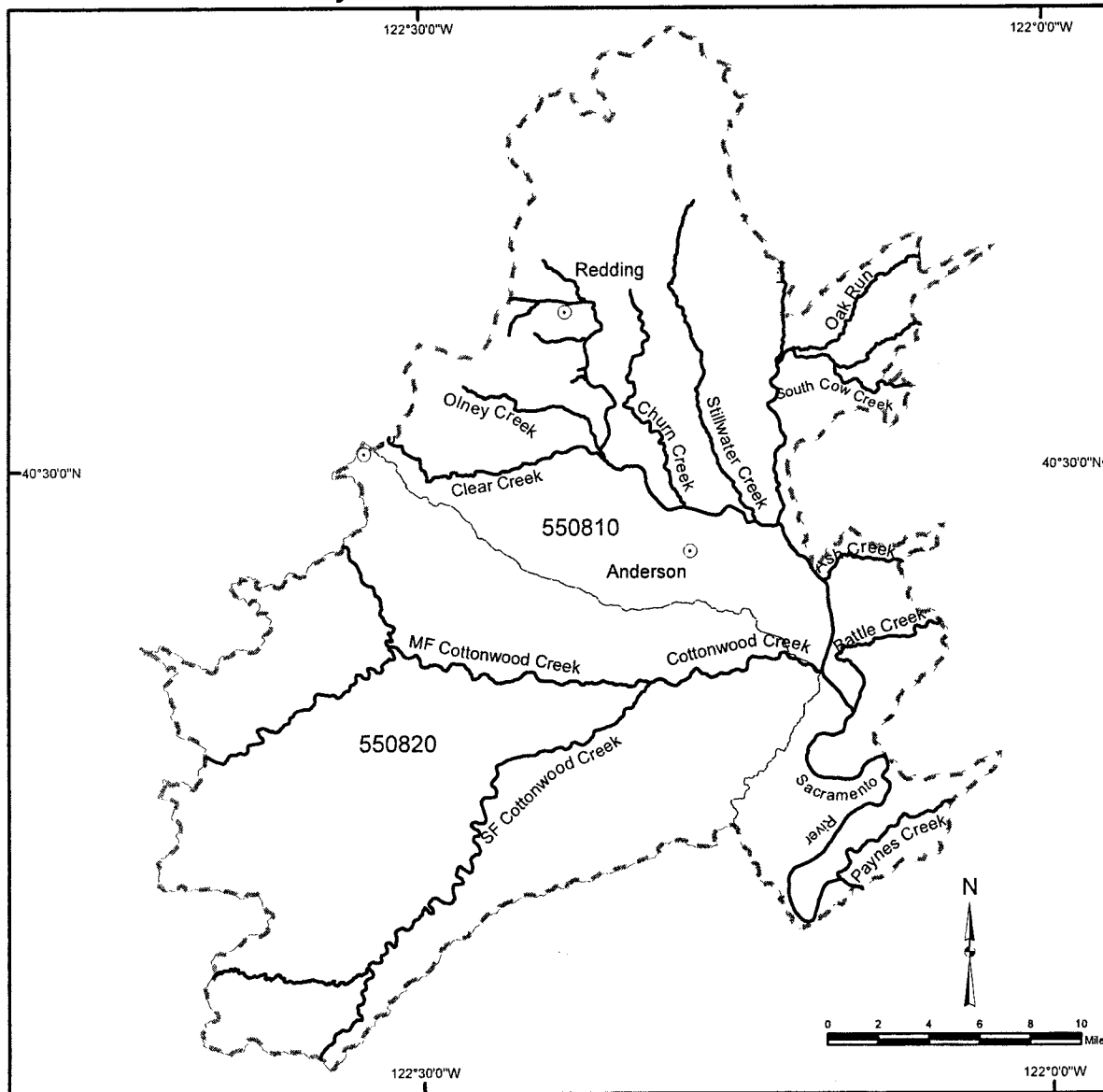


○ Cities/Towns
— Critical Habitat
- - - Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
110701 Fifth Field Calwater Hydrologic Sub-Area Number



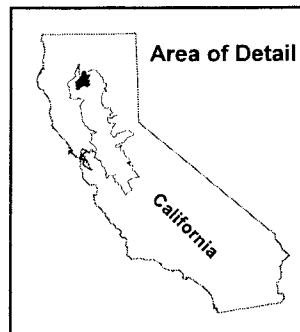
Critical Habitat for the California Central Valley Steelhead

Redding Hydrologic Unit 5508



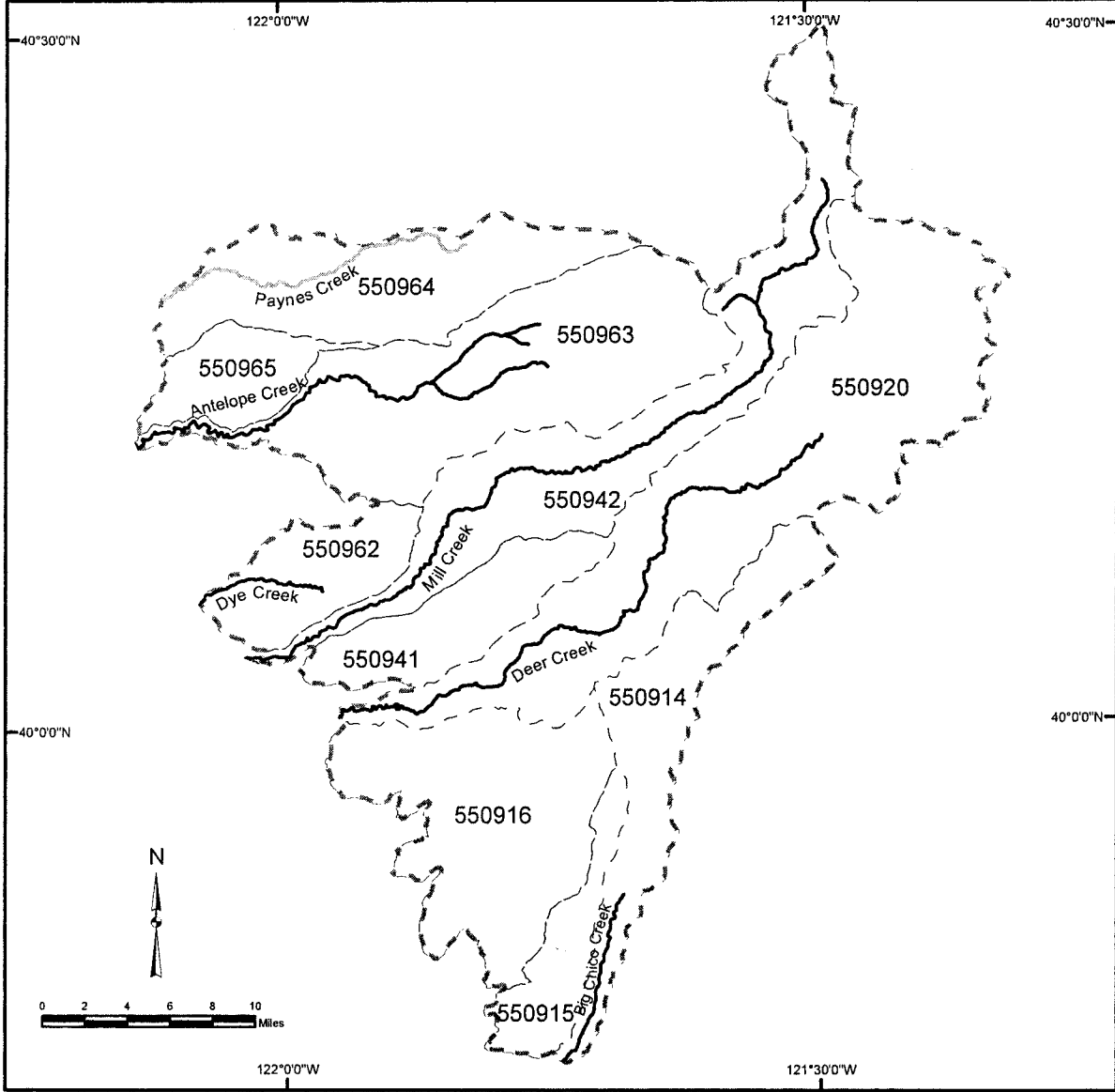
- ⊙ Cities/Towns
- Critical Habitat
- - - Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

Eastern Tehama Hydrologic Unit
5509



- Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

Sacramento Delta Hydrologic Unit 5510



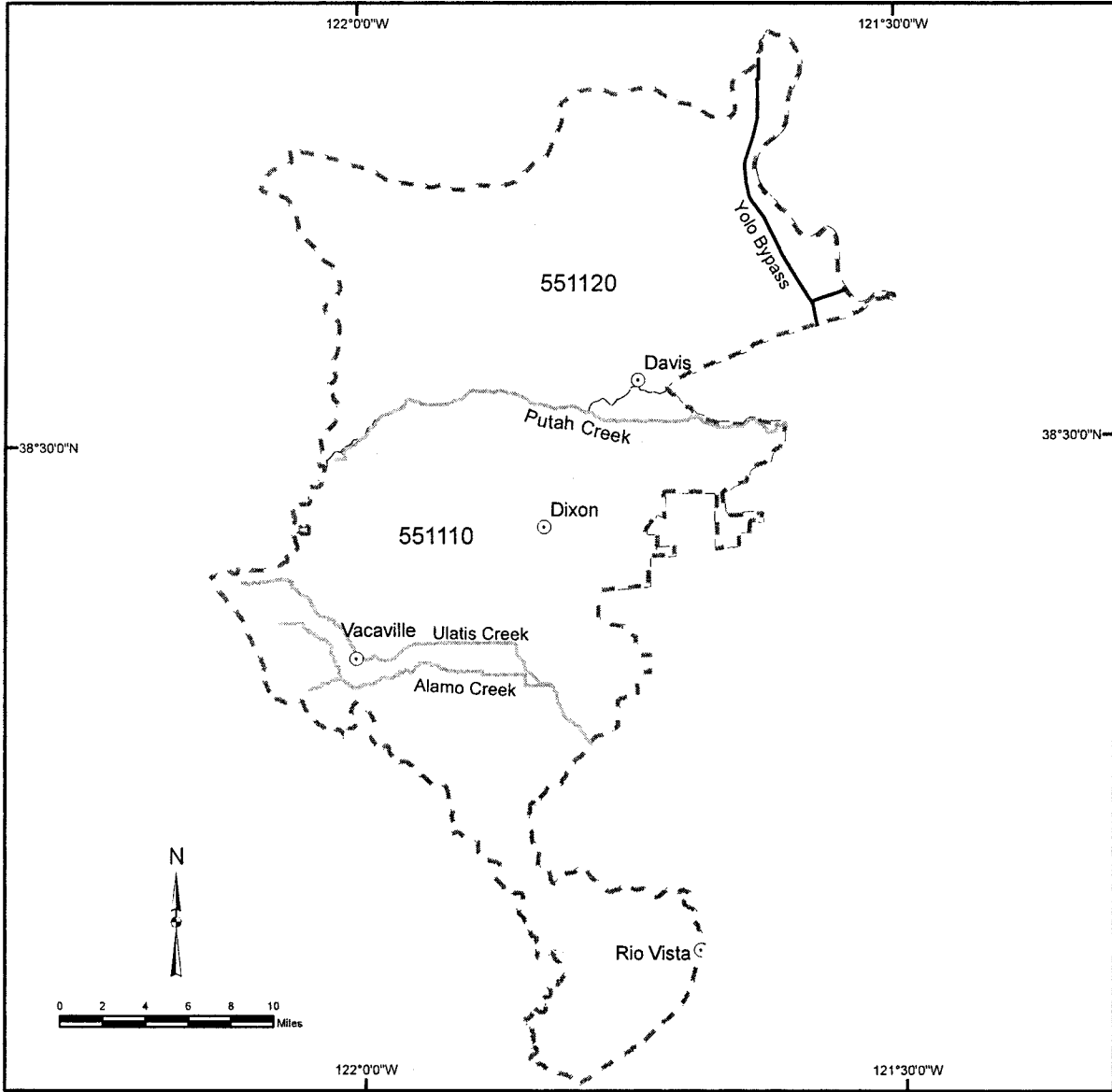
- Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

Valley Putah-Cache Hydrologic Unit 5511

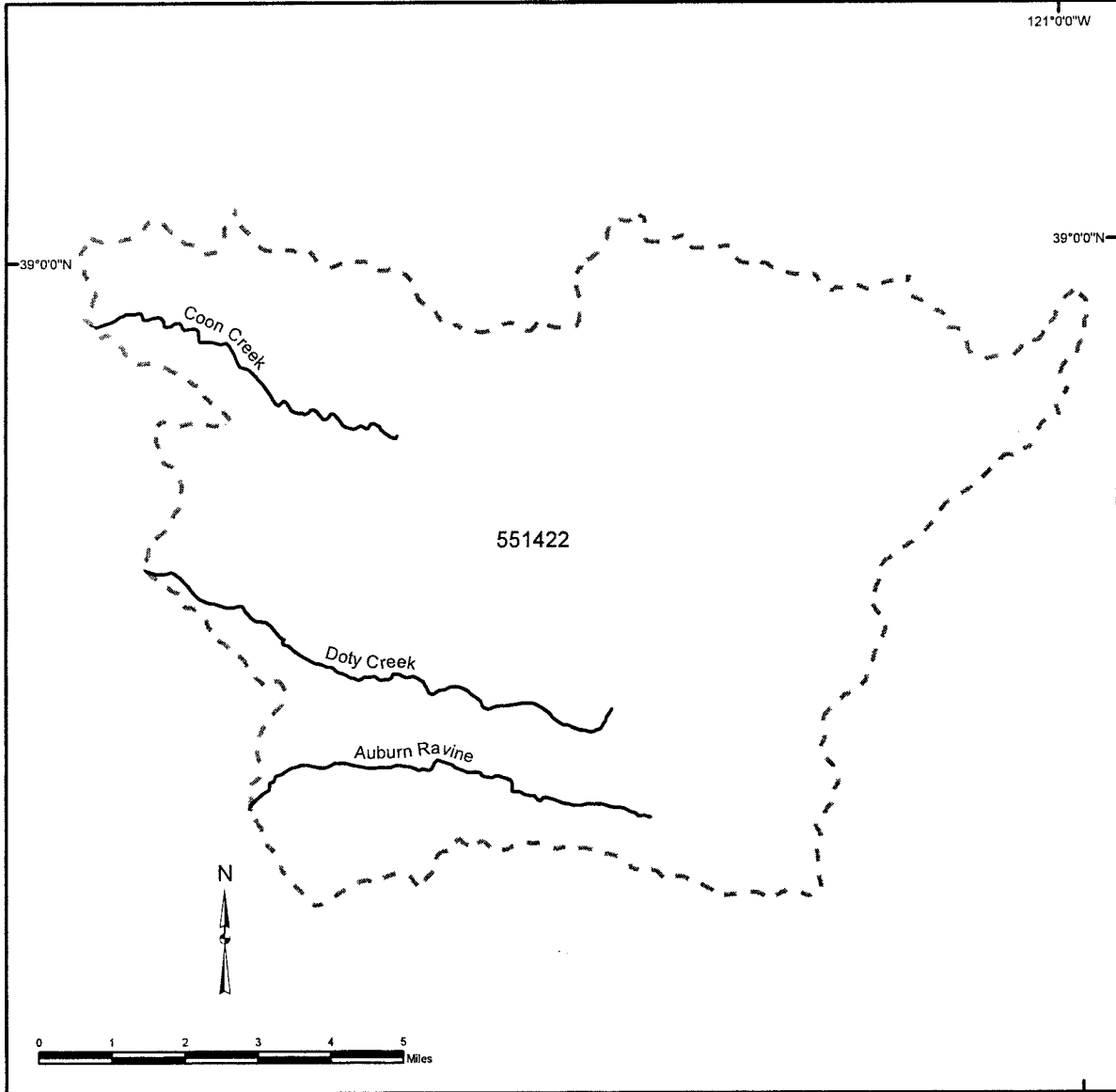


○ Cities/Towns
— Critical Habitat
..... Occupied but excluded streams / areas
- - - Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

American River Hydrologic Unit 5514



- Cities/Towns
- Critical Habitat
- - - Hydrologic Unit Boundary
- · · Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

Marysville Hydrologic Unit 5515



● Cities/Towns

— Critical Habitat

⋮ Hydrologic Unit Boundary

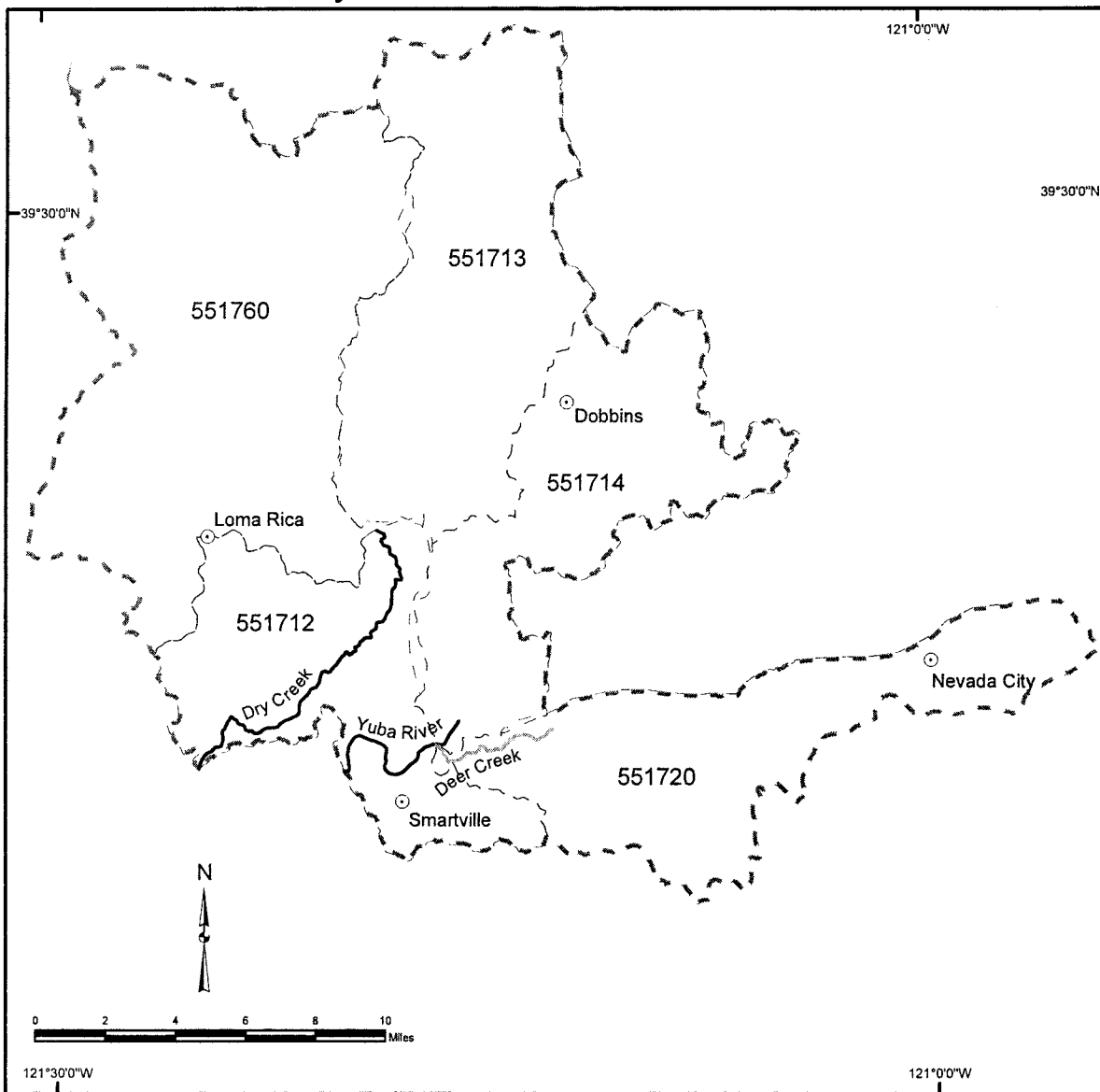
⋮ Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



**Critical Habitat for the
California Central Valley Steelhead**

**Yuba River Hydrologic Unit
5517**



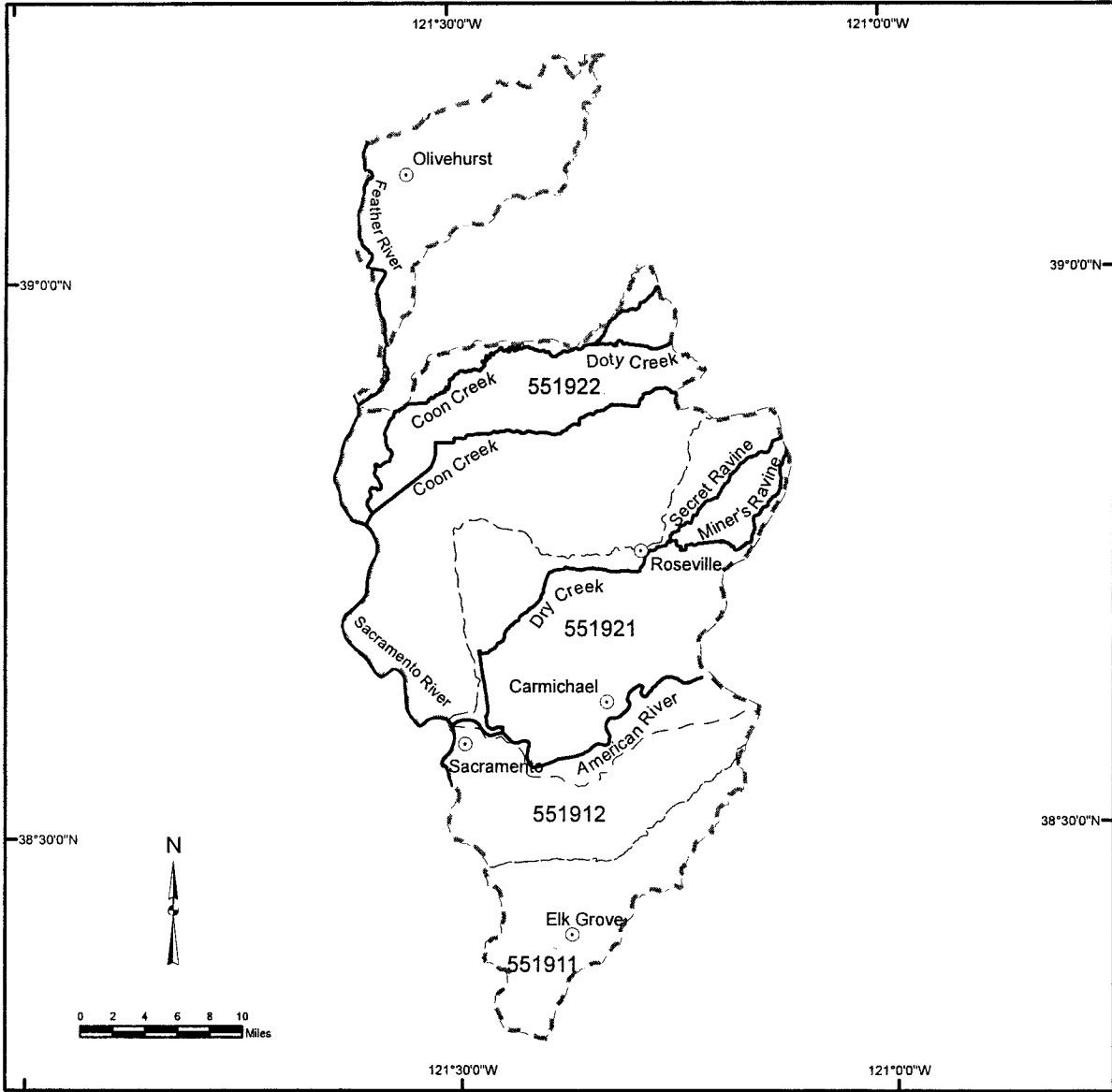
- ⊙ Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- ⋯ Hydrologic Unit Boundary
- ⋯ Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

Valley-American Hydrologic Unit 5519



• Cities/Towns

— Critical Habitat

⊞ Hydrologic Unit Boundary

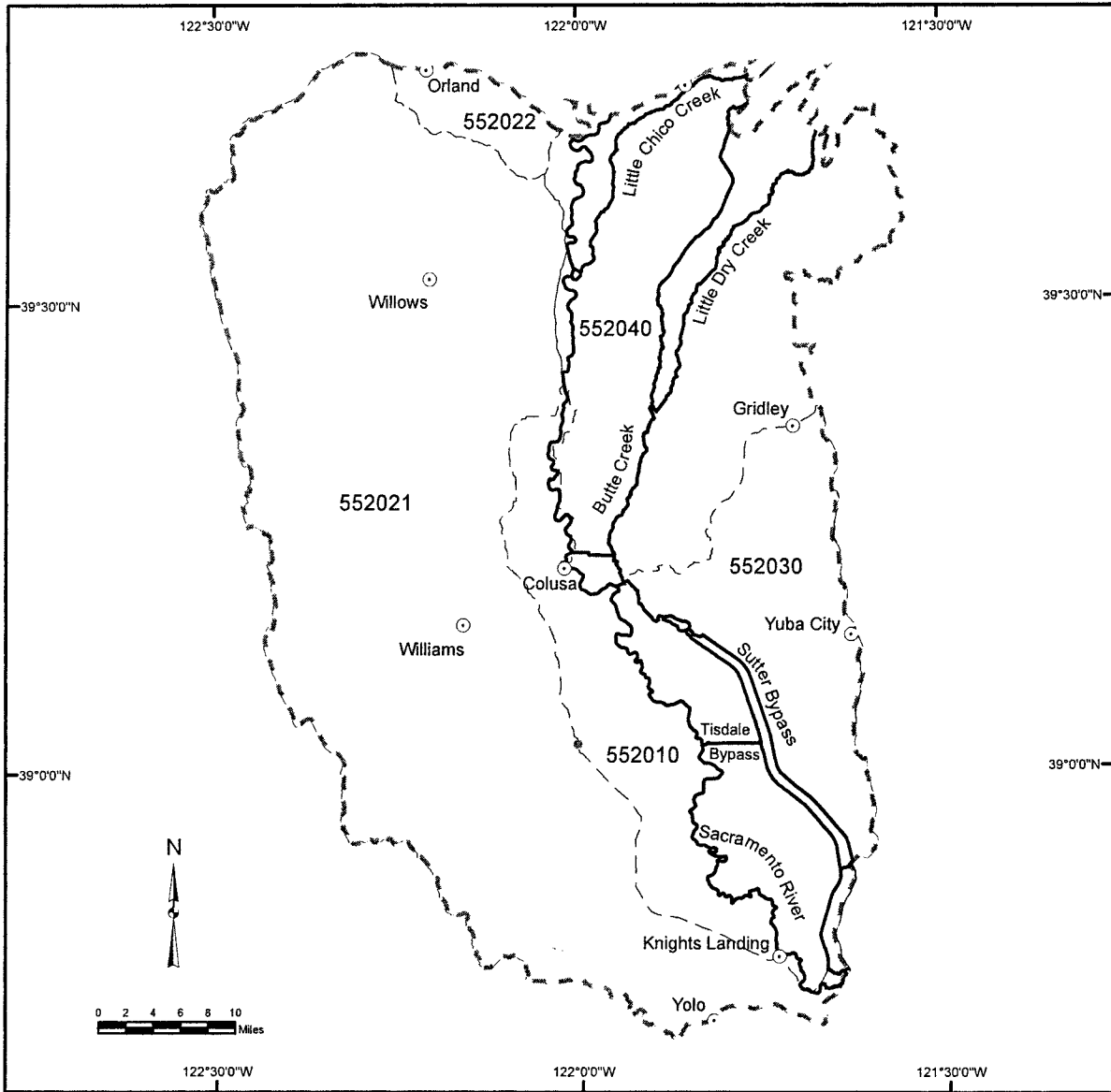
⊞ Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

Colusa Basin Hydrologic Unit 5520

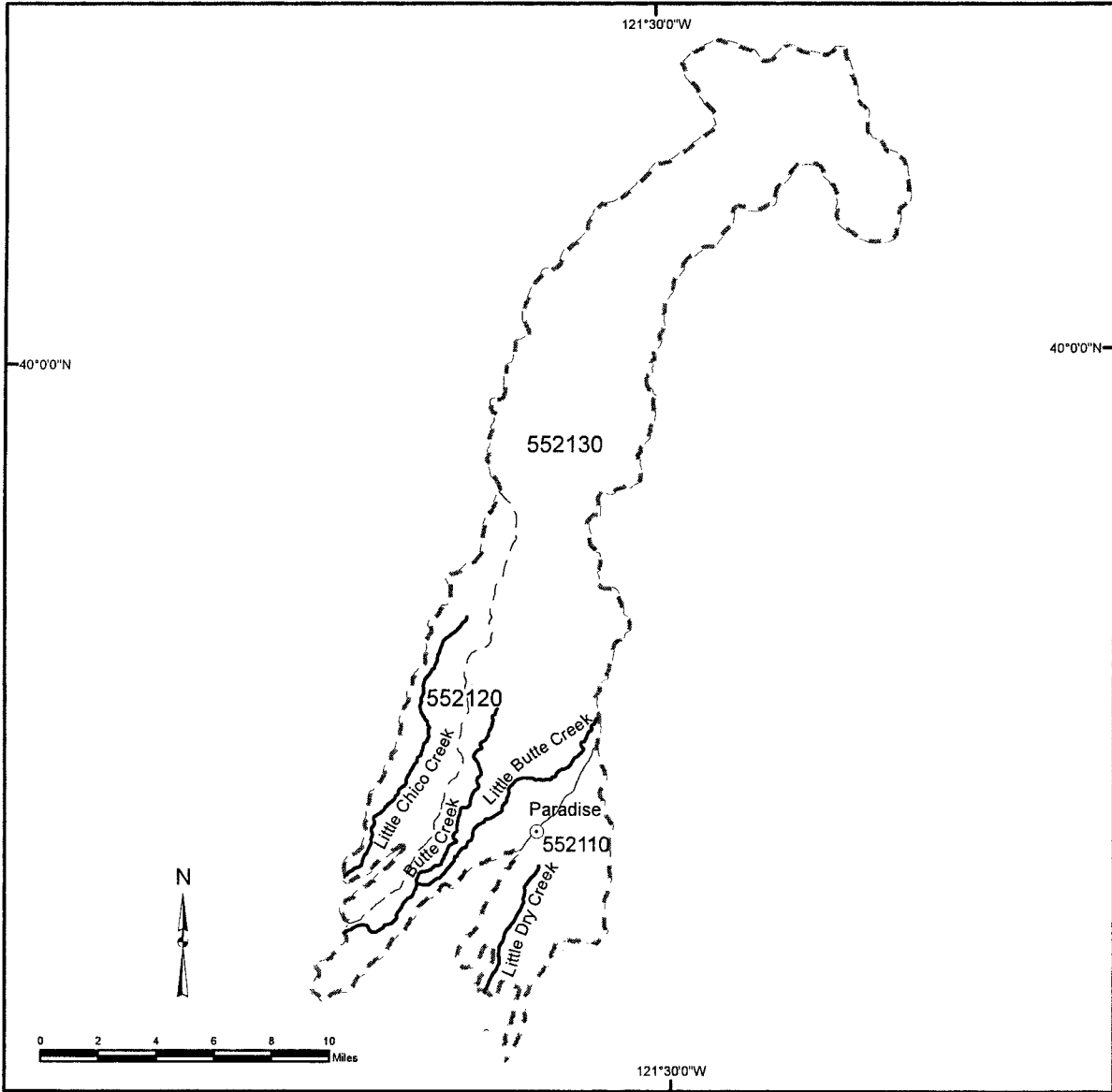


	Cities/Towns
	Critical Habitat
	Hydrologic Unit Boundary
	Fifth Field Calwater Hydrologic Sub-Area Boundary
110701 Fifth Field Calwater Hydrologic Sub-Area Number	



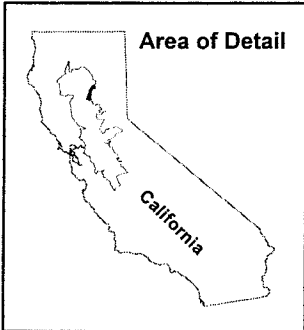
Critical Habitat for the California Central Valley Steelhead

Butte Creek Hydrologic Unit 5521



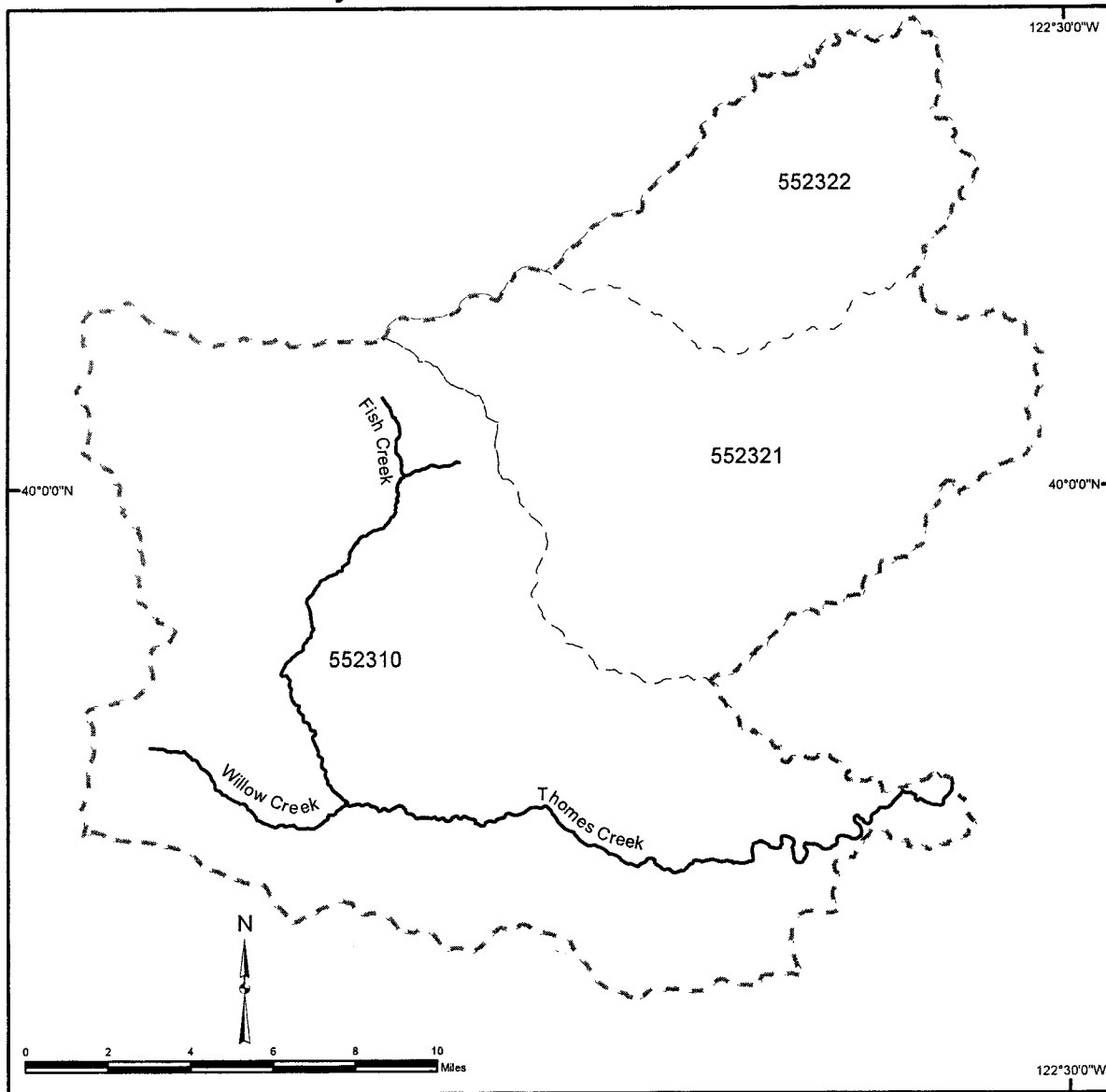
- Cities/Towns
- Critical Habitat
- Hydrologic Unit Boundary
- Fifth Field Calwater Hydrologic Sub-Area Boundary
- Fifth Field Calwater Hydrologic Sub-Area Number

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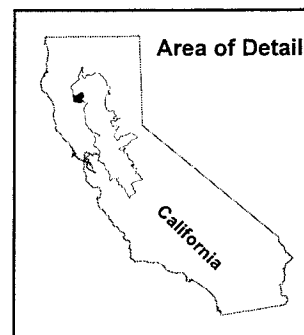


Critical Habitat for the California Central Valley Steelhead

Ball Mountain Hydrologic Unit
5523

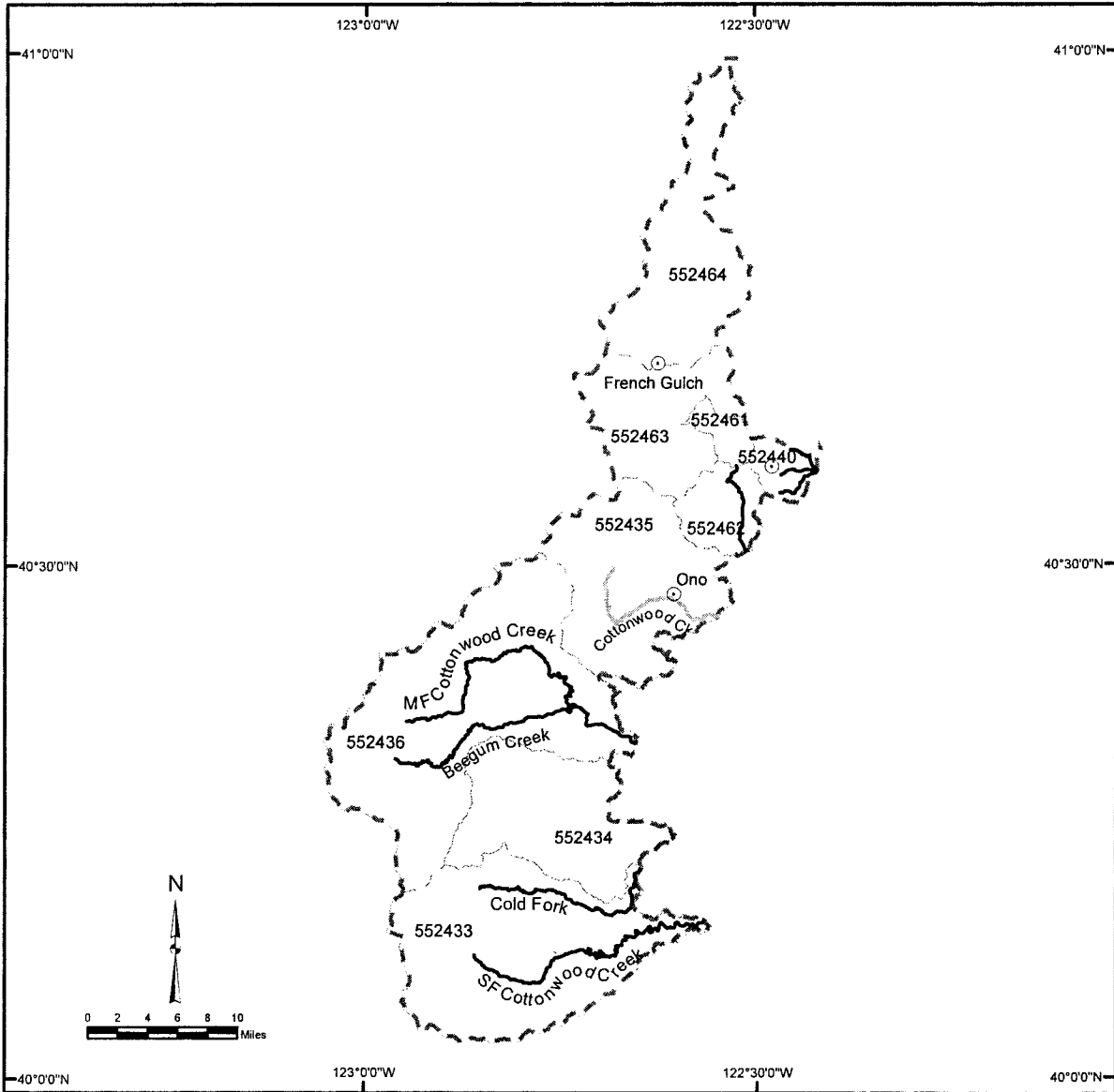







- Cities/Towns
- Critical Habitat
- - - Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

Shasta Bally Hydrologic Unit 5524



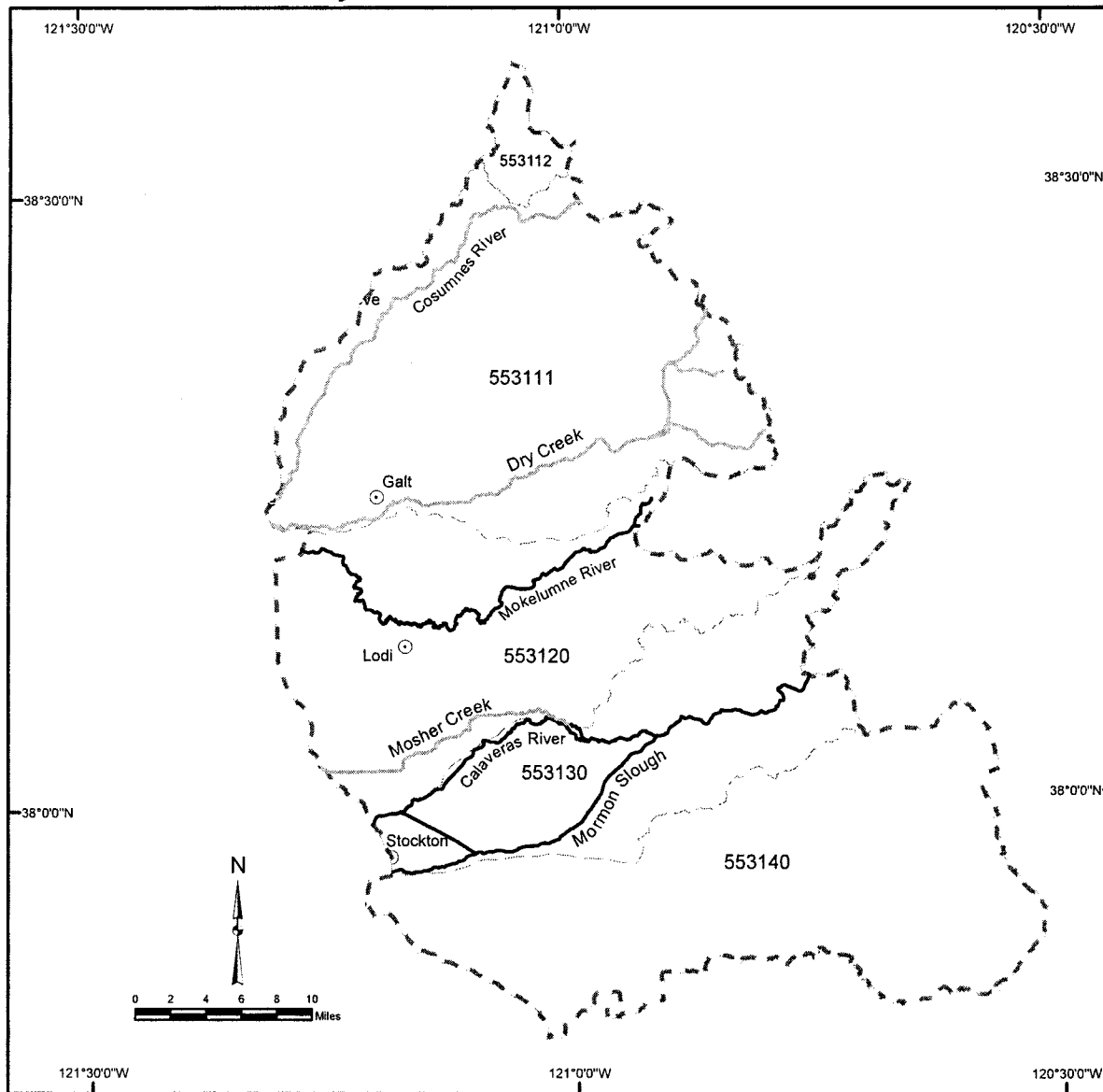
-  Cities/Towns
-  Critical Habitat
-  Occupied but excluded streams / areas
-  Hydrologic Unit Boundary
-  Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



Critical Habitat for the California Central Valley Steelhead

North Valley Floor Hydrologic Unit 5531



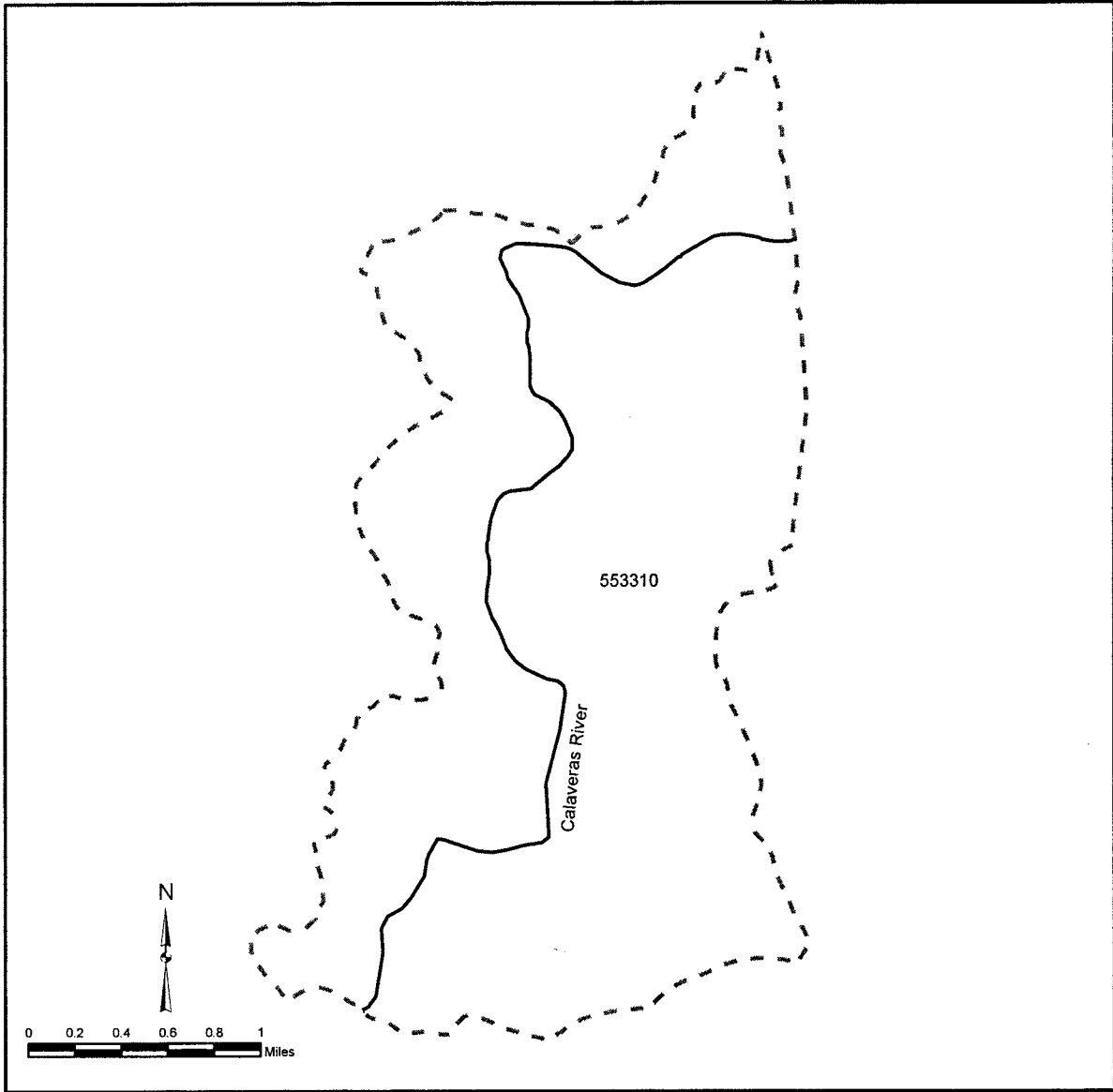
- ⊙ Cities/Towns
- Critical Habitat
- Occupied but excluded streams / areas
- ⋯ Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number



**Critical Habitat for the
California Central Valley Steelhead**

**Upper Calaveras Hydrologic Unit
5533**

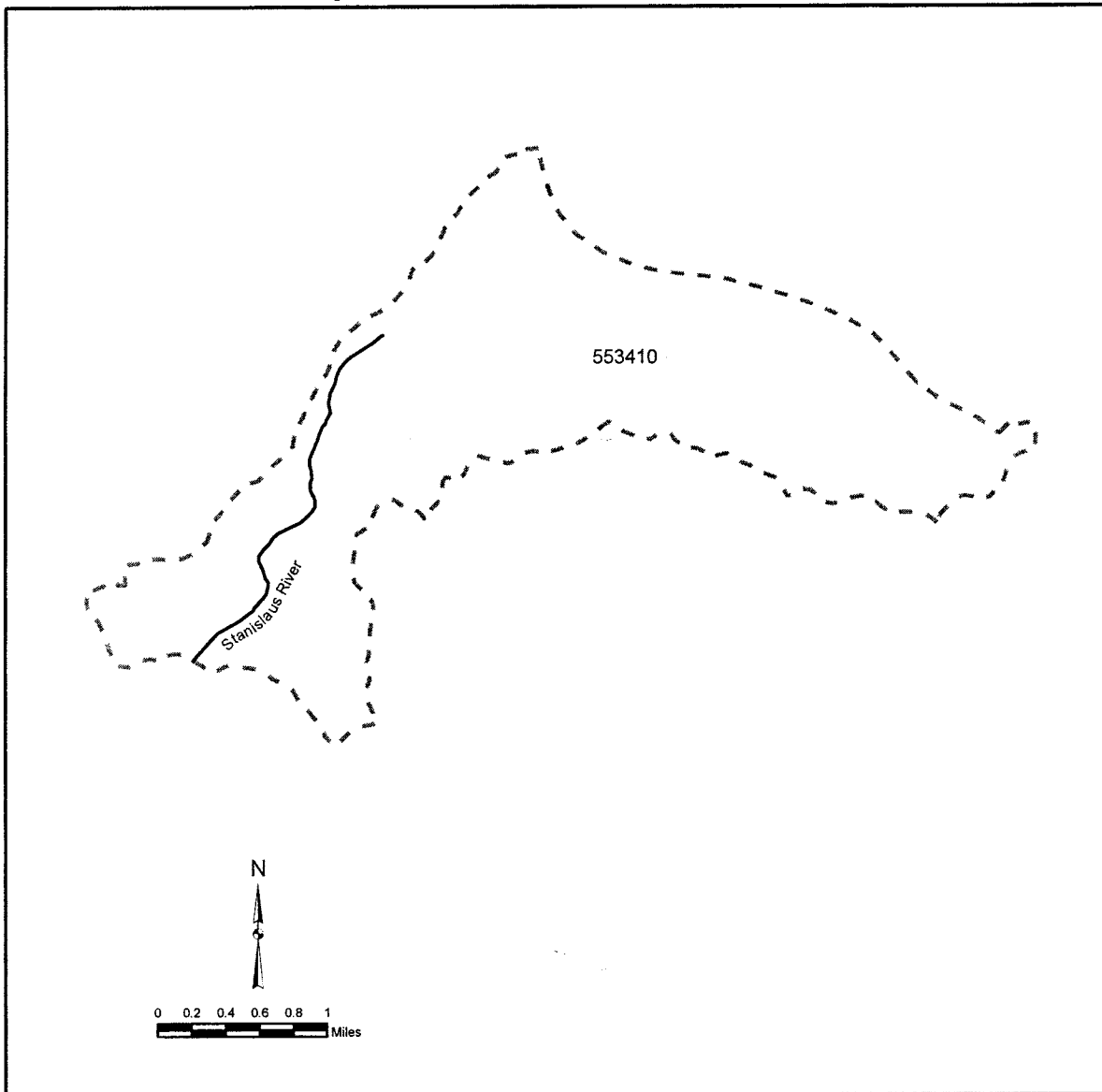


- Critical Habitat
 - - - Hydrologic Unit Boundary
 - · · Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number



**Critical Habitat for the
California Central Valley Steelhead**

**Stanislaus River Hydrologic Unit
5534**

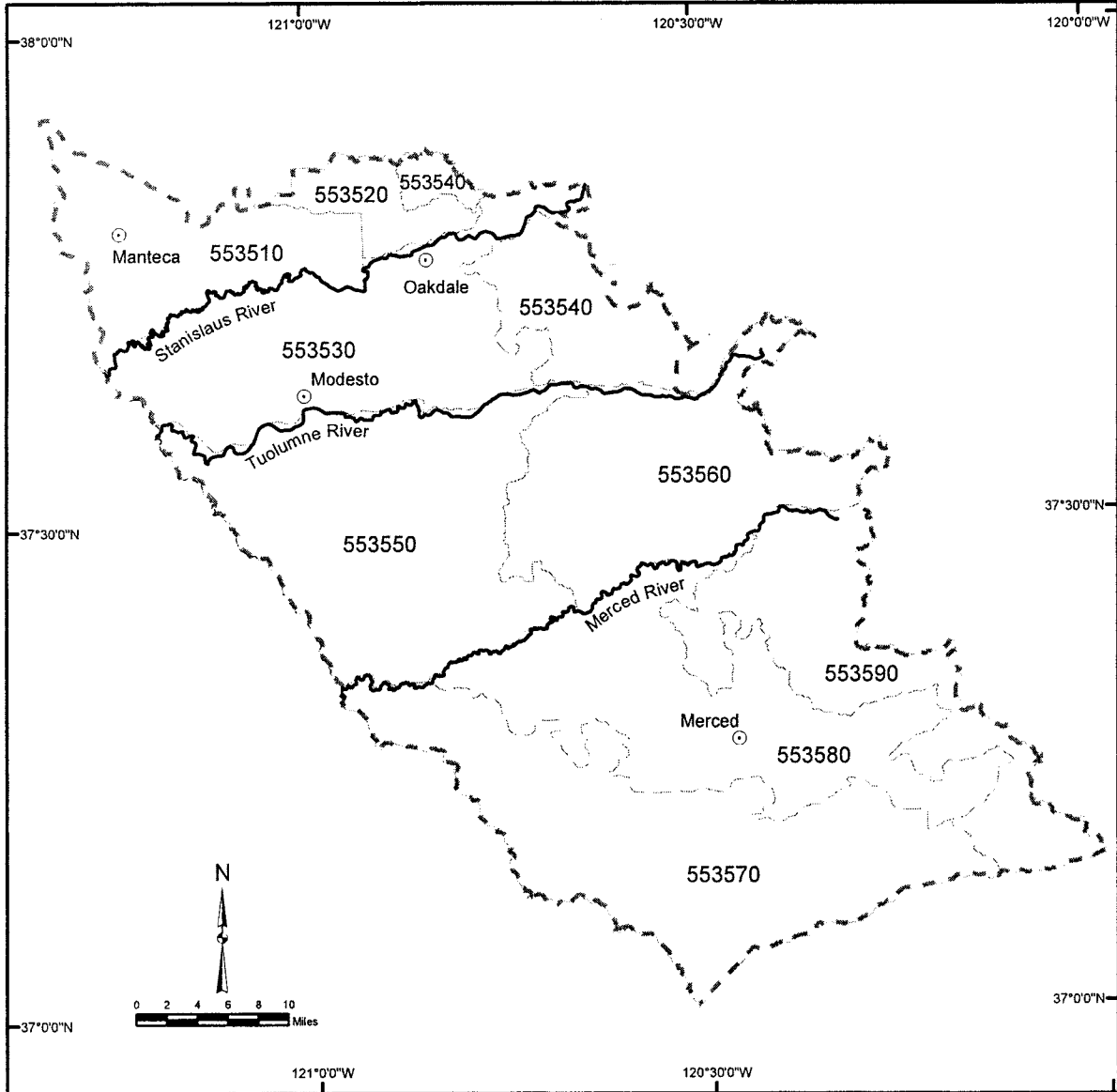


- Critical Habitat
 - - - Hydrologic Unit Boundary
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Critical Habitat for the California Central Valley Steelhead

San Joaquin Valley Floor Hydrologic Unit 5535

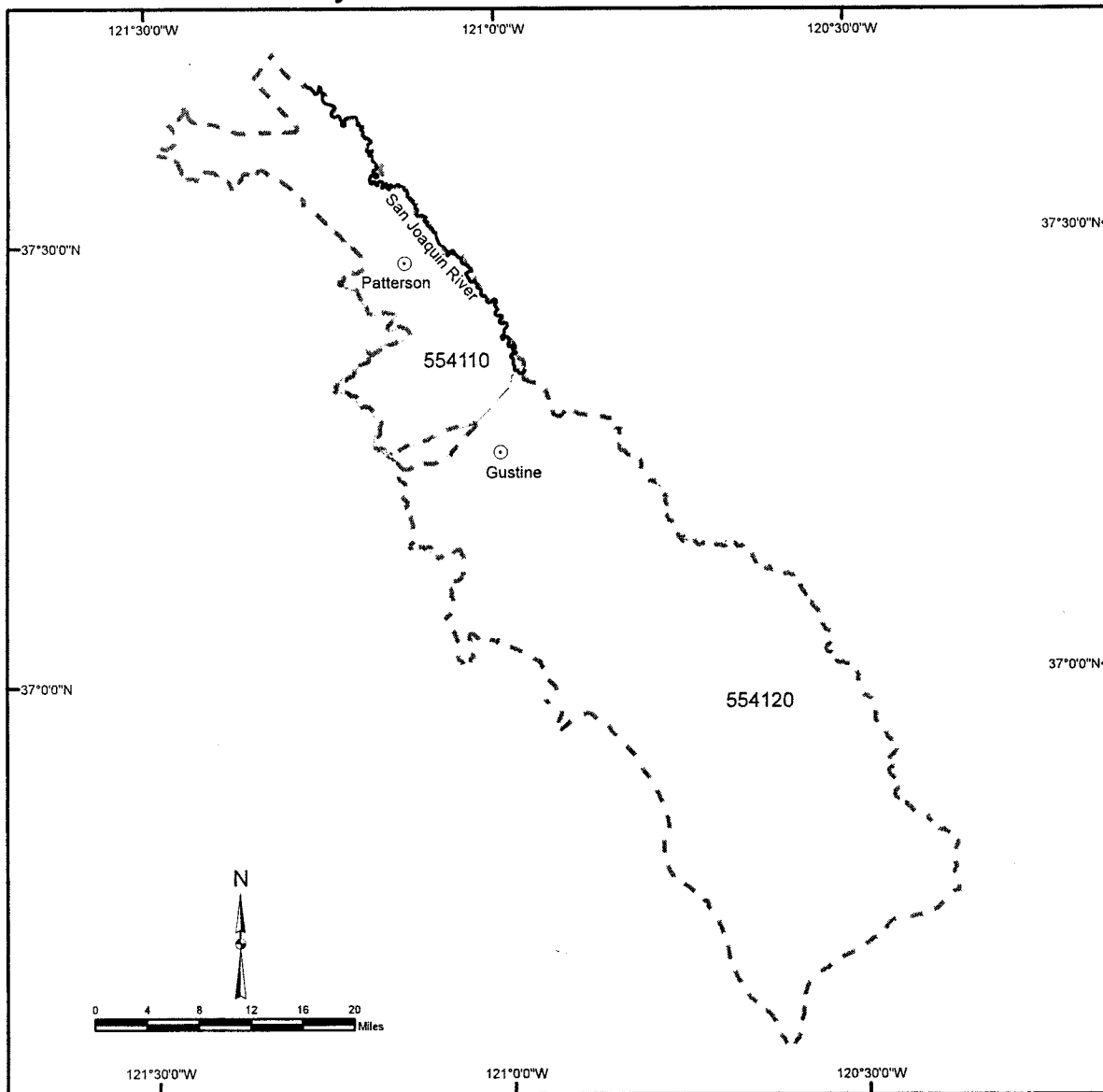


● Cities/Towns
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- - - Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
110701 Fifth Field Calwater Hydrologic Sub-Area Number

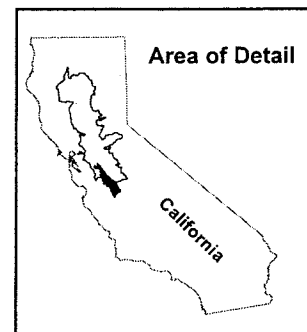


Critical Habitat for the California Central Valley Steelhead

Delta-Mendota Canal Hydrologic Unit 5541

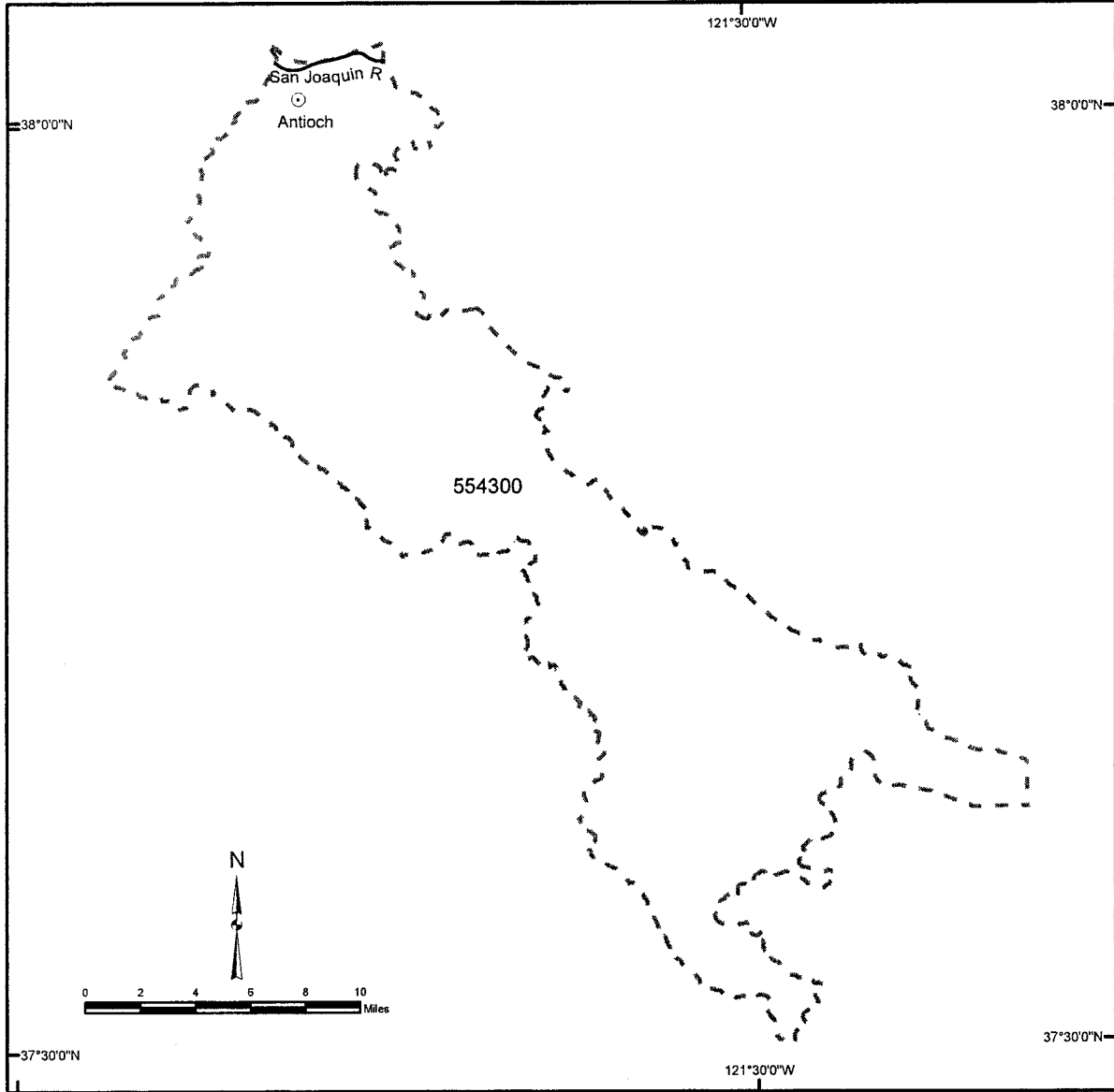


- Cities/Towns
- Critical Habitat
- - - Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
- 110701 Fifth Field Calwater Hydrologic Sub-Area Number

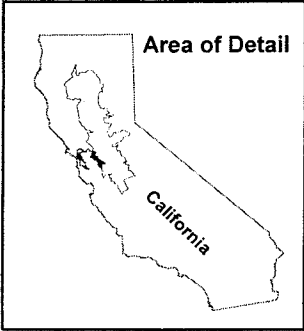


Critical Habitat for the California Central Valley Steelhead

North Diablo Range Hydrologic Unit 5543

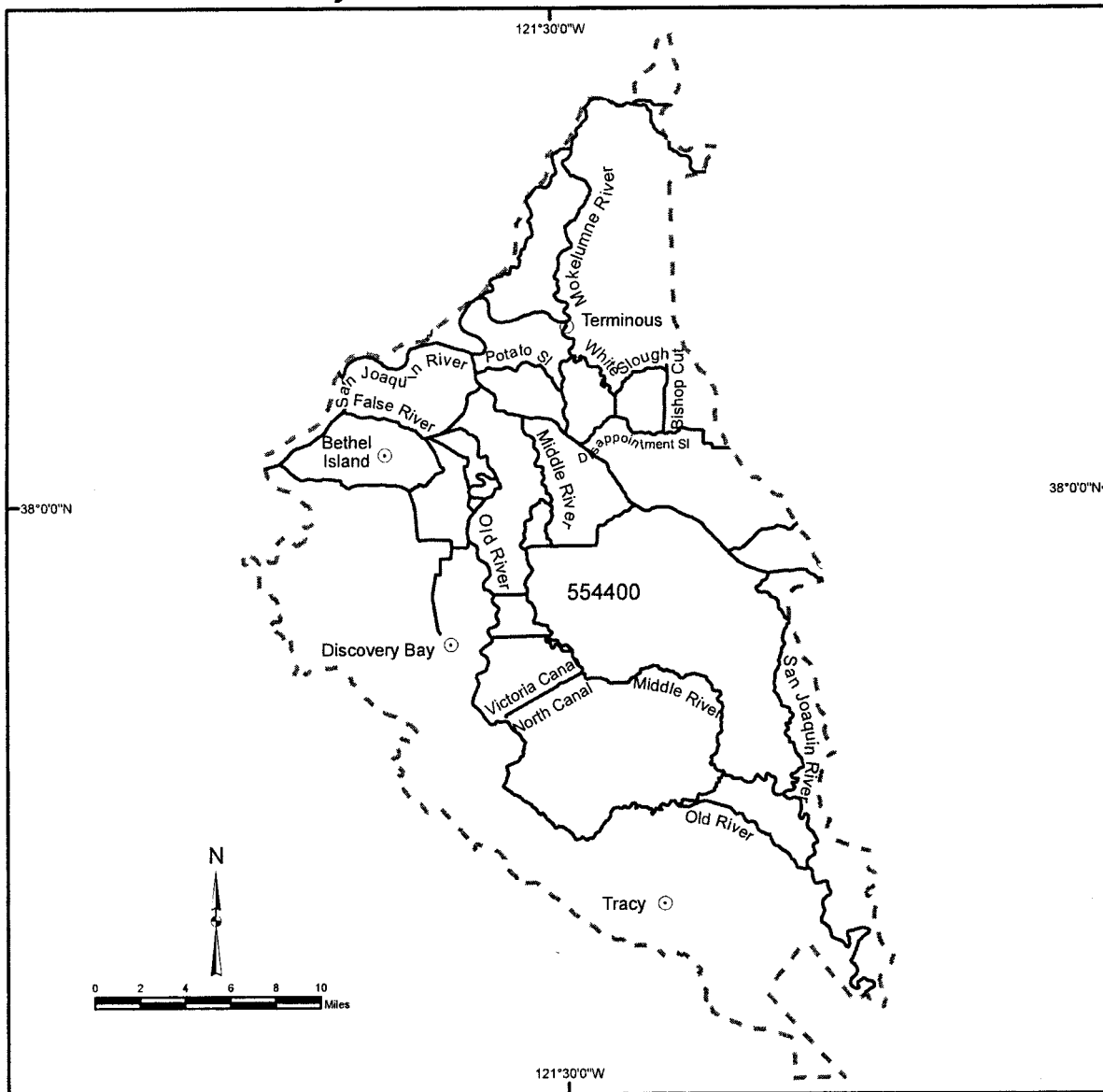


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- - - Hydrologic Unit Boundary
- - - Fifth Field Calwater Hydrologic Sub-Area Boundary
110701 Fifth Field Calwater Hydrologic Sub-Area Number

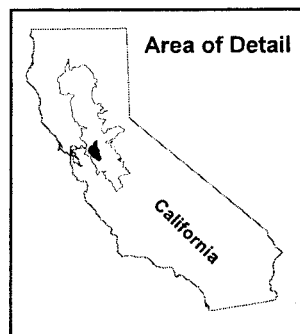


Critical Habitat for the California Central Valley Steelhead

San Joaquin Delta Hydrologic Unit 5544



Cities/Towns
 Critical Habitat
 Hydrologic Unit Boundary
 Fifth Field Calwater Hydrologic Sub-Area Boundary
 110701 Fifth Field Calwater Hydrologic Sub-Area Number



MEMORANDUM

September 22, 2016

TO: MEMBERS, PORT COMMISSION
Hon. Willie Adams, President
Hon. Kimberly Brandon, Vice President
Hon. Leslie Katz
Hon. Eleni Kounalakis
Hon. Doreen Woo Ho

FROM: Elaine Forbes
Interim Executive Director

SUBJECT: Informational presentation on the Port's legislation program

DIRECTOR'S RECOMMENDATION: Informational Only; No Action Required

EXECUTIVE SUMMARY

The Port's legislative program supports the Port's overall work program through legislative initiatives that are administrative, policy-based and strategic. Engaging on issues at the local, state and federal level, Port legislative staff works through the City's contracted lobbying firms, the Mayor's State and Federal Legislation Committee, and through industry legislation advocacy organizations to advance legislation that benefits the Port.

This report includes a description of the Port's legislative program, how the Port prioritizes issues, the Port's legislative partners, recent program, and provides an overview of the recommended legislative program for FY2016-17.

OVERVIEW

The Port of San Francisco's legislative program represents the Port's interests at the local, state and federal level, either as a City agency working through the City's State and Federal Legislative Committee or as part of an industry legislation advocacy organization such as the California Association of Port Authorities (CAPA), American Association of Port Authorities (AAPA), the California Marine and Navigation Conference (CMANC), Bay Planning Coalition, San Francisco Chamber of Commerce, and others.

THIS PRINT COVERS CALENDAR ITEM NO. 10C

Port staff frequently consult with the Mayor's Office of Legislative and Government Affairs, the City's state lobbyist, Shaw, Yoder, Antwih, and the City's federal lobbyist, Holland & Knight, LLC to coordinate all Port state and federal legislative efforts in alignment with the City's overall legislative priorities. City departments wishing to pursue state or federal legislation present those proposed initiatives at the Mayor's State and Federal Legislation Committee. With the approval of that committee, departments are then free to engage with the City's lobbyists, legislative and agency staff directly.

As the organizer of the City's advocacy efforts, the Mayor's Office of Legislative and Government Affairs requests annually a list of each department's state and federal priorities for the coming fiscal year. The FY 2016-17 federal and state priorities the Port staff recommended is described below.

Port staff make periodic trips to Washington, D.C. and to Sacramento to advocate for the Port's federal and state legislative priorities. An example of a Port legislation advocacy document, the document Port staff used for the May 2016 Washington, D.C. trip is included as Attachment A to this report.

STATE AND FEDERAL CONTRACT LOBBYISTS, ADVOCACY ORGANIZATIONS

The Port participates in, and reimburses the General Fund a pro-rata share for, the City's advocacy contract with Holland & Knight, LLC, on federal issues, and Shaw, Yoder, Antwih on state issues. Port staff also have long-standing relationships with agency and legislative staff to complement our state and federal lobbyists.

Port staff also participate in advocacy organizations. Executive, Special Projects, Maritime, Planning and Development and other staff attend meetings of these organizations, depending on issues under discussion.

The California Association of Port Authorities ("CAPA")

CAPA is made up of California's 11 publicly-owned commercial seaports. Facilitated by the organization Executive Director Tim Schott, and through the leadership of CAPA President and Vice-President (positions that rotate among CAPA's 11 Port Directors), CAPA provides educational leadership and advocacy on issues relating to transportation, trade, the environment, land use, energy and other subjects affecting port operations. CAPA also manages governmental relations with California's legislative and administrative branches of state government, conducts targeted outreach to Congress, and monitors legislative/regulatory proposals related to goods movement and the maritime community.

CAPA is primarily funded by California's three large container ports, including the Ports of Los Angeles, Long Beach and Oakland, with smaller contributions by other ports like the Port of San Francisco. CAPA has been an important lobbying partner for the Port on issues like funding for dredging. In consultation with Port staff, CAPA recently submitted a federal funding request that will benefit the Port's Central Basin project.

Port Special Projects staff participates in regular calls with CAPA and staffs the Executive Director at quarterly policy meetings.

The American Association of Port Authorities (AAPA) and California Marine and Navigation Conference (CMANC)

Working through CAPA (CAPA's current President is also the President of AAPA), the Port has pursued legislative initiatives through AAPA and CMANC, particularly related to the Water Resources Development Authorization ("WRDA") and Energy and Water Appropriations.

WRDA and Energy and Water Appropriations bills are the primary federal funding vehicle for flood control projects and federal dredging nationwide. At the federal level, federal funding is a four-step process: funding for study must be *authorized* (e.g., by being included in WRDA) and then *appropriated* (in an appropriations vehicle like an Energy and Water Appropriation), after which the construction must then be authorized through WRDA, and then appropriated by Congress. Federal funding authorized by WRDA is distributed to the U.S. Army Corps of Engineers ("USACE") which spends federal appropriations on federal flood control and dredging projects, sometimes with a required local match.

CMANC works very closely with the USACE and funding processes. CMANC works closely with CAPA as well, and Port staff do occasionally work directly with CMANC in terms of informing the organization of member needs as well as on specific project funding.

San Francisco Chamber of Commerce (SFCC), Bay Planning Coalition (BPC), and the Bay Area Council (BAC)

The Port's engagement with these entities is irregular, but has been particularly helpful in granting access around Port issues to members of Congress. The San Francisco Chamber of Commerce has organized very successful trips to both Washington, D.C. and Sacramento, California, arranging contact with key departments and the City's legislative delegation, including the most recent May 2016 trip to Washington, D.C., which the Deputy Director of Planning and Development, Byron Rhett, summarized for the Port Commission in June, 2016.

PORT LEGISLATIVE ACHIEVEMENTS

The Port legislative program focuses on allowing Port divisions to fulfill the Port's mission. Efforts have included making available new public financing tools, amendments to regulatory bodies of law, as well as obtaining additional resources directly for the Port. The following is a summary description, in the context of the Port's larger efforts:

- Beginning in 2005 and as recently as 2016, the creation and implementation of Infrastructure Financing Districts (IFDs) has been the focus of the Port's legislative efforts both at the state and local level. This financing tool will enable the City to finance historic rehabilitation and new infrastructure, including parks, streets and utilities for the new neighborhoods planned for Seawall Lot 337 in Mission Bay and for Pier 70.
- Port legislative staff have worked closely with the California State Lands Commission to make amendments to existing law to facilitate development in other ways. State legislation authorizing non-trust leasing and legislation enabling a trust exchange within Pier 70 and nontrust uses for historic buildings in Pier 70 has enabled development plans for Seawall Lot 337 and for Pier 70.
- Hosting the 34th America's Cup also required state and federal legislation. State legislation authorized the Port to swap the trust from Seawall Lot 330 to a parcel of at least equal size that is close to the water, a tool the Host and Venue Agreement required the Port to seek, but has not been used to date because there was no long-term development approved along with the 34th America's Cup. The Port also won passage of enhanced Infrastructure Financing District legislation that was never used (for the same reason). The federal America's Cup Act of 2011, created new Jones Act waiver processes that enabled the 34th America's Cup regattas to take place on San Francisco Bay.
- Through coordinated efforts of Planning and Development, Finance and Administration and Special Projects staff, the Port was included in a San Francisco General Obligation bond in 2008, and again in 2012, with voters approving a total of \$68 million in funding for development of a network of waterfront parks from Fisherman's Wharf to Heron's Head Park¹.
- The Port became authorized through the Water Resources Development Act of 2007 to seek \$25 million in funds to address certain waterfront piers—an effort the Port continues to actively benefit from today.
- In 2009, the Port was the beneficiary of \$7.8 million in federal appropriations through the United States Army Corps of Engineers and the Department of Defense to assist with the removal of Pier 36 and Drydock #1.

A detailed list and description of the Port's legislative accomplishments is included with this report as Attachment B.

¹ The last General Obligation bond approved by voters to fund the Port of San Francisco was the required by the Burton Act in 1968, and was repaid by Port revenues.

LOCAL LEGISLATION TRACKING

The Special Projects Group produces a weekly report to Port Senior Staff on pending and introduced City legislation of relevance to the Port. Special Projects staff conducts additional research or engages the sponsor of a pending piece of legislation to seek amendments, as is necessary.

As an example, Supervisor Peskin's recent legislation requiring appraisals for certain types of real estate transactions spurred a lengthy review effort with other departments. In the end, Supervisor Peskin included a number of amendments in the legislation that were important to Port Real Estate operations. The amendments allow the Port to rely on the Port Commission's approved parameter rental rate schedule rather than requiring appraisals for standard leasing.

In addition, Port staff periodically receives referrals from the Clerk of the Board on legislation where the Port, along with other departments, has been specifically solicited for input. Port Special Projects staff convene with appropriate staff, based on the subject of the legislation, to understand the implications of the proposal, and then recommend to the Executive Director amendments to propose to author of the legislation.

CURRENT LOCAL INITIATIVES

The Port's practice for attending Board of Supervisors items is to have the staff person most knowledgeable in the subject matter (typically the project manager), supported by Special Projects staff as needed, represent the item in Committee and at the first read of the Board of Supervisors. Port staff reports to the Mayor's legislative liaison to the Board, and coordinates closely with them should there be unexpected developments in the legislative process.

In the last year, the Port has taken to the Board of Supervisors an Ordinance establishing the Pier 70 IFD and IFP, a reimbursement agreement with ExxonMobil for cleanup of residual petroleum hydrocarbons at Wharf J-10, a resolution endorsing the term sheet the TZK Broadway LLC development project, and a resolution approving the second amendment to the Port's lease with AMB Pier One LLC.

The Port has been working with the Mayor's Office of Economic and Workforce Development to ensure that a Port application for federal TIGER funds for the Mission Bay Ferry Landing will be competitive. This work has included identifying consultants for the complex economic analysis and for overall quality control, and identifying sources of grant matching funds outside the Port and City general fund.

Later this year, facilitating the Port's current leasing project in support of the City's effort to build a new recycled-content asphalt plant, the Port will be taking the lease of SWL 352, with accompanying SF Public Works long-term supply contracts, to the Board of Supervisors for approval. In addition, the Port's proposed agreement with the National

Park Service for use of Pier 33 for ferry service to Alcatraz will go to the Board of Supervisors for approval later this year.

CURRENT STATE INITIATIVES

AB 2797

AB 2797 makes critical amendments to SB 815, enabling the Mission Rock development project to move forward bringing with it a host of public benefits to what is now a surface parking lot. The bill received its final vote needed in the California Legislature on Tuesday, August 29th, and is currently awaiting the signature of Governor Brown.

Assemblymember Chiu authored the bill, which the Port drafted in consultation with the San Francisco Giants and negotiated with the State Lands Commission. If signed by Governor Brown, the bill would:

- Adjusts the description of the property to add lands that were previously part of the Mission Bay South Redevelopment area;
- Allow full 75 year lease terms for each lease at Seawall Lot 337;
- Allow buildings to be repurposed for trust uses when leases expire instead of the current requirement to demolish buildings at the end of lease terms;
- Authorize using Seawall Lot 337 nontrust lease revenue as a loan to fund infrastructure and public facility costs subject to repayment from public finance proceeds with interest if the State Lands Commission makes certain findings;
- Permit the San Francisco Bay Conservation and Development Commission to permit redevelopment of Pier 48 consistent with other historic piers north of China Basin.

CURRENT FEDERAL INITIATIVES

USACE, Continuing Authorities Program Section 107 (CAP107), Central Basin Dredging

In September 2009, the Port requested CAP107 dredging assistance from USACE for the Central Basin. A 32' depth Central Basin dredge project has been approved and is scheduled for construction in 2017. The Army Corps will provide up to \$10 million in federal funding, which is 63 percent of the estimated \$15.8 million cost of the dredge project. The Port's supplemental appropriation, approved November 3, 2015, included \$2.9 million and BAE will provide \$2.9 million to fund the project, providing for a \$5.8 million local match. After this initial dredge, the Army Corps will then assume all costs for future dredging of the Central Basin, at an estimated annual savings to the Port of \$850,000.

Because the Central Basin is the approach to the Pier 70 Shipyard's primary drydock facility, dredging this area is critical to operation of the shipyard. While the drydock itself is one of the largest privately operated repair facility of its kind on the west coast of the

Americas, the increasingly restrictive siltation in the Central Basin is limiting the number and type of vessels that can access it.

WRDA07, Removal of P70, Wharves 6, 7 and 8

Falling under the Port's WRDA07 Authority (of which \$20.2 million of the original \$25 million remains), USACE has been able to utilize funding remaining from the Pier 36 project in order to, in coordination with the Port, position this new request at Pier 70 for funding under the President's budget. In October 2016, in collaboration with USACE staff, Port staff completed a key USACE document, the Project Letter Report, identifying the cost of removal of Pier 70, Wharves 6, 7 and 8 to be approximately \$8.6 million. Should the project be funded, USACE would fund 2/3 of the project cost, leaving the Port with a cost of approximately \$2.9 million. Port staff expect to find out whether this project will be funded in early 2017, and will continue to advocate for the project in the interim.

National Flood Insurance Program (NFIP)

The Port's Engineering Division is currently appealing the federal draft Flood Insurance Rate Maps for San Francisco Bay. Special Projects staff is supporting this effort; the NFIP was a major focus of the May 2016 trip to Washington, D.C.

FY 2016-17 LEGISLATIVE INITIATIVES

Local

Over the course of FY2016-17, Port staff anticipates taking to the Board of Supervisors various local resolutions, including lease and contract approvals, and ordinances granting the Port enforcement authority for certain State Water Quality Resource Control Board permits. Having this enforcement authority is a requirement of the Port's Municipal Separate Storm Sewer System.

Port staff also anticipates legislative approvals related to the Mission Rock and Pier 70 Special Use Districts for Seawall Lot 337 and Pier 70. These approvals will include the approval of project transaction documents and the formation of Infrastructure Financing Districts and Community Facilities Districts to finance infrastructure and other facilities to support both of these new neighborhoods. In FY 2016-17, Port staff also expects local legislation related to the following items:

- Pier 38;
- National Park Service Alcatraz Service;
- Real estate leases with a term of 10 years or more or with total rent in excess of \$1 million; and
- Resolutions authorizing the Port to accept and expend grants.

Affordable Housing

The Port and Mayor's Office of Housing and Community Development are pursuing an affordable housing project at Seawall Lot 322-I, which was authorized by state legislation (AB 2649; Assemblymember Ammiano; 2012). State Lands Commission staff and Port staff are discussing technical amendments to AB 2649 to enable the project to include ground floor retail, consistent with direction from the community planning process.

Seawall

The Port's Seawall Resiliency Project will loom large in the Port's legislative agenda over the coming decade. Local, state and federal sources of funding will be required to finance a project of this scale.

In December 2015, the Citi Foundation and Living Cities invited approximately 40 of the nation's largest cities for an opportunity to explore a new set of financing options to help address funding gaps for high priority capital projects. At the encouragement of the Mayor's Office, the Port collaborated with the Mayor's Office and Capital Planning Committee to enter the Seawall Resiliency Project for consideration. The Seawall was selected along with 3 other nationwide projects to participate in the Cohort. This third cohort of the City Accelerator is designed to bring cross-departmental city teams together who are seeking to be at the cutting-edge of financing capital projects but have formidable obstacles to making their initiatives a reality. With expertise provided by an infrastructure finance expert and an 18-month timeframe, city teams will be able to speed their discovery, implementation, and adoption of financing mechanisms that will allow them to flex creatively with existing resources and attract new investments. Through collective ideation and exposure to best-in-class models, cities will be able to try new financing tools and policy levers, taking what works and applying it to scale on the priority projects in their infrastructure pipeline.

In preparation for the Living Cities Cohort, the Port Seawall Resiliency Project team has brainstormed potential local, state and federal funding options for the Seawall project. These options fall into the following categories:

- **Local.** In consultation with the Mayor's Budget Office and the City Administrator's Capital Planning Committee, the Port hopes to explore a potential Seawall General Obligation Bond and funding from potential Infrastructure Financing District tax increment and Community Facilities District special tax sources.
- **State.** In consultation with the City's State and Federal Legislative Committee, the Port hopes to explore capturing the State's Share of property tax growth from Infrastructure Financing Districts on Port property. These are tax increment sources the State does not collect today, which could provide a powerful tool to incentivize investment in the Seawall and which will protect current State tax

revenues. The Port sought this source before (in 2008), and succeeded in obtaining this source for Pier 70 (2010).

- **Federal.** WRDA funding for flood control – particularly to protect Bay Area Rapid Transit and San Francisco Municipal Transportation Agency assets along the Embarcadero – is a potential source of significant federal funding.

The Port is in the process of hiring a Mayor’s Senior Fellow who will staff efforts to devise legislative and regulatory approvals necessary to support the Seawall Resiliency Project. Port staff will continue to consult with the Living Cities Cohort and the Port’s regulatory partners to recommend a financing and regulatory approval strategy that will realize the Port Commission’s Seawall Resilience Project goals.

SUPPORT FOR THE PORT’S WORK PROGRAM

The legislative program supports the Port’s work program at the administrative and strategic level. Special Projects staff assist Real Estate, Planning and Development and other staff in the crafting, submitting and shepherding legislation for leasing, development documents, acceptance of granted funds and other items requiring Board of Supervisors approval. These efforts include submitting legislation packages to the Clerk of the Board, arranging and providing briefings to members of the Board, and appearing and presenting at Board Committee hearings.

Special Projects staff analyzes legislation moving through the Board of Supervisors and consults with Port division staff, crafting amendments to take to sponsors to ensure the Port’s interests are maintained. The legislative program looks for solutions to specific, identified problems requiring legislative solutions (such as AB 2797 to facilitate financing of parks and infrastructure at Seawall Lot 337), and works through the various processes required to achieve that solution. More broadly, the Port’s legislative program looks strategically at long-term issues for which no specific solutions are identified. The Port’s engagement with the California State Lands Commission around permissible uses of Port property, Infrastructure Financing Districts, and the coming efforts around the Seawall project are examples of this strategic support.

NEXT STEPS

Port staff welcomes Port Commission direction regarding how to improve and strengthen the Port’s legislative program.

Prepared by: Daley Dunham, Special Projects Manager
Executive Division

For: Brad Benson, Director of Special Projects
Executive Division

Attachment A – Washington DC Advocacy Documents

Attachment B – Port Legislative Accomplishments



Port of San Francisco Waterfront Flood Zone Study

Highlights

Study Goal Determine feasibility of a flood risk management (FRM) project for the entirety of the Port of San Francisco’s waterfront to reduce risk to human health and safety and economic damages that result from high tides and storm driven waves.

Project Boundaries The continuous seven mile Port of San Francisco waterfront and inland areas affected by rising sea levels.

Flood Damages Floodplain from 100-year tide inundates over 1,200 acres, including local and regional light rail systems, roadways, public open space and utility infrastructure (see attached Areas Of Concern Map, AOC08), including an estimated \$22 billion in public sector assets.

Project Costs Project costs are still under development.

Demographics Due to the length of the Port’s waterfront, the affected area includes San Francisco’s financial district and other dense commercial, residential, and industrial areas, while also impacting economic justice communities.

Status The Port of San Francisco is currently making an official request for funding to initiate a new General Investigations FRM Feasibility Study of the Port of San Francisco waterfront by the U.S. Army Corps of Engineers, San Francisco District.

Funding History To date, no federal funds have been appropriated for this study.

Funding Status The City and County of San Francisco, Capital Planning Committee, has proposed an appropriation to provide required study matching funds.

The Port of San Francisco is requesting \$400,000 in federal funding for the U.S. Army Corps of Engineers, San Francisco District to initiate a General Investigations FRM Feasibility Study

of the Port of San Francisco waterfront.



Port of San Francisco

Waterfront Flood Zone Study

Overview

Study Goal

The San Francisco waterfront, including major transportation infrastructure and the City's financial district, is at risk of flooding from large coastal storms, extreme high tide events and sea level rise. The study goal is to evaluate the feasibility of alternatives to reduce the risk to human health and safety and economic damages that result from tidal flooding.

Project Boundaries

The project boundaries include the continuous seven mile Port of San Francisco waterfront and inland areas affected by rising sea levels. The areas are identified in the Sea Level Rise and Adaptation Study, Adaptation Alternatives Report (URS/AGS, 2012). See **Figure 1**, attached.

Tidal Flooding and Damages

Some areas of Port property, such as at Mission Creek, Islais Creek, and The Embarcadero/Ferry Building area are at lower elevations than other areas, and are subject to flood risk in a base flood condition from a 100 Year Storm event today, as shown on **Figure 1**.

A preliminary analysis was performed under a federal Continuing Authorities Program, Section 103 federal interest determination (FID). This analysis suggests that the current 1% Annual Chance of Exceedance (ACE) event would result in flooding to The Embarcadero transportation corridor, portions of Third Street, the Third Street and Fourth Street bridges, portions of Market street related downtown business district, Mission Creek and Islais Creek, and access points to the Ferry Building. Severed access and entry to the piers and entry to the Ferry Building terminal could impact ferry service and potential evacuation needs, as well as the functioning of the emergency water transport system.

With increasing frequency and severity, there are traffic impacts to The Embarcadero during king tides and wind driven flood events. The Embarcadero transportation corridor provides access to high use facilities

along the waterfront and to the Ferry Building, which is a hub for retail and professional services.

All lifelines that run along the 4-mile length of The Embarcadero and out to piers are at increasing risk of being severed by flooding. This could include power, wastewater and water services that cross the seawall and serve waterfront businesses; the Transbay tube and transit tunnel and tracks; wastewater outfall structures all along the waterfront including the north shore sewer outfall; and wastewater pumping stations along the waterfront. Other utility systems (electrical, communication, potable water, fire water) are subject to damage or loss of functionality should they be inundated by flooding.

The City Administrator's "Lifelines Council" addresses citywide resilience and post-disaster recovery. The Lifelines Interdependency Study, April 17, 2014, identifies the southeastern reaches of the City, around Mission Creek and Islais Creek, as an infrastructure "hub", where many of the City's lifeline operators have operation yards, fuel storage areas, major pipelines and other critical system facilities and components. These areas are within the subject Areas of Concern, attached in **Figure 1**.

BART and MUNI (regional and local commuter rail, respectively) stations and buildings in the financial district would be subject to flooding in just over a decade under certain sea level scenarios, with a 1% ACE event potentially resulting in significant direct and indirect economic damages that would extend throughout the broader Bay Area economy. This scenario could also disrupt ferry service operations in the area. More information related to traffic flows, ferry usage, and the value and level of exposure of BART and MUNI operations and other adjacent high rise buildings is needed to estimate economic damages.

Cost of Inaction

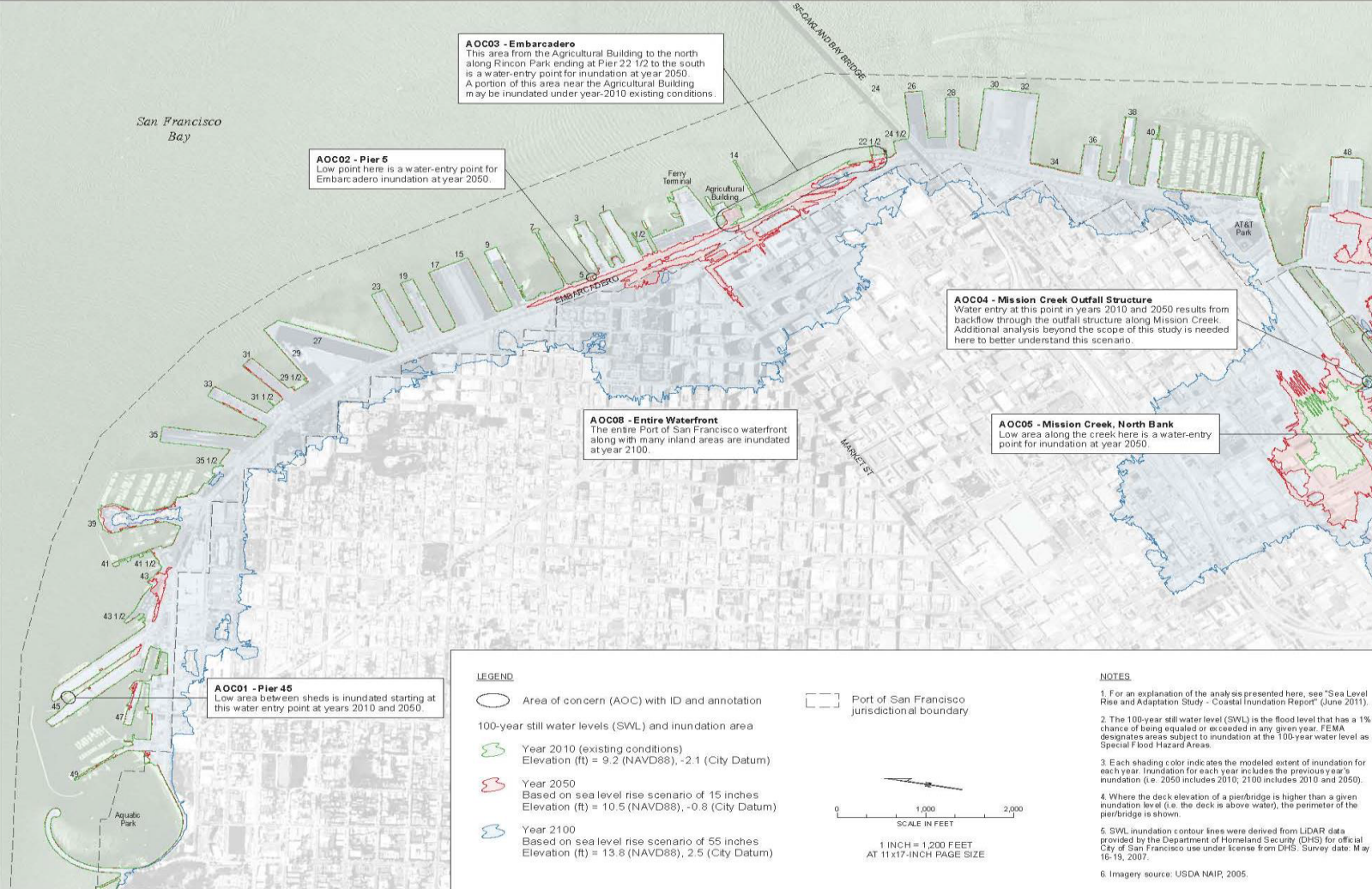
Over the coming decades, the impacts of sea level rise and the increasing frequency and intensity of storms mean that areas currently not subject to flood risk can be expected to experience periodic coastal and/or urban flooding. The City and County of San Francisco's Sea Level Rise Action Plan provides a preliminary estimate of approximately \$22 billion in public sector assets at risk within the Action Plan vulnerability zone (excluding the San Francisco airport).

Funding Request

While the Port of San Francisco's existing, separate Continuing Authorities Program, Section 103, investigation into a portion of the waterfront is moving forward, it will only identify solutions within the statutory limits of that program. The Port of San Francisco therefore is seeking \$400,000 in funding for the U.S. Army Corps of Engineers, San Francisco District, to

initiate a General Investigations FRM Feasibility Study of the greater San Francisco waterfront.

Figure 1: Area of Concern Map AOC08



Attachment B – Port Legislative Accomplishments

Significant local legislative efforts, in coordination with the Port Finance and Administration and Planning and Development, include:

- In 2008, and again in 2012, San Francisco voters approved investments through issuance of general obligation bonds totaling \$68 million in the development of a network of waterfront parks from Fisherman’s Wharf to Heron’s Head Park adjacent to Pier 96. 2008 represented the Port’s first inclusion in a general obligation bond.
- In 2013, the Board of Supervisors adopted Resolution 123-13, adopting Guidelines for the Establishment and Use of an Infrastructure Financing District with Project Areas on Land Under the Jurisdiction of the San Francisco Port Commission (Port IFD Guidelines).
- In 2016, the Board of Supervisors adopted Ordinance 27-16, establishing Infrastructure Financing District No. 2 enabling development of Pier 70’s Historic Core, also adopting an Infrastructure Financing Plan (IFP) and making other approvals.

Port State legislative efforts have included:

- In 2005, the California Legislature adopted SB 1085 (Senator Carole Migden), permitting the Board of Supervisors to form Infrastructure Financing Districts (IFD) on Port property that allow the capture of growth in property (or possessory interest) tax increment to fund public improvements along the waterfront.
- In 2007, the California Legislature adopted SB 815 (Senator Carole Migden), authorizing the Port to lease certain seawall lots south of Market Street and north of Pier 50 for non-trust (i.e., commercial and residential) purposes, with net proceeds to fund rehabilitation of Port historic resources and parks required by the San Francisco Bay Conservation and Development Commission (“BCDC”). The largest of these is Seawall Lot 337 in Mission Bay, the site of the Port’s current negotiations with Seawall Lot 337 Associates, LLC, to develop a new neighborhood south of AT&T Park.
- In 2010, the California Legislature adopted AB 1199 (Assemblymember Tom Ammiano), permitting the Port to establish a Pier 70 IFD that may issue debt repayable with both the local share of possessory interest tax and the state’s share of possessory interest tax (permitted by AB 1199).
- In 2011, the California Legislature adopted AB 664 (Assemblymember Tom Ammiano), with technical amendments following in 2012 (AB 2259), authorizing the Port to capture up to \$1 million annually in state tax revenue to fund the James R. Herman Cruise Terminal and related improvements, if the City demonstrates that the state will earn revenue in excess of this amount from the

34th America's Cup. This legislation applies to the following locations: SWL 330, and Piers 19, 23 and 29. The California Infrastructure Financing Bank (I-Bank) must first find that the net present value of tax benefits of the 34th America's Cup to the State of California exceeds the net present value of tax increment it would forego from these sites.

- In 2011, the California Legislature adopted AB 418 (Assemblymember Tom Ammiano) authorizing the California State Lands Commission to approve a trust swap with Pier 70, allowing the public trust designation of land within the site to be rationalized to allow for development. The Port is negotiating with Forest City California, Inc. to develop the 25 acre Waterfront Site at Pier 70. The Port has negotiated a separate lease with Orton Development, Inc. to develop the Port's historic buildings along 20th Street.
- In 2008, and again in 2012, San Francisco voters approved investments through issuance of general obligation bonds totaling \$68 million in the development of a network of waterfront parks from Fisherman's Wharf to Heron's Head Park adjacent to Pier 96.

Federal legislative efforts include:

- In 2007, the Port, with the assistance of City Hall, successfully sought new spending authority through the Water Resources Development Act of 2007 (WRDA07), allowing the Port to seek up to \$25 million in future appropriations for "rehabilitation or demolition, as appropriate" of a number of the Port's piers. This authority is a unique asset for the Port in that it is a direct construction authority, which has allowed for relatively quick implementation. By contrast, the kind of approvals the Port received for Pier 36 (see below) under this authority would normally require 1) passage of a study authority in WRDA, 2) passage of a study appropriation, 3) passage of a construction authority in WRDA, and 4) passage of a construction appropriation. Future projects eligible for funding by way of this authority, like the project for removal of P70's wharves 6, 7 and 8, all benefit from the unique straight-to-construction legislation.
- In 2009 Port staff successfully sought, through Speaker Nancy Pelosi, funding through a direct Congressional appropriation of \$4.8 million for removal of Pier 36, making way for the Brannan Street Wharf. This appropriation was a part of the \$25 million authorization granted to the Port through WRDA 07.
- In 2009, Port staff successfully sought, through Speaker Nancy Pelosi, a direct Congressional appropriation of \$3 million for removal, remediation and recycling of Drydock #1. This appropriation of funds was key to the success of the project, as it was administrated through the United States Navy which brought with it considerable and specific expertise on a complicated and risky project.
- In 2011, the Port staffed the City's effort to pass federal legislation (the Port's only known stand-alone federal legislation) to enable the 34th America's Cup.

The legislation, passed during an unproductive federal legislative period, established a special process for the America's Cup regattas allowing the U.S. Maritime Administration to issue waivers to various aspects of the Jones Act, including the towing, passenger and cargo carriage statutes.

1 [Port Ground Lease and Port/Mayor's Office of Housing and Community Development
2 Memorandum of Understanding - 88 Broadway Family, L.P. - 735 Davis Street - Seawall Lot
3 322-1 - \$20,000 Annual Base Rent]

4 **Resolution adopting the Mitigation Monitoring and Reporting Program under the**
5 **California Environmental Quality Act for an affordable housing project at Seawall Lot**
6 **322-1 (the "Port Property" or the "Development") along with an affordable housing**
7 **project on city-owned property at 735 Davis Street (collectively, the "Project");**
8 **affirming the Port Commission's Public Trust findings; adopting findings that the**
9 **Project is consistent with the General Plan, and the eight priority policies of Planning**
10 **Code, Section 101.1; and approving and authorizing the execution of a Ground Lease**
11 **for the Property with 88 Broadway Family, L.P. ("Lease") with an annual base rent of**
12 **\$20,000 for a term of 57 years with a 18-year extension option for the development and**
13 **operation of 124 affordable rental housing units, one manager housing unit, and**
14 **ancillary ground level uses, and a Memorandum of Understanding between the Port**
15 **and the Mayor's Office of Housing and Community Development for payment of fair**
16 **market value for the Port Property and other interdepartmental coordination; and**
17 **authorizing and directing the Executive Director of the Port of San Francisco and the**
18 **Director of the Mayor's Office of Housing and Community Development to execute**
19 **documents and take necessary actions to implement this Resolution, as defined**
20 **herein.**

21
22 WHEREAS, California Statutes of 1968, Chapter 1333 ("Burton Act") and Charter,
23 Sections 4.114 and B3.581, empower the City and County of San Francisco, acting through
24 the San Francisco Port Commission ("Port"), with the power and duty to use, conduct,
25 operate, maintain, manage, regulate and control the lands within Port Commission jurisdiction

1 consistent with the public trust for commerce, navigation and fisheries and the Burton Act
2 (collectively, the "Public Trust"); and

3 WHEREAS, The Port owns Seawall Lot 322-1, also known by its street address as "88
4 Broadway" (the "Port Property"), a land parcel with approximately 37,810 square feet area
5 bounded by Broadway, Front, and Vallejo Streets and on its eastern boundary buildings and
6 an adjacent City-own parcel at 735 Davis Street, (the "City Property"); and

7 WHEREAS, The California Legislature has previously found that rectifying the
8 deteriorating conditions along the San Francisco waterfront, the preservation of the numerous
9 historic piers and other historic structures on Port land, and the construction of waterfront
10 plazas and open space, are matters of statewide importance that will further the purposes of
11 the Public Trust; and

12 WHEREAS, To provide funding for these improvements to Port property and to
13 address affordable housing needs, the California Legislature adopted SB 815 (Chapter 660 of
14 the Statutes of 2007) as amended by AB 2649 (Chapter 757 of the Statutes of 2012) and AB
15 2797 (Chapter 529 of the Statutes of 2016) (collectively, the "State Legislation") to allow
16 temporary termination of the Public Trust use restrictions and authorize nontrust leases of
17 designated seawall lots, including Seawall Lot 322-1, on specific conditions, and subject to
18 certain findings by the Port Commission and the California State Lands Commission; and

19 WHEREAS, In November 2012, the Board of Supervisors adopted Ordinance No. 232-
20 12 which allows the Port and the Mayor's Office of Housing and Community Development
21 ("MOHCD") to enter into a Memorandum of Understanding (the "Pre-Development MOU") for
22 development of the Property for affordable housing and providing for Port to receive Jobs
23 Housing Linkage Program ("JHLP") credits equal to the difference in the value of a Port
24 below-market lease and the fair market value of the Property; and

1 WHEREAS, Port and MOHCD staff have since decided that the preferred payment
2 strategy for the Development is to utilize the anticipated affordable in lieu fees paid to
3 MOHCD from a future developer of Pier 70 Parcel K North (“PKN”), a site to be sold by the
4 Port in connection with funding the Pier 70 project, with the condition that if the sale of PKN
5 or the construction of the PKN project is delayed or never materializes, MOHCD will need to
6 pay the Port the Property’s fair market value from another source; and

7 WHEREAS, Between April 2014 and May 2018, the Port and MOHCD entered into the
8 Pre-Development MOU and completed most of the tasks enumerated, including (i) MOHCD’s
9 competitive solicitation and selection of the Developer led by BRIDGE Housing Corporation
10 (“BRIDGE”) and the John Stewart Company (“JSCo”) which formed 88 Broadway Family LP
11 (the “Developer”) to undertake the proposed development; (ii) the Port’s consent to MOHCD’s
12 selection; (iii) the Developer’s submission of its initial development proposal; (iv) the Port’s
13 determination to exclude a public parking garage from the development due to financial
14 infeasibility; (v) MOHCD provision of predevelopment funding for the Development; (vi) Port,
15 MOHCD, and the Developer negotiation and drafting required transaction documents ; and
16 (vii) the Developer’s completion of a number of entitlement tasks, including completion of
17 CEQA and receipt of other land use authorizations required for the Development; and

18 WHEREAS, Staff of the Port, MOHCD, and the Developer have collectively conducted
19 extensive community outreach and solicited comments and feedback from stakeholders to
20 form a general consensus on the goals/objectives of the Development, including its
21 architectural design, compatibility with the Historic District and its targeting of a wide spectrum
22 of households with limited incomes and MOHCD hired a joint venture team of Mark
23 Cavagnero Architects and Cary Bernstein Architects which conducted site design analysis
24 and held a community design workshop, where design criteria were discussed with the public
25 for the Property, and an adjacent City Parcel was added to provide housing for seniors, and

1 these outreach efforts took over 36 months and resulted in the overall Project consisting of
2 both buildings being supported by almost all stakeholders including members of the
3 Northeastern Waterfront Advisory Group; and

4 WHEREAS, The Developer's initial proposed development had included up to 130
5 affordable, rental family housing units with ground level spaces for retail, commercial, other
6 ancillary uses, and open spaces on the Property (the "Family Project") and, as mentioned
7 above, in response to the community's desire for seniors to benefit from the development as
8 well, MOHCD sought and received City's consent to add the adjacent City property located at
9 735 Davis Street ("City Parcel") to the overall proposal to provide up to 50 to 55 senior
10 housing units (the "Senior Project"); and

11 WHEREAS, The Property and the City Parcel currently operated as surface parking
12 lots will be demolished and then improved with two, new six-story, mixed-use residential
13 buildings for family and senior housing, respectively, and the Family and Senior projects will
14 be connected by open mid-block passageways as shown on the Development Schematic
15 Design, a copy of which is in Board File No. 180683; and

16 WHEREAS, The Family Project will include approximately 18 studio units, 37 one-
17 bedroom units, 45 two-bedroom units, 24 three-bedroom units, and a manager unit for a total
18 of 125 affordable units with approximately 137,100 gross square feet (gsf) of residential
19 dwelling space and approximately 8,700 gsf of nonresidential space with residents having
20 access to a common, community room on the ground floor, an open podium courtyard on the
21 second floor, two open decks on the fifth and sixth floors, a rooftop terrace and garden, and
22 ancillary ground-level uses which could include retail/commercial, a childcare center with an
23 outdoor play area, and a childcare arcade, subject to the passage of AB 1423
24 (Assemblymember Chiu; 2018) which includes technical amendments to the State Legislation;
25 and

1 WHEREAS, The Senior Project will include approximately 23 studio units, 29 one-
2 bedroom units and a manager unit for approximately 53 affordable units with approximately
3 44,136 gsf of residential dwelling space and approximately 1,260 gsf of non-residential space
4 and seniors in this project will have access to a community room, an open courtyard on the
5 first floor, a roof deck on the fifth floor, and ground-level uses which could include
6 retail/commercial and a community room; and

7 WHEREAS, The Department of City Planning (“Planning Department”) prepared a
8 Draft Initial Study/Preliminary Mitigated Negative Declaration (“PMND”) and Mitigation
9 Monitoring and Reporting Program (“MMRP”) for the Project and published the Draft PMND
10 and MMRP for public review on October 25, 2017, which were available for public comment
11 until November 27, 2017; and

12 WHEREAS, The Planning Commission held a public hearing on the PMND and found
13 that the contents of the PMND and the procedures through which the PMND was prepared,
14 publicized, and reviewed complied with the California Environmental Quality Act (California
15 Public Resources Code, Sections 21000 et seq.) (CEQA), 14 California Code of Regulations
16 Sections 15000 et seq. (the “CEQA Guidelines”) and Chapter 31 of the San Francisco
17 Administrative Code (“Chapter 31”) and finalized the PMND (the Final MND); and

18 WHEREAS, On March 9, 2018, the Environmental Review Officer signed the FMND for
19 the Project and the Final MND was issued in compliance with CEQA, the CEQA Guidelines
20 and Chapter 31; and

21 WHEREAS, On May 3, 2018, the Planning Director found the FMND was adequate,
22 accurate and objective, reflected the independent analysis and judgment of the Planning
23 Director, and adopted the FMND and the MMRP, and authorized the Project in the Affordable
24 Housing Project Authorization; and
25

1 WHEREAS, The Historic Preservation Commission approved with conditions the
2 Certificate of Appropriateness Motion No. 0335) for the Project on April 4, 2018, on file with
3 the Clerk of the Board of Supervisors in File No. 180683, and incorporated herein by this
4 reference; and

5 WHEREAS, The Planning Department Commission Secretary is the custodian of
6 record for the file for Case No. 2016-007850PRJ at 1650 Mission Street, Suite 400, San
7 Francisco, California; and

8 WHEREAS, The FMND and the MMRP has been made available to the public, the Port
9 Commission and the Board of Supervisors for their review and action and which is on file with
10 the Clerk of the Board of Supervisors in File No. 180683, and incorporated herein by this
11 reference; and

12 WHEREAS, The Port Commission, by Resolution 18-42 found that the FMND is
13 adequate for its use as the decision-making body for the Development, that there is no
14 substantial evidence that the Development will have a significant effect on the environment
15 with the adoption of the measures contained in the MMRP to avoid potentially significant
16 environmental effects associated with the Development, and adopted the MMRP and found
17 that all required mitigation measures identified in the FMND and contained in the MMRP will
18 be included in the Port's Lease; and

19 WHEREAS, Port and Developer have negotiated and the Port Commission has
20 approved by Resolution 18-42 an Option to Lease Agreement which includes the form of
21 ground lease (the "Option Agreement") a copy of which is included in Board File No. 180683)
22 to provide the Developer with evidence of site control to support its application for an
23 allocation of low-income housing tax credits from the California Tax Credit Allocation
24 Committee, and Developer must exercise its option by June 30, 2020 subject to extension;
25 and

1 WHEREAS, The Port and MOHCD have negotiated a new Memorandum of
2 Understanding for interdepartmental coordination to be effective during the Lease term (the
3 “Port-MOHCD MOU”) including, among other things, the amount and manner in which
4 MOHCD will pay the Port the Property’s fair market value, MOHCD’s consent to the Lease,
5 and coordination between the departments in administering and enforcing the Lease; and

6 WHEREAS, Under Charter, Section B7.320, the Board of Supervisors may approve a
7 memorandum of understanding between the Port Commission and another department of the
8 City, approved by the Port Commission by resolution; and

9 WHEREAS, A copy of the form of Lease and the Port MOHCD MOU as approved by
10 the Port Commission in Port Commission Resolution 18-42 are in Board File No. 180683 and
11 are incorporated in this resolution by reference; and

12 WHEREAS, The Developer has been formed by BRIDGE and JSCo to lease the Port
13 Property and develop the Family Project and the Senior Project and BRIDGE and JSCo each
14 has the requisite qualifications and the wherewithal to perform as co-developers and project
15 managers and have developed several projects in San Francisco with similar complexity
16 profiles; and

17 WHEREAS, MOHCD is providing the Developer with financial assistance for the
18 development of Family and Senior Projects and to leverage equity from an allocation of low-
19 income housing tax credits and other funding sources to construct and operate the
20 Development; and

21 WHEREAS, The Developer is required to execute the Lease substantially in the form of
22 the Lease attached to the Option Agreement and included in Board File No. 180683; and

23 WHEREAS, The material terms of the Lease include: (i) a term of 57 years with an
24 extension option for 18 additional years; (ii) tenant responsibility for all property taxes and
25 assessments levied against the Property; (iii) use only for affordable housing with residential

1 tenant rent and income levels set at between 30% to 120% of the area median income (“AMI”)
2 and other ancillary purposes permitted by the State Legislation and AB 1423 if enacted into
3 law; (iv) annual base rent for the residential portion of \$20,000 with escalation every five years
4 in line with changes to the AMI; (v) except as provided in (vii) residual rent to the Port under
5 certain circumstances in the event of sale or refinancing of the residual portion; (vi) at Lease
6 termination, the Port Property with or without the building, at Port’s sole discretion, shall revert
7 to the Port; (vii) 15% of net proceeds from any refinancing or sales of the retail/restaurant
8 space paid to Port as additional rent; (viii) 30% of the net revenues from retail subleases or
9 15% of the gross revenue from all other nonresidential subleases are paid to Port as
10 additional rent; (ix) tenant responsibility for construction, operation and maintenance of the
11 Property; (x) Port ownership fee title to the land and tenant ownership of fee title to all
12 improvements; (xi) Port notice of defaults to the tenant and MOHCD, and the tenant’s limited
13 partners and lenders and allow any such parties the right to cure such default; and (xii)
14 encumbrance of the leasehold interest to secure loans, subject to approval by the Port and
15 MOHCD; and

16 WHEREAS, The Director of Property, in consultation with the Port (and the
17 California State Lands Commission through the Port), conducted an appraisal of the
18 Property dated June 29, 2018 with an indicated value of \$14,900,000; and

19 WHEREAS, On July 10, 2018, by Resolution 18-42, the Port Commission found,
20 among other things that: 1) Seawall Lot 322-1 is no longer needed for Public Trust
21 purposes, 2) the combined consideration under the Port MOHCD MOU and Lease is
22 equal to fair market value, and 3) the Lease includes terms that are consistent with
23 prudent land management practices as defined in the State Legislation (collectively, the
24 “Public Trust Findings”); and
25

1 WHEREAS, By letter dated June 15, 2018, the Department of City Planning adopted
2 and issued a General Plan Consistency Finding, a copy of which is on file with the Clerk of the
3 Board in Board File No. 180683 and incorporated in this resolution by reference, wherein the
4 Department of City Planning found that the Project is consistent with the General Plan, and
5 with the eight priority policies under Planning Code, Section 101.1; and

6 WHEREAS, Port Commission Resolution 18-42 also approved the Option
7 Agreement, the form of the Lease and the Port-MOHCD MOU; recommended Board of
8 Supervisors' approval of the Lease and the Port-MOHCD MOU and, subject to
9 approval by the Board of Supervisors and the California State Lands Commission,
10 approved the Lease (collectively, the "Transaction Documents") and authorizes the
11 Port's Executive Director to enter into other additions, amendments. ancillary
12 agreements, consents covenants and property documents necessary to implement the
13 transactions contemplated by the Transaction Documents, and to enter into any
14 additions, amendments or other modifications to the Transaction Documents including
15 preparation and attachment of, or changes to, any or all of the attachments and
16 exhibits that the Executive Director, in consultation with the City Attorney, determines
17 are consistent with approvals made by the California State Lands Commission and,
18 when taken as a whole, are in the best interests of the Port, do not materially decrease
19 the benefits or materially increase the obligations or liabilities of the Port, and are
20 necessary or advisable to complete the transaction; now, therefore, be it

21 RESOLVED, That the Board of Supervisors has reviewed and considered the FMND
22 and the record as a whole, finds that the FMND is adequate for its use as the decision-making
23 body for the Project, that there is no substantial evidence that the Project will have a
24 significant effect on the environment with the adoption of the measures contained in the
25

1 MMRP to avoid potentially significant environmental effects associated with the Project; and,
2 be it

3 FURTHER RESOLVED, That the Board of Supervisors hereby adopts the MMRP
4 incorporated herein as part of this Resolution by this reference thereto and finds that all
5 required mitigation measures identified in the FMND and contained in the MMRP will be
6 included in the Port Lease; and, be it

7 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the Project is
8 consistent with the General Plan, and with the eight priority policies of Planning Code, Section
9 101.1 for the same reasons as set forth in the letter of the Department of City Planning, dated
10 June 15, 2018, and hereby incorporates such findings by reference as though fully set forth in
11 this Resolution; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors hereby adopts the Port
13 Commission's Public Trust Findings as its own and finds that this resolution is consistent with
14 the common law public trust doctrine and the Burton Act, as modified by the State Legislation;
15 and, be it

16 FURTHER RESOLVED, That the Board of Supervisors approves the form and
17 substance of the Lease, and, if the Developer properly exercises the Option, authorizes the
18 Executive Director of the Port (or her designee) to execute the Lease and the Director of
19 MOHCD (or her designee) to consent to the Lease and any such other documents that are
20 necessary or advisable to complete the lease transaction contemplated by this Resolution;
21 and, be it

22 FURTHER RESOLVED, That the Board of Supervisors authorizes the Executive
23 Director of the Port (or her designee) to enter into any additions, amendments or other
24 modifications to the form of lease or Lease (including, without limitation, preparation and
25 attachment or, or changes to, any of all of the exhibits and ancillary agreements), and any

1 other documents or instruments necessary in connection therewith, that the Executive
2 Director of the Port in consultation with the City Attorney, determines 1) are consistent with
3 the approval of the form of lease or Lease as approved by the California State Lands
4 Commission, and 2) when taken as whole, are in the best interests of the Port, do not
5 materially decrease the benefits to the Port or the City with respect to the Port Property, do
6 not materially increase the obligations or liabilities of the Port and the City, or materially
7 decrease the public benefits accruing to the Port or City, and are necessary or advisable to
8 complete the transaction contemplated and effectuate the purpose and intent of this
9 Resolution, such determination to be conclusively evidenced by the execution and delivery by
10 the Executive Director of the Port (or her designee) of any such additions, amendments, or
11 other modifications and authorizes the Director of MOHCD (or her designee) to consent to
12 such changes; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors approves the Port MOHCD
14 MOU under Charter, Section B7.320 and authorizes the Executive Director of the Port (or her
15 designee) and the Director of MOHCD (or her designee) to execute and implement the Port
16 MOHCD MOU; and, be it

17 FURTHER RESOLVED, The Board of Supervisors authorizes and delegates to the
18 Executive Director of the Port and the Director of MOHCD, or their designees, the authority to
19 make changes to the Port MOHCD MOU and take any and all steps, including but not limited
20 to, the attachment of exhibits and the making of corrections, which they, in consultation with
21 the City Attorney, 1) are consistent with the approval of the form of MOU as approved by the
22 California State Lands Commission, and 2) determine when taken as whole, are necessary or
23 appropriate to consummate the Port MOHCD MOU in accordance with this Resolution,
24 including entering into subsequent interagency memoranda of understanding regarding the
25 Project; provided, however, that such changes and steps do not materially decrease the

1 benefits to or materially increase the obligations or liabilities of the City or the Port, and are in
2 compliance with all applicable laws; and, be it

3 FURTHER RESOLVED, That all actions authorized and directed by this Resolution
4 and heretofore taken are hereby ratified, approved and confirmed by this Board of
5 Supervisors; and, be it

6 FURTHER RESOLVED, That within thirty (30) days of the execution of the Port
7 MOHCD MOU and Option Agreement and Lease being fully executed by all parties, the Port
8 shall provide copies of the agreements to the Clerk of the Board for inclusion into the official
9 file.



City and County of San Francisco

Tails Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 180683

Date Passed: July 24, 2018

Resolution adopting the Mitigation Monitoring and Reporting Program under the California Environmental Quality Act for an affordable housing project at Seawall Lot 322-1 (the "Port Property" or the "Development") along with an affordable housing project on city-owned property at 735 Davis Street (collectively, the "Project"); affirming the Port Commission's Public Trust findings; adopting findings that the Project is consistent with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and approving and authorizing the execution of a Ground Lease for the Property with 88 Broadway Family, L.P. ("Lease") with an annual base rent of \$20,000 for a term of 57 years with a 18-year extension option for the development and operation of 124 affordable rental housing units, one manager housing unit, and ancillary ground level uses, and a Memorandum of Understanding between the Port and the Mayor's Office of Housing and Community Development for payment of fair market value for the Port Property and other interdepartmental coordination; and authorizing and directing the Executive Director of the Port of San Francisco and the Director of the Mayor's Office of Housing and Community Development to execute documents and take necessary actions to implement this Resolution, as defined herein.

July 12, 2018 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 12, 2018 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED

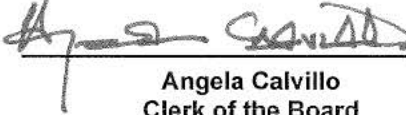
July 24, 2018 Board of Supervisors - ADOPTED

Ayes: 9 - Cohen, Brown, Kim, Mandelman, Peskin, Ronen, Safai, Stefani and Yee

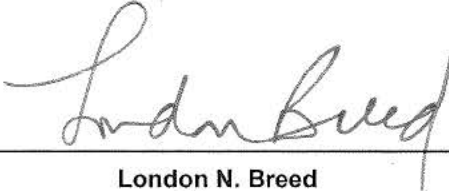
Excused: 2 - Fewer and Tang

File No. 180683


I hereby certify that the foregoing
Resolution was ADOPTED on 7/24/2018 by
the Board of Supervisors of the City and
County of San Francisco.



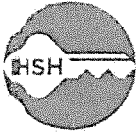
Angela Calvillo
Clerk of the Board



London N. Breed
Mayor



Date Approved



San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK PRINT and **fax the report to 415.355.6321**. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Brian Quinn, Navigation Center Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to Reggie Delos Santos, Online Navigation and Entry System Analyst, at regie.delossantos@sfgov.org**
-

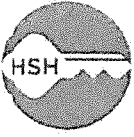
Date of Incident:	Time Incident Occurred:	Type of Incident:	
	2:00pm	Death	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			





Names of Reporting Staff		
Names of Witnesses:	Client Witnesses	Staff Witnesses
	N/A	Katie Infusino
		Jasmine Marquez
		Russell Berman
		Abby Khan
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Client A was found unresponsive in his unit. Paramedics were called onsite by staff. Paramedics determined client was dead and called the coroner on site. Cause of death unknown, no signs of violence.		
Describe any injuries observed:		Describe any action taken by staff:
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:		Describe what actions were performed by the Paramedics or Police: Paramedics called the coroner on site.
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 1:45pm Time Arrived: 1:50PM		Name of Police Officer/Badge No.: Where was the client taken: Medical Examiner
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	8-10-17	
Person Who Completed Report <i>(please print)</i>	Jasmine Marquez	
Agency Name/Location/Phone <i>(please print)</i>	Community Housing Partnership Civic Center Hotel	
Supervisor Name and Phone	Anat Leonard 415-852-5300	





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

CONFIDENTIAL

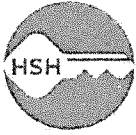
Page 3 of 3

City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

<http://hsh.sfgov.org>



REVISED 08/04/17



San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK PRINT and **fax the report to 415.355.6321**. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Brian Quinn, Navigation Center Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to Reggie Delos Santos, Online Navigation and Entry System Analyst, at regie.delossantos@sfgov.org**
-

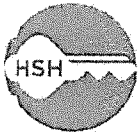
Date of Incident:	Time Incident Occurred:	Type of Incident:	
	4:00 pm	<u>Other Emergency Services</u>	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	John Medina Jr.		

Page 1 of 3

City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

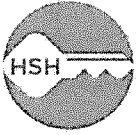
<http://hsh.sfgov.org>





Names of Witnesses:	Client Witnesses	Staff Witnesses
	None	John Stewart Property Management Staff
		Jasmine Marquez (Program Director)
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>SFPD was called on site to conduct a wellness check on CLIENT A due to the bizarre behavior he was displaying earlier in the day. While SFPD was at CLIENT A's unit conducting wellness check, CLIENT A arrived back at CCH and came upstairs where he encountered SFPD and Case Manager. SFPD asked CLIENT A questions related to his well-being and ultimately decided to call an ambulance. CLIENT A was clearly upset at the presence of SFPD and attempted to walk in his unit on several occasions but was stopped by SFPD each time. CLIENT A was asked to come downstairs by SFPD and he ultimately complied with their request. Case Manager stood by providing support for residence until ambulance/EMT arrived on site. CLIENT A was taken by ambulance to receive further treatment.</p>		
Describe any injuries observed: none	Describe any action taken by staff: Helped deescalate situation	
<input checked="" type="checkbox"/> Check if police were involved Time Called: 3:00 PM Time Arrived: 4:00 PM	Describe what actions were performed by the Paramedics or Police: Resident was asked questions related to his overall well-being by police and EMT staff. Ambulance took CLIENT A to emergency room.	
<input checked="" type="checkbox"/> Check if paramedics were involved	Name of Police Officer/Badge No.: n/a	
	Where was the client taken: Emergency Room	





Time Called: Time Arrived:	
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	09/06/2017
Person Who Completed Report <i>(please print)</i>	John Medina Jr.
Agency Name/Location/Phone <i>(please print)</i>	Community Housing Partnership-Civic Center- 415-713-9409
Supervisor Name and Phone	Jasmine Marquez 415-713-9409





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

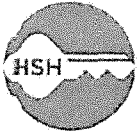
All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

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- **Brian Quinn, Navigation Center Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to Reggie Delos Santos, Online Navigation and Entry System Analyst, at regie.delossantos@sfgov.org**
-

Date of Incident:	Time Incident Occurred:	Type of Incident:	
	10:30pm	<u>Other Emergency Services</u>	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.	Unknown		Unknown
Client B.			
Client C.			





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

Person Who Completed Report <i>(please print)</i>	Jasmine Marquez
Agency Name/Location/Phone <i>(please print)</i>	Community Housing Partnership-Civic Center- 415-713-9409
Supervisor Name and Phone	Anat Leonard 415-852-5300

Page 3 of 3

City and County of San Francisco
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REVISED 08/04/17



Edwin M. Lee, Mayor

Trent Rhorer, Executive Director

San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

All single adult, family shelters & resource centers should report critical incidents to the Human Services Agency as soon as possible. Examples of critical incidents include: acts of violence, acts of violence with weapon, arrests, death, destruction of property, disruptive behavior, fire, fire alarm, medical, mental health, sexual assaults, suicide attempts, theft, threats of violence, threats of violence with weapon, or any other critical incidents which require the involvement of emergency services. For Family Shelters, removal of a child by Child Protective Services (CPS) is considered a Critical Incident.

A completed Report of Critical Incident form should be forwarded to HSA within **24 hours of the incident** preferably by email or TYPE OR PRINT LEGIBLY USING LARGE BLACK PRINT and **fax the report to 355-2361**. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSA immediately and leave a message detailing the event as well as submit a Report of Critical Incident.**

- **Single Adult Providers:** Cathy Perdue at 557-6486, cathy.perdue@sfgov.org
- **Family Providers:** Jemari Foulis, 557-6304, jemari.foulis@sfgov.org

Date of Incident:	Time Incident Occurred:	Type of Incident:
12/27/17	9:15am	Medical
Shelter Name	Civic Center Hotel -Navigation Center 2	
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME (Indicate Client A, Client B, etc.)	LAST FOUR:
Names of Reporting Staff	Roxana Salazar	
Names of Witnesses:	Client Witnesses	Staff Witnesses
		Roxana Salazar, Jim Ally, Moniquica Hatch

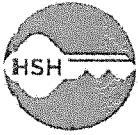
Summary of Incident
(Please do not include client names below. Refer to Client A, Client B, etc.)

At 9:15 am, Jim Ally noticed that someone was lying on the floor in the lobby and asked me who it was. I confirmed that it was Client M. lying on her back. She was on the floor directly in front of the Front Desk. Paramedics had already been called by Moniquica Hatch by this time. Moniquica reported that Client M. was standing in the lobby with a cup of coffee when she started to shake and slowly collapsed to the floor, dropping her coffee in the process. 911 was called immediately. Paramedics arrived at 9:20am. I heard Client M. report that she was diabetic and that she had not yet taken her insulin this morning. The paramedics put Client M. in the ambulance and stated that they would take her to Kaiser hospital.

Describe any injuries observed: none	Describe any action taken by staff: 911 was called.
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Paramedics questioned Client M. and stated that they would take her to Kaier hospital.
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 9:15 Time Arrived: 9:20	Name of Police Officer/Badge No.: Medic #53 and Engine # 36 Where was the client taken: Kaiser Hospital

IMPORTANT AGENCY INFORMATION

Date Form Submitted to HSA	12/27/2017
Person Who Completed Report	Roxana Salazar
Agency Name/Location/Phone	Community Housing Partnership (Civic Center Hotel), 20 12 th Street S.F., CA 94103 415.852.5300
Supervisor Name and Phone	Jim Ally 415.439.9080



San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

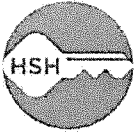
All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK PRINT and. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Brian Quinn, Navigation Centers Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

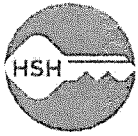
Date of Incident:	Time Incident Occurred:	Type of Incident:	
1/5/2018	1:25am	Violence	
Navigation Center Name	South Van Ness Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Stacy Carvajal		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		NONE
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p> <p>At 1:20am there was a person loitering outside the facility and started banging on the windows. Staff Alina went outside to address the person and when staff was walking away from addressing him, he grabbed staff Alina by the hair and started assaulting her. Security and another staff member were able to restrain the person from causing further harm until police arrived.</p>		
Describe any injuries observed: Head & Arm injuries	Describe any action taken by staff: Called 911	
<input type="checkbox"/> Check if police were involved Time Called: 1:25am Time Arrived: 1:35am	Describe what actions were performed by the Paramedics or Police: Police arrested the person and staff was treated by paramedics	
<input type="checkbox"/> Check if paramedics were involved Time Called: 1:45am Time Arrived: 1:55am	Name of Police Officer/Badge No.: Fotte #740 Where was the client taken: Jail	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	1/5/18	
Person Who Completed Report <i>(please print)</i>	Stacy Carvajal	
Agency Name/Location/Phone <i>(please print)</i>	St Vincent de Paul 1515 South Van Ness Nav. Center	
Supervisor Name and Phone	Stacy Carvajal (415) 580-7673	





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

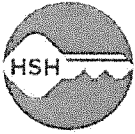
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City and County of San Francisco
Department of Homelessness and Supportive Housing
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REVISED 12/27/17





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

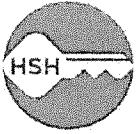
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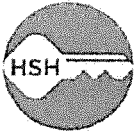
Date of Incident:	Time Incident Occurred:	Type of Incident:	
2/21/2018	9:48 pm	Sexual Assault	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Bobby Brown, Kevin Marquez, Jamal Farr		





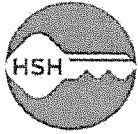
Names of Witnesses:	Client Witnesses	Staff Witnesses
		Shawn Stuart
		Jamal Farr
		Kevin Marquez
		Jim Ally Sam Woods Michael Blount
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p> <p>At 9:48pm on 2/21, Client B screamed for help. Client A had entered her (unlocked) room and had his pants down. Staff Bobby Brown physically blocked client A, put himself between clients A & B and barred entry to Client A’s room repeatedly. Client Shawn came took client A. to his room, where they remained until police arrived. Police were called at 9:54 at Staff Jamal’s request. Police arrived at 10:02 and paramedics arrived at 10:12. Client B was examined and taken to St. Francis Hospital. Client A did not wish to press charges. At 1:56am, Client A returned to the site after being released from the hospital.</p> <p>The following morning at 8:40am, Staff members Sam Woods, Jim Ally and Michael Blount went to Client A’s room to issue an immediate denial of service, advise him of his rights to an appeal under the shelter grievance policy and make sure that he left the site asap. Client A claimed to have no recollection of the prior evening’s events and denied any wrongdoing. Client A refused to sign the DOS and refused to leave the building. Police were called at 9am to escort Client A off the premises. While Police provided time for Client A to pack some of his belongings, Client A attempted to go to the 4th floor (to Client B’s unit). Staff intervened and escorted Client A back to his floor. Police examined video footage from the night before and escorted Client A offsite at 12:30pm without further incident.</p>		
Describe any injuries observed:	Describe any action taken by staff: Physically intervened to prevent sexual assault on a program participant by another program participant who presented as being under the influence of PCP. Staff also called 911 for police/paramedic assistance.	
<input checked="" type="checkbox"/> Check if police were involved Time Called: 9:54pm Time Arrived: 10:02pm	Describe what actions were performed by the Paramedics or Police: Paramedics took participant to St. Francis Hospital. Police investigated incident, did	





	not make an arrest because victim did not wish to press charges.
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 9:54pm Time Arrived: 10:12pm	Name of Police Officer/Badge No.: Officer Kelly #211 Officer Leung #450 (officers who escorted Client A offsite on morning of 2/22/18)
	Where was the client taken: St Francis Hospital
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	2/22/2018
Person Who Completed Report <i>(please print)</i>	Jim Ally
Agency Name/Location/Phone <i>(please print)</i>	Community Housing Partnership, 20 Jones St, SF, CA 94102, 415-852-5300
Supervisor Name and Phone	Anat Leonard, 415-852-5357





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

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- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

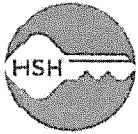
Date of Incident:	Time Incident Occurred:	Type of Incident:	
03/09/18	5:13 pm	Medical Emergency	
Navigation Center Name	S.F. Navigation Center/ 1950 Mission St.		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Sup. Jonathan Smith		
Names of Witnesses:	Client Witnesses		Staff Witnesses
			S.C. Candra J.,





		Peer Advocate Raetrece W.
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p style="text-align: center;">@ 5:13 pm guest Client B ran to the courtyard and stated that Homeward Bound guest Client A was suffering from an overdose. I immediately requested for Peer Advocate Raetrece W. to call 911, I grabbed 2 boxes of Narcan and ran to dorm #7 (bed #13) then administered the first 2 doses. Support Services Manager John Warner administered 1 doses and then I administered 2 more. Fire Department and Engine #7 arrived @ 5:15 pm, medic # 7 arrived @ 5:20 pm. Guest was taken to SFGH @ 5:23 pm. Senior Site Manager John O. was notified. Senior Site Manager notified _____ and _____</p>		





Describe any injuries observed:	Describe any action taken by staff: Staff called 911 for emergency personnel.
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Engine #7 and Medic #7 took client A to SFGH @ 5:25 pm.
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 5:13 pm Time Arrived: 5:25 pm	Name of Police Officer/Badge No.: Where was the client taken: S.F.G.H.
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	03/09/18
Person Who Completed Report <i>(please print)</i>	Supervisor Jonathan L. Smith II
Agency Name/Location/Phone <i>(please print)</i>	ECS /1950 Mission St. /(415)-655-9521
Supervisor Name and Phone	Senior Site Manager John Ouertani/ Site Manager Kim Guillory; SSM:415-324-9041/SM:415-225-2703.





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

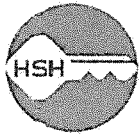
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- **Brian Quinn, Navigation Center Program Manager at, brian.p.quinn@sfgov.org**
- **Email a copy of this form to Reggie Delos Santos, Online Navigation and Entry System Analyst, at regie.delossantos@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:
3/9/2018	11:05 pm	<u>Other Emergency Services</u>
Navigation Center Name	Central Waterfront Navigation Center	
Names of Clients Involved Last Four of SSN		LAST FOUR:
Client A.		
Client B.		
Client C.		
Client D.		
Names of Reporting Staff	Michael Johnson - Supervisor	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

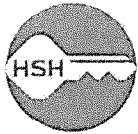
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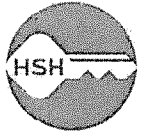
Date of Incident:	Time Incident Occurred:	Type of Incident:	
3/17/2018	6:13 AM	<u>Other Emergency Services</u>	
Navigation Center Name	South Van Ness Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			





Names of Reporting Staff	Luafa Milo	
Names of Witnesses:	Client Witnesses	Staff Witnesses
		James Conley
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p> <p>Client A was on her bed crying out loud when I asked her if she's in pain, client said no its just her stomach that's bothering her, and she doesn't need help but when she started crying again and shaking on her bed I called 911 immediately.</p>		
Describe any injuries observed: No physical injuries observed.	Describe any action taken by staff: Assisted client to the community room and calmed her down until paramedics arrived.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police:	
<input checked="" type="checkbox"/> <input type="checkbox"/> Check if paramedics were involved Time Called: 6:15 AM Time Arrived: 6:23 AM	Name of Police Officer/Badge No.: Medical 86 Where was the client taken: St. Marys Hospital	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	3/17/2018	
Person Who Completed Report <i>(please print)</i>	Luafa Milo	
Agency Name/Location/Phone <i>(please print)</i>	South Van Ness Navigation Center	
Supervisor Name and Phone	Luafa Milo/(415)580-7673	





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

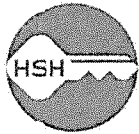
Page 3 of 3

City and County of San Francisco
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REVISED 12/27/17





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

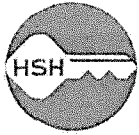
All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK PRINT and **fax the report to 415.355.6321**. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Brian Quinn, Navigation Center Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to Reggie Delos Santos, Online Navigation and Entry System Analyst, at regie.delossantos@sfgov.org**
-

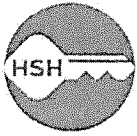
Date of Incident:	Time Incident Occurred:	Type of Incident:	
3/20/2018	7:40 pm	<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff			





Names of Witnesses:	Client Witnesses	Staff Witnesses
<p align="center">Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>Approximately 7:40 pm client B came to the welcome center saying client A was not breathing saying that she has the flu and is asthmatic. I grabbed the Nar can and ran to Dorm 7 where the guest was. Upon my arrival client A was sitting on her bed with her legs crossed at this point her face was blue and she was not breathing Client C was calling her name and she let out a big breath, then her face began to regained color slowly. Skin was clammy and she was still disoriented. She gradually regained consciousness and began to speak. At this point SFFD and SF Paramedics arrived at 7:50 pm they began to assess the client A. Multiple question were being asked one clear question that was asked was, be honest when was the last time you used. She said one hour ago. Paramedics started to take her vitals, and said that her oxygen levels were low. Paramedics recommended that she goes to the hospital. She refused at first. After speaking to Senior Site Manager I informed Client A. that for her safety she needs to go with the paramedics to get a full assessment. Paramedics took her to General hospital.</p>		
Describe any injuries observed: Did not see any injuries	Describe any action taken by staff: Called 911	
Check if police were involved Time Called: N/A Time Arrived: N/A	Describe what actions were performed by the Paramedics or Police: Took client to General Hospital E86 & E7	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 7:42 pm Time Arrived: 7:50 PM	Name of Police Officer/Badge No. E86 & E7	
	Where was the client taken: General hospital	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	3/20/2018	
Person Who Completed Report: Alex Napitan	John Ouertani	
Agency Name/Location/Phone:	Navigation Center - 1 1950 Mission St. San Francisco Ca 94103 (415)655-9521	
Supervisor Name and Phone:	John Ouertani (415)932-6890	





DEPARTMENT OF
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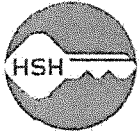
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City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

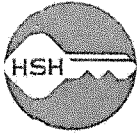
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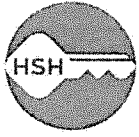
Date of Incident:	Time Incident Occurred:	Type of Incident:	
3/20/2018	7:40 pm	<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Alex Napitan		





Names of Witnesses:	Client Witnesses	Staff Witnesses
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p> <p>Approximately 7:40 pm client B came to the welcome center saying client A was not breathing saying that she has the flu and is asthmatic. I grabbed the Nar can and ran to Dorm 7 where the guest was. Upon my arrival client A was sitting on her bed with her legs crossed at this point her face was blue and she was not breathing Client C was calling her name and she let out a big breath, then her face began to regained color slowly. Skin was clammy and she was still disoriented. She gradually regained consciousness and began to speak. At this point SFFD and SF Paramedics arrived at 7:50 pm they began to assess the client A. Multiple question were being asked one clear question that was asked was, be honest when was the last time you used. She said one hour ago. Paramedics started to take her vitals, and said that her oxygen levels were low. Paramedics recommended that she goes to the hospital. She refused at first. After speaking to Senior Site Manager I informed Client A. that for her safety she needs to go with the paramedics to get a full assessment. Paramedics took her to General hospital.</p>		
Describe any injuries observed: Did not see any injuries	Describe any action taken by staff: Called 911	
Check if police were involved Time Called: N/A Time Arrived: N/A	Describe what actions were performed by the Paramedics or Police: Took client to General Hospital E86 & E7	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 7:42 pm Time Arrived: 7:50 PM	Name of Police Officer/Badge No. E86 & E7	
	Where was the client taken: General hospital	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	3/20/2018	
Person Who Completed Report: Alex Napitan	John Ouertani	
Agency Name/Location/Phone:	Navigation Center - 1 1950 Mission St. San Francisco Ca 94103 (415)655-9521	
Supervisor Name and Phone:	John Ouertani (415)932-6890	





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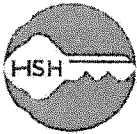
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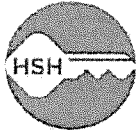
Date of Incident:	Time Incident Occurred:	Type of Incident:	
3/22/2018	3:55pm	Suicide Attempt	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Jim Ally		





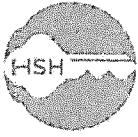
Names of Witnesses:	Client Witnesses	Staff Witnesses
		Jim Ally
		Michael Blount
		Bobby Brown
		Larry George
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>At 3:55 pm on 3/22/18, Client A was seen outside on the ledge of his 4th floor unit window by staff and program participants who happened to be in front of the building at the time. He fell and landed on his backside and then his head hit the sidewalk. 911 was called before he actually fell, and their response time was very fast. Police and medical personnel were on site within 5 minutes of initial 911 call (by then, Client A was on the ground and there was a growing crowd of spectators). Police arrived about 2-3 minutes before paramedics. Police controlled the crowd and investigated Client A’s unit on the 4th floor. Paramedics examined and stabilized Client A and then transported him to SFGH.</p>		
<p>Describe any injuries observed: Client A was face down on the sidewalk, he was bleeding copiously from his head. His legs were bent at an odd angle (possible broken legs/pelvis)</p>	<p>Describe any action taken by staff: Staff assisted client A (tried to keep him calm and still until paramedics arrival), accompanied police officer up to Client A’s unit, provided support to distraught program participants and staff.</p>	
<p><input checked="" type="checkbox"/> Check if police were involved Time Called: 3:55pm Time Arrived: 3:57pm</p>	<p>Describe what actions were performed by the Paramedics or Police: Police arrived first and secured the immediate area/dispersed growing crowd of onlookers and passersby. A police officer also went to Client A’s unit on the 4th floor to ascertain whether or not Client A was alone at the time of the accident. Paramedics arrived VERY</p>	





	shortly thereafter. They examined Client A, stabilized him and transported him to SFGH.
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 3:55pm Time Arrived: 3:59pm	Name of Police Officer/Badge No.: Officer O'Keefe #1962 Officer Bautista #4270
	Where was the client taken: San Francisco General Hospital
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	03/23/2018
Person Who Completed Report <i>(please print)</i>	Jim Ally
Agency Name/Location/Phone <i>(please print)</i>	Community Housing Partnership, 20 Jones Street San Francisco, CA 94102 415.852.5300
Supervisor Name and Phone	Anat Leonard, 415.852.5357





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

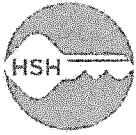
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- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:	
6/14/2018	3:20 PM	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	John Warner		





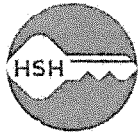
Names of Witnesses:	Client Witnesses	Staff Witnesses
		Schellete Butler
<p align="center">Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>Schellete was walking by dorm 2 when she heard _____ saying "Stop it, stop it". Schellete walked to the doorway and heard _____ saying to Bushrod "I blow your brains out and light this motherfucker up. I don't give a fuck about going to jail, I did 14 year bid already and don't give a fuck about going back". When _____ noticed Schellete in the door way he continued to say "Well I don't give a fuck that staff is standing right here, motherfucker you going to respect me, fucking keep playing with me I will blow this nigga brains smooth the fuck out." Schellete told him that he is not creating a safe environment and notified the other staff. I quickly talked to _____ and made the decision to call the police based on these threats of violence to escort _____ off grounds and sanction him. 911 was contacted and police (Badge#4512) arrived to escort him out. I entered dorm 2 with the officers and informed that he was being exited for threats of violence made to other guests in front of staff. _____ said that he was joking and should not be taken seriously, but I told him that any statements like that had to be taken seriously and was against the rules: _____ while being told that he should grab some things and go decided to change clothes and empty his pockets, presenting knife which the police took and place on the bed away from him and was told that he could have it back off grounds. I informed the police that weapons are not allowed to be on grounds. _____ took about 10 minutes to change and grab items to take with him when the police told him that he needed to hurry up and leave the grounds. On the way out he attempted to grab the knife which the police grabbed from him. The police escorted _____ outside and told that he could have his girlfriend bring him his things outside. Police stayed outside to watch the area and not let _____ back on grounds.</p>		





Describe any injuries observed: N/A	Describe any action taken by staff: Police called
<input checked="" type="checkbox"/> Check if police were involved Time Called: 3:38 Time Arrived: 3:35	Describe what actions were performed by the Paramedics or Police: escorted guest off grounds
<input type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:	Name of Police Officer/Badge No.: 4125 & 293 Where was the client taken: Off grounds
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	6/14/18
Person Who Completed Report <i>(please print)</i>	John Warner
Agency Name/Location/Phone <i>(please print)</i>	Episcopal Community Services/Mission Navigation Center/415-529-2601
Supervisor Name and Phone	Dennis McCray 415-487-3300 x4101





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

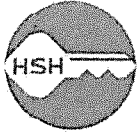
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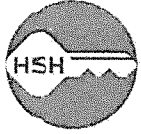
Date of Incident:	Time Incident Occurred:	Type of Incident:	
6-15-18	5:20p.m	<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
	Client A.	_____	_____
	Client B.	_____	_____
	Client C.	_____	_____
Names of Reporting Staff	Jacqueline Williams		





Names of Witnesses:	Client Witnesses	Staff Witnesses
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>Client A came though the welcome center extremely paranoid and sweaty. When asked if was ok he said yes, I also asked if he needed medical assistance which he said no. After SVC Danielle observed the guest on site and in the dorm she informed me that he may need medical assistance</p>		
Describe any injuries observed: Guest was paranoid and sweaty.	Describe any action taken by staff: Staff called 911 and stayed with guest in a comfortable until paramedics arrived	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Medic 84 arrived and took his vitals and transported him to the hospital.	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 3:10a.m Time Arrived:3:17a.m	Name of Police Officer/Badge No. N/A Where was the client taken: SF General	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	8/01/18	
Person Who Completed Report <i>(please print)</i>	Jacqueline Williams	
Agency Name/Location/Phone <i>(please print)</i>	Navigation Center 1950 mission St. 415-655-9521	
Supervisor Name and Phone	Jacqueline Williams 415-655-9521	





DEPARTMENT OF
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Department of Homelessness and Supportive Housing
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REVISED 12/27/17



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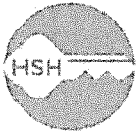
Date of Incident:	Time Incident Occurred:	Type of Incident:
6/21/2018	2:35pm	<u>Other Emergency Services</u>
Navigation Center Name	Civic Center Navigation Center	
Names of Clients Involved Last Four of SSN		
Client A.		
Client B.		
Client C.		
Names of Reporting Staff	Jim Ally	





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Renee Penton
		Sam Woods
		Jim Ally
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>Kevin M. (front door monitor) noticed Client A (by way of one of the cameras) standing near top of 4th floor stairway with an unsteady gait and requested via walkie-talkie that RSD staff go to check on her. Renee immediately went to check on her and saw that she was in extreme distress; severe gastro-intestinal pain with vomiting and diarrhea. Client A was responsive but unable to walk w/o assistance. Ambulance was called immediately.</p>		
<p>Describe any injuries observed: Client had a very unsteady gait, reported severe gastro-intestinal distress and requested emergency services.</p>	<p>Describe any action taken by staff: Staff noticed Client A. in some distress (barely able to stand/walk) and immediately called for medical help.</p>	
<p><input type="checkbox"/> Check if police were involved Time Called: Time Arrived:</p>	<p>Describe what actions were performed by the Paramedics or Police: Paramedics arrived and examined Client A and transported her via ambulance to the hospital.</p>	
<p><input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 2:36pm Time Arrived: 2:40pm</p>	<p>Name of Police Officer/Badge No.: N/A</p>	
	<p>Where was the client taken: St. Mary's Hospital</p>	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	6/21/2018	
Person Who Completed Report <i>(please print)</i>	Jim Ally	





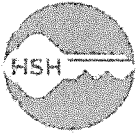
DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

Agency Name/Location/Phone <i>(please print)</i>	Community Housing Partnership 20 Jones St #200 SE CA 94102 415.852.5300
Supervisor Name and Phone	Renee Penton 415.713.9409

City and County of San Francisco
Department of Homelessness and Supportive Housing
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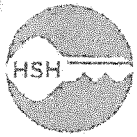
Date of Incident:	Time Incident Occurred:	Type of Incident:	
6-27-18		<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Jacqueline W. & Jennifer S.		





Names of Witnesses:	Client Witnesses	Staff Witnesses
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>Client A entered the kitchen when SVC Jennifer was cleaning @ 3:10 a.m. He requested 2 juices and said he needed to go to the hospital because his sugar was low at 22. He then laid down and was asked to stay on the couch as Sup Jacqueline called the 911 When returning to the kitchen he was up and moving but saying he did not want to go due to not having the funds. He then went to his dorm and laid down until the ambulance came. His vitals were checked and he was critical. Client A was then transported to the hospital to receive services.</p>		
Describe any injuries observed: No injuries were observed.	Describe any action taken by staff: Staff called 911 and made sure he stayed in a comfortable position until they arrived.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Engine 83 medic 83 arrived and took his vitals and transported him to the hospital.	
<input checked="" type="checkbox"/> Check if paramedics were involved	Name of Police Officer/Badge No.: N/A	





Time Called: 3:15 a.m. Time Arrived: 3:30 a.m.	Where was the client taken: General Hospital
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	6-27-18
Person Who Completed Report <i>(please print)</i>	Jacqueline Williams
Agency Name/Location/Phone <i>(please print)</i>	Navigation Center 1950 mission St. 415-655-9521
Supervisor Name and Phone	Jacqueline Williams 415-655-9521





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Date of Incident:	Time Incident Occurred:	Type of Incident:	
6/28/2018	12:33pm	Violence	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	MARJORIE RUSSELL		





Names of Witnesses:	Client Witnesses	Staff Witnesses
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Staff saw an unknown male punch client a in clients mouth. Case manager then called the police and police are now on-site. Client a refused police intervention.		
Describe any injuries observed: Client a was bleeding from clients mouth.	Describe any action taken by staff STAFF CALLED 911	
<input checked="" type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Poo	
<input type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:	Name of Police Officer/Badge No.: 1122 Where was the client taken: N/A	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	6/28/18	
Person Who Completed Report <i>(please print)</i>	Marjorie Russell	
Agency Name/Location/Phone <i>(please print)</i>	Community Housing Partnership	
Supervisor Name and Phone	Renee Penton 415-713-9409	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK PRINT and. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Brian Quinn, Navigation Centers Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

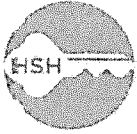
Date of Incident:	Time Incident Occurred:	Type of Incident:	
7/8/18	4:20pm	<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Tamegee Artis		





Names of Witnesses:	Client Witnesses	Staff Witnesses
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Client A. was on his bed laying down but it the sitting up position and feel of the bed and hit the corner of his right eye on the bed beside him. He had a large cut under his eye medic were called they arrive at 4:30pm medics 91 arrived and took a look at him and took him to SFGH to be seen.		
Describe any injuries observed: No injuries were observed.	Describe any action taken by staff: Staff called 911 and made sure he stayed in a comfortable position until they arrived.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Engine 7 medic 91 arrived and took his vitals and transported him to the hospital.	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 4:25pm Time Arrived: 4:30pm	Name of Police Officer/Badge No.:	
	Where was the client taken: SFGH	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	7/9/18	
Person Who Completed Report <i>(please print)</i>	Tamegee Artis	
Agency Name/Location/Phone <i>(please print)</i>	Navigation Center 1950 mission St. 415-655-9521	
Supervisor Name and Phone	Tamegee Artis 415-655-9521	





DEPARTMENT OF
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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

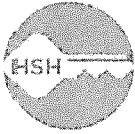
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- **Brian Quinn, Navigation Centers Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:	
7-11-2018	4:15p.m	<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Sup. Whitney Burnett		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Antwan Thomas
<p align="center">Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>Guest A. arrived extremely intoxicated and had 3 cans of beer on him (1 of them was open). Guest A. was advised that we don't allow alcohol on the property. Guest A. threw away open can and turned 2 unopened cans into staff. After intake was complete Guest A. then went in dining area and became very emotional and started crying. Svc Antwan notified Sup Whitney that Guest A was in dining area upset. Sup Whitney went to dining area and Guest A. was crying and unresponsive. Sup Whitney went and notified Supportive Services Manager and described the situation and asked John W. to come to dining area to assist. Guest A. started moving couches and whirling a chair in the air at Support Services Manager John Warner. Guest A. then came on to yard area and started charging at other guests and staff members. Guest A. picked up several items and started throwing them at whomever was present. Guest A. then started to tear down the canopy in front of dorm #9. Sup. Whitney called 911 two times for assistance. Senior Site Manager John Ouertani was notified and arrived on property with Svc _____ at 4:36p.m for support.</p>		
Describe any injuries observed: No injuries were observed.	Describe any action taken by staff: Staff called 911 and made sure guest wasn't able to harm anyone or himself	
<input checked="" type="checkbox"/> Check if police were involved Time Called: 4:15p.m Time Arrived: 4:22p.m	Describe what actions were performed by the Paramedics or Police: Police #386 Officer Sagastume and #610 Officer Padilla arrived and took control of guest A. medic #89 arrived and took his vitals and transported him to the hospital.	
<input checked="" type="checkbox"/> Check if paramedics were involved	Name of Police Officer/Badge No.: #610 Padilla, #386 Sagastume	





Time Called: 4:15p.m Time Arrived: 4:22p.m	Where was the client taken: Guest was taken to hospital for medical evaluation
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	7-11-2018
Person Who Completed Report <i>(please print)</i>	Sup. Whitney Burnett
Agency Name/Location/Phone <i>(please print)</i>	Navigation Center 1950 mission St. 415-655-9521
Supervisor Name and Phone	Whitney Burnett 415-655-9521





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

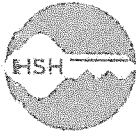
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- **Brian Quinn, Navigation Centers Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:	
7/13/2018	6:30pm	<u>Other Emergency Services</u>	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Marjorie Russell		





Names of Witnesses:	Client Witnesses	Staff Witnesses
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
CLIENT A. HAD STAFF COME DOWN TO ALERT CASE MANAGERS THAT CLIENT CALLED 911 BECAUSE CLIENT COULD NOT BREATHE. CLIENT WAS TAKEN TO THE HOSPITAL.		
Describe any injuries observed: NONE	Describe any action taken by staff: COLLECTED ALL INFORMATION AND GREETED AMBULANCE	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police:	
<input type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:	Name of Police Officer/Badge No.: UNIT 14 Where was the client taken: SAN FRANCISCO GENERAL HOSPITAL	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	7/13/18	
Person Who Completed Report <i>(please print)</i>	Marjorie Russell	
Agency Name/Location/Phone <i>(please print)</i>	COMMUNITY HOUSING PARTNERSHIP 20 12TH STREET S.E. CA 94103	
Supervisor Name and Phone	RENEE PENTON (415)713-9409	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

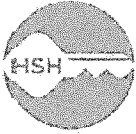
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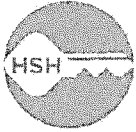
Date of Incident:	Time Incident Occurred:	Type of Incident:	
7-15-18	5:38p.m	<u>Violence</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Whitney Burnett		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Whitney Burnett
		John Ouertani
<p align="center">Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>Client C borrowed money from Client A and was unable to repay. Client A went to Client C boyfriend (Client B) to try to resolve debt. Client A became upset and blindsided Client B with a piece of marble stone. Client B yelled for staff and tried to get away from Client A. At this time Client A was seen walking towards Client B with piece of marble stone still in his hand. Client B stated that Client A had hit him with the marble stone. Client B asked staff to call the police because he wanted to press charges. Supervisor Whitney called 911 at 5:43p.m and asked that the police and medics be sent to 1950 Mission. Senior Site Manager John Ouertani was notified about violent incident and arrived on site at 6:01p.m for support. Officer McCarter #4187 and Officer Suzuki #1669 returned at 7:20p.m to take pictures of Client B hands and face.</p>		
Describe any injuries observed: Client B neck was scratched.	Describe any action taken by staff: Sup. Whitney called 911 and made sure both parties were separated.	
<input checked="" type="checkbox"/> Check if police were involved Time Called: 5:43p.m Time Arrived: 5:56p.m	Describe what actions were performed by the Paramedics or Police: Police arrived and questioned both parties. After questioning Client A was placed under arrest and escorted off the property at 6:15p.m	
Check if paramedics were involved Time Called: Time Arrived:	Name of Police Officer/Badge No. Officer McCarter #4187, Officer Cummins #4310 Case Number #180525560	
	Where was the client taken: San Francisco County Jail	
IMPORTANT AGENCY INFORMATION		





DEPARTMENT OF
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Date Form Submitted to HSH	7-15-2018
Person Who Completed Report <i>(please print)</i>	Whitney Burnett
Agency Name/Location/Phone <i>(please print)</i>	Navigation Center 1950 mission St. 415-655-9521
Supervisor Name and Phone	415-655-9521

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City and County of San Francisco
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- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:
7/24/18	2:48 pm	Choose one Medical 911
Navigation Center Name	Quinn Navigation Center at Division Circle	
Names of Clients Involved Last Four of SSN		LAST FOUR:
Client A.		
Client B.		
Client C.		





Names of Reporting Staff		J. Torres/A. Martinez	
Names of Witnesses:	Client Witnesses		Staff Witnesses
			M. Phillips
			M. Alexander
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)			
Guest ^A was seen sitting on his bed by staff, and seconds later he was seen tipping over to the floor. Staff and other guests rushed over and notice he was overdosing due to not breathing and he laid on the floor. Staff quickly used the Narcan and guest started breathing. 911 arrived minutes later but guest declined to go to the hospital.			
Describe any injuries observed:		Describe any action taken by staff:	
NONE		Applied Narcan/Called 911.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:		Describe what actions were performed by the Paramedics or Police: checked vitals and advised to go to hospital.	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 2:48 Time Arrived: 2:50 pm		Name of Police Officer/Badge No.: Med: 56	
		Where was the client taken: Nowhere guest declined.	
IMPORTANT AGENCY INFORMATION			
Date Form Submitted to HSH		7/24/18	
Person Who Completed Report (please print)		J. Torres	
Agency Name/Location/Phone (please print)		St Vincent de Paul 224 South Van Ness (415)	
Supervisor Name and Phone		[Signature] (415) 848-5616	





San Francisco Housing and Homeless Division Report of Critical Incident

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- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

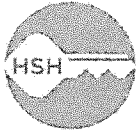
Date of Incident:	Time Incident Occurred:	Type of Incident:	
7/24/2018	4:50 AM	<u>Sexual Assault</u>	
Navigation Center Name	Central Waterfront Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Dennis McCray		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Devonte Harvey
		Elena Gracia
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>At 2:05 AM on 7/24/18, an individual was mistakenly allowed entrance to the CWNC facility by ECS staff. Based on CCTV video, the individual appeared to be a Black male approximately 6'2". The individual was questioned regarding his referral source and intake process which staff reported he answered appropriately. At approximately 4:50 AM, the individual was found by resident sitting on her bed rubbing the backside of her body inappropriately. Resident yelled out for the individual to stop and the individual hit her in the head with a coffee cup from a nearby nightstand and threw water on her. Resident fled the dorm where she was met by ECS staff. After was secured, the individual was escorted off the property by staff. Resident contacted SFPD for additional assistance. refused medical attention when offered. was spoken with by Dennis McCray, ECS Director of Shelters regarding her physical and mental condition later in the afternoon and was referred to the DPH Nurse who was on site and to the on-site Therapist on 7/25/18. CWNC staff will follow-up on referrals and document dispositions as needed. ECS is currently conducting an inquiry regarding the details of this incident.</p>		
Describe any injuries observed: No physical injuries observed	Describe any action taken by staff: Secured area, escorted intruder off property, made support services available to resident. Incident is being reviewed by ECS Management.	
<input checked="" type="checkbox"/> Check if police were involved Time Called: 5:00 AM Time Arrived: 6:00 AM	Describe what actions were performed by the Paramedics or Police: Report filed by SFPD; Case #180549528. Officers returned on 7/25/18 to view video, obtained picture of suspect.	
<input type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:	Name of Police Officer/Badge No.: Officer Carr, SFPD, Badge #1530	
	Where was the client taken: Resident did not want medical care	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	July 25, 2018	
Person Who Completed Report <i>(please print)</i>	Dennis McCray, Director of Shelters (415) 487-3300, Extension 4101	
Agency Name/Location/Phone <i>(please print)</i>	Central Waterfront Navigation Center, SF 600 25 th Street, SF, CA	
Supervisor Name and Phone	Kathy Treggiari, Director of Programs 487-3300, Extension 4122	(415)





DEPARTMENT OF
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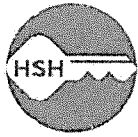
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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

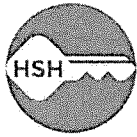
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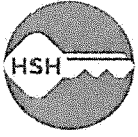
Date of Incident:	Time Incident Occurred:	Type of Incident:	
7/31/2018		<u>Other Emergency Services</u>	
Navigation Center Name	Central Waterfront Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.	_____	_____	
Client B.	_____	_____	
Client C.	_____	_____	
Names of Reporting Staff			





Names of Witnesses:	Client Witnesses	Staff Witnesses
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Client A was vomiting constantly and very weak, supervisor called 911.		
Describe any injuries observed: N/A	Describe any action taken by staff: Noticed that guest was very ill and vomit on the trash can, asked if need medical attention he stated yes, called 911 , placed client on his bed and provided plastic bag to him vomit in and stayed with him until paramedics arrived.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Client A had Glycose test and check the signs. Client A was take to the ambulance and after to the Hospital.	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived	Name of Police Officer/Badge No.: Paramedic # 61 Eng # 25	
	Where was the client taken: SFGH	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH		
Person Who Completed Report <i>(please print)</i>	Glauca Ajisaka, Supervisor	
	Central Waterfront Welcome Center 600 25 st San Francisco 94107	
Supervisor Name and Phone	John Ouertani 415 487 3300 Ext : 4222	





DEPARTMENT OF
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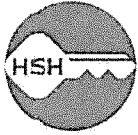
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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

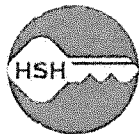
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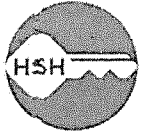
Date of Incident:	Time Incident Occurred:	Type of Incident:	
08-01-18	2:55 a.m.	<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.	_____	_____	
Client B.	_____	_____	
Client C.	_____	_____	
Names of Reporting Staff	Jacqueline Williams		





Names of Witnesses:	Client Witnesses	Staff Witnesses
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>Client A came though the welcome center extremely paranoid and sweaty. When asked if was ok he said yes, I also asked if he needed medical assistance which he said no. After SVC Danielle observed the guest on site and in the dorm she informed me that he may need medical assistance</p>		
<p>Describe any injuries observed: Guest was paranoid and sweaty.</p>		
<p>Describe any action taken by staff: Staff called 911 and stayed with guest in a comfortable until paramedics arrived</p>		
<p><input type="checkbox"/> Check if police were involved Time Called: Time Arrived:</p>		<p>Describe what actions were performed by the Paramedics or Police: Medic 84 arrived and took his vitals and transported him to the hospital.</p>
<p><input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 3:10a.m Time Arrived:3:17a.m</p>		<p>Name of Police Officer/Badge No. N/A Where was the client taken: SF General</p>
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH		8/01/18
Person Who Completed Report <i>(please print)</i>		Jacqueline Williams
Agency Name/Location/Phone <i>(please print)</i>		Navigation Center 1950 mission St. 415-655-9521
Supervisor Name and Phone		Jacqueline Williams 415-655-9521





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

Page 3 of 3

City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

<http://hsh.sfgov.org>



REVISED 12/27/17



San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

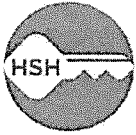
All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

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- **Brian Quinn, Navigation Centers Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

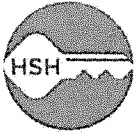
Date of Incident:	Time Incident Occurred:	Type of Incident:	
08-05-18	12:03 a.m.	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Jacqueline Williams		





Names of Witnesses:	Client Witnesses	Staff Witnesses
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>SVC Dana came into welcome center while completing rounds Client A informed her that he was experiencing lower back pain and was having a hard time catching his breath and felt as though he needed medical assistance.</p>		
<p>Describe any injuries observed: Guest was paranoid and sweaty.</p>		
<p>Describe any action taken by staff: Sup Jakki called 911 and SVC Dana stayed with guest and kept him comfortable until paramedics arrived</p>		
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	<p>Describe what actions were performed by the Paramedics or Police: Engine 2 arrived and took his vitals and Medic#60 arrived to transport him to the hospital</p>	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 12:00 a.m. Time Arrived: 12:05 a.m.	<p>Name of Police Officer/Badge No. N/A</p> <p>Where was the client taken: Davies</p>	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	8/05/18	
Person Who Completed Report <i>(please print)</i>	Jacqueline Williams	
Agency Name/Location/Phone <i>(please print)</i>	Navigation Center 1950 mission St. 415-655-9521	
Supervisor Name and Phone	Jacqueline Williams 415-655-9521	





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

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San Francisco Housing and Homeless Division Report of Critical Incident

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- **Scott Walton, Manager for Shelters and Navigation Centers at 415.355-5326, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:	
Click here to enter a date 8/13/18	9:45 pm	Choose an item. Police 911	
Navigation Center Name	Division Circle Nav. Center Choose A Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff			

Page 1 of 2





	Client Witnesses	Staff Witnesses
Names of Witnesses:		A. O'Con
		M. Hicks
		A. Martinez
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Client A and C were having an argument that escalated to calling 911.		
Client A and C were talking to the police to resolve the issue, while that was taking place, Client B tried walking out w/ Client C suitcase. When passing Security Noticed the suit case moving as if someone was inside. When questioned Client C if that was her suitcase she said yes. Police/staff called her to open it.		
When she did, there was a kid inside the suit case alive and well. She then said it was her suitcase.		
Describe any injuries observed:	Describe any action taken by staff:	
NONE	Escorted Police in investigation.	
<input type="checkbox"/> Check if police were involved	Describe what actions were performed by the Paramedics or Police:	
Time Called: 9:45 AM	Spoke to all	
Time Arrived: 10:00 AM		
<input type="checkbox"/> Check if paramedics were involved	Name of Police Officer/Badge No.:	
Time Called:	Parra 821 / Ms. Minter 27294.	
Time Arrived:	Where was the client taken:	
	NO where	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	8/15/18.	
Person Who Completed Report (please print)	Ashley O'Con	
Agency Name/Location/Phone (please print)	St Vincent de Paul 224 South Van Ness Ave. 415-268-4004.	
Supervisor Name and Phone	[Signature] 415-268-4004.	





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

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- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:	
Click here to enter a date <i>8/20/18</i>	<i>2:30 pm</i>	Choose an item. <i>Police 911</i>	
Navigation Center Name	<i>Division Navigation Center</i> Choose A Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	<i>J. Torres</i>		

Page 1 of 2

City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

<http://hsh.sfgov.org>



REVISED 08/16/17



		Client Witnesses	Staff Witnesses
Names of Witnesses:		NONE	M. Hicks G. Ferras
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)			
Guest presented to staff that when fighting with her partner, the reasons behind were because he forced her to have sex. She stated that she hadn't told staff because she was scared. She mentioned that it wasn't the first time. Staff contacted police for follow/support. Guest filed a Police report and restraining order.			
Describe any injuries observed:		Describe any action taken by staff:	
NONE		Contacted SFPD	
<input type="checkbox"/> Check if police were involved Time Called: 2:30pm Time Arrived: 4:30pm		Describe what actions were performed by the Paramedics or Police: Spoke to guest and staff.	
<input type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:		Name of Police Officer/Badge No.: Fortie #293	
		Where was the client taken: Nowhere	
IMPORTANT AGENCY INFORMATION			
Date Form Submitted to HSH		8/21/18	
Person Who Completed Report (please print)		J. Torres	
Agency Name/Location/Phone (please print)		St Vincent de Paul 224 South Van Ness 415 268 4004	
Supervisor Name and Phone		J. Torres 415 268 4004 ext 505	





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Date of Incident:	Time Incident Occurred:	Type of Incident:	
Click here to enter a date 8/13/18	9:45 pm	Choose an item. Police 911	
Navigation Center Name	Division Circle Nav. Center Choose A Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff			





	Client Witnesses	Staff Witnesses
Names of Witnesses:		A. Oron M. Hicks A. Martinez
Summary of Incident - Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>Client A and C were having an argument that escalated to calling 911. Client A and C were talking to the police to resolve the issue. While that was taking place, Client B tried walking out w/ Client C suitcase when passing Security Noticed the suit case moving as if someone was inside when questioned Client C if that was her suitcase she said yes. Police/staff called her to open it. When she did, there was a kid inside the suit case alive and well. She then said it was client C suitcase.</p>		
Describe any injuries observed:	Describe any action taken by staff:	
NONE	Escorted Police in investigation.	
<input type="checkbox"/> Check if police were involved Time Called: 9:45 AM Time Arrived: 10:00 AM	Describe what actions were performed by the Paramedics or Police: spoke to all	
<input type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:	Name of Police Officer/Badge No.: Parra 821 / McMaster 2984. Where was the client taken: NO where	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	8/15/18	
Person Who Completed Report (please print)	Ashley Oron	
Agency Name/Location/Phone (please print)	87 Vincent de Paul 224 South Van Ness Ave. 415 268 4004.	
Supervisor Name and Phone	 415 268 4004.	





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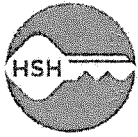
Date of Incident:	Time Incident Occurred:	Type of Incident:	
Click here to enter a date <i>8/20/18</i>	<i>2:30 pm</i>	Choose an Item. <i>Police 911</i>	
Navigation Center Name	<i>Division Navigation Center</i> Choose A Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	<i>J. Torres</i>		





		Client Witnesses	Staff Witnesses
Names of Witnesses:		NONE	M. Hicks G. Ferras
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)			
<p>Guest presented to staff that when fighting with her partner, the reason behind was because he forced her to have sex. She stated that she hadn't told staff because she was scared. She mentioned that it wasn't the first time. Staff contacted police for follow/support. Guest filed a Police report and restraining order.</p>			
Describe any injuries observed:		Describe any action taken by staff:	
NONE		Contacted SFPD	
<input type="checkbox"/> Check if police were involved Time Called: 2:30pm Time Arrived: 4:30pm		Describe what actions were performed by the Paramedics or Police: spoke to guest and staff.	
<input type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:		Name of Police Officer/Badge No.: Fortie #293	
		Where was the client taken: Nowhere	
IMPORTANT AGENCY INFORMATION			
Date Form Submitted to HSH		8/21/18	
Person Who Completed Report (please print)		J. Torres	
Agency Name/Location/Phone (please print)		St Vincent de Paul 224 South Van Ness 415 268 4004	
Supervisor Name and Phone		J. Torres 415 268 4004 ext 505	





San Francisco Housing and Homeless Division Report of Critical Incident

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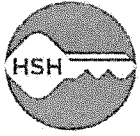
Date of Incident:	Time Incident Occurred:	Type of Incident:	
8/23/2018	9:10p.m	<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
	Client A.		
	Client B.		
	Client C.		
Names of Reporting Staff	Whitney Burnett		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Stanley Escobar
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>Guest A. was on courtyard and stated he needs help getting to restroom. Guest A. is in a wheelchair so Sup. Whitney went over to give him assistance and he started vomiting on the ground. Sup Whitney pushed guest A. to restroom and Svc. Candra assisted guest while in restroom. 911 was call by Sup Whitney.</p>		
Describe any injuries observed: no injuries	Describe any action taken by staff: Made sure guest A. was comfortable.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Took vitals and stabilized guest	
<input type="checkbox"/> Check if paramedics were involved Time Called: 9:14p.m Time Arrived: 9:20p.m	Name of Police Officer/Badge No.: Engine 7 and Medic 73	
	Where was the client taken: U.C Davis	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	8-23-18	
Person Who Completed Report <i>(please print)</i>	Whitney Burnett	
Agency Name/Location/Phone <i>(please print)</i>	Navigation Center 1950 Mission 415-655-0521	
Supervisor Name and Phone	Whitney Burnett 415-655-9521	





DEPARTMENT OF
HOMELESSNESS AND
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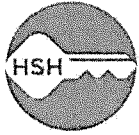
Page 3 of 3

City and County of San Francisco
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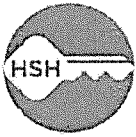
Date of Incident:	Time Incident Occurred:	Type of Incident:	
8/23/2018	9:10p.m	<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Whitney Burnett		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Stanley Escobar
<p align="center">Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>Guest A. was on courtyard and stated he needs help getting to restroom. Guest A. is in a wheelchair so Sup. Whitney went over to give him assistance and he started vomiting on the ground. Sup Whitney pushed guest A. to restroom and Svc. Candra assisted guest while in restroom. 911 was call by Sup Whitney.</p>		
Describe any injuries observed: no injuries	Describe any action taken by staff: Made sure guest A. was comfortable.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Took vitals and stabilized guest	
<input type="checkbox"/> Check if paramedics were involved Time Called: 9:14p.m Time Arrived: 9:20p.m	Name of Police Officer/Badge No.: Engine 7 and Medic 73 Where was the client taken: U.C Davis	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	8-23-18	
Person Who Completed Report <i>(please print)</i>	Whitney Burnett	
Agency Name/Location/Phone <i>(please print)</i>	Navigation Center 1950 Mission 415-655-9521	
Supervisor Name and Phone	Whitney Burnett 415-655-9521	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

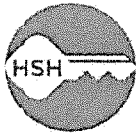
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- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

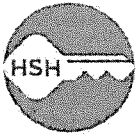
Date of Incident:	Time Incident Occurred:	Type of Incident:	
8/24/2018	6:00pm	<u>Other Emergency Services</u>	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Marjorie Russell/Senior case manager/8/25/18 CCH NAV. 2		





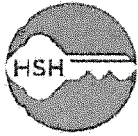
Names of Witnesses:	Client Witnesses	Staff Witnesses
		Mary Kay Chin
<p align="center">Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>The property manager called me and informed me that Client A. was on the property and that's when I heard Client A. yelling at Larry George. Myself and Mary Kay Chin went to the lobby of the building to see what the problem was and to ask Client A. to leave the building because Client A. had got Client A's keys to Client A's new housing and had also signed the lease the day before this incident occurred. Client A was yelling why do I have to leave that it isn't fair. I said there's not going to be anymore yelling and again I asked client to quit yelling. Client A. said that Client A. was just frustrated. I told Client A. that Client A. had 20 minutes to be off the property or I was going to call the police. Client A. said fine but I am not leaving. Client A. went up the stairs yelling and using profanity. I again talked to the property manager and let him know that the police were on the way. When the police got here we talked about the situation and the police said that they could not remove her so I had to sign a trespass order to have Client A. removed. The police went upstairs with Larry George and after some time went by Client A. came down with some of Client A's things again yelling profanity. From that point my supervisor told me to go home.</p>		
Describe any injuries observed: NONE	Describe any action taken by staff: The police were called to remove client from the building. I had to sign a trespass order to have client removed.	
<input checked="" type="checkbox"/> Check if police were involved Time Called: 6:05pm Time Arrived:6:35pm	Describe what actions were performed by the Paramedics or Police: The police talked to client and gave client time to move some of clients things but informed client that client had to leave the premises.	





<input type="checkbox"/> Check if paramedics were involved	Name of Police Officer/Badge No.: Noehl
Time Called: Time Arrived:	Where was the client taken: N/A
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	8/25/18
Person Who Completed Report <i>(please print)</i>	Marjorie Russell
Agency Name/Location/Phone <i>(please print)</i>	CCH NAV. 2/20 12 th street/415-654-8250
Supervisor Name and Phone	Renee Penton/415-713-9409





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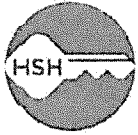
Date of Incident:	Time Incident Occurred:	Type of Incident:	
09-07-18	3:05	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Jacqueline Williams		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Johnny Williams
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>Client B was sitting on the bench in front of the men’s restroom, he came over to the welcome center to inform me that Client A was laying on the men’s restroom floor in pain, once I arrived I asked client A if he needed medical assistance and he replied no, but he’d like for one of us to go and retrieve his Imodium from his bunk area, SVC Jennifer went and got it for him, Client A said he was alright but felt like he had food poisoning. At around 3:00 a.m. Client A yelled help from the men’s restroom all staff ran towards the restroom and he stated he needed medical assistance so I called 911 SVC’s Jennifer and Johnny stayed with Client A until I returned. I informed client A that the paramedics were on the way, and then he got up off the floor and walked to his dorm and laid on his bunk until paramedics arrived for him</p>		
Describe any injuries observed: No injuries were observed.	Describe any action taken by staff: Staff called 911 and made sure he stayed in a comfortable position until they arrived.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: AMR118 arrived and spoke with the client and transported him to General Hospital	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called:3:10 Time Arrived: 3:20	Name of Police Officer/Badge No.:	
	Where was the client taken: General Hospital	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	09-08-18	





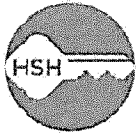
DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

Person Who Completed Report <i>(please print)</i>	Jacqueline Williams
	Navigation Center 1950 mission St. 415-655-9521
Supervisor Name and Phone	415-655-9521

City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

<http://hsh.sfgov.org>





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Janay Washington, Navigation Centers Program Specialist at 415.355-5331, janay.washington@sfgov.org**
- **Scott Walton, Manager for Shelters and Navigation Centers at 415.355-5326, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

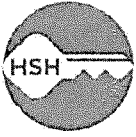
Date of Incident:	Time Incident Occurred:	Type of Incident:	
9/9/18	10:30 am	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Tamegee		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Tamegee Artis
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>Client A. was found in the mens bathroom stall unconscious and unresponsive leaned against the door were we couldn't get in to assist Client A. Medics were called. pulled Client A off the door and got it opened guest was already blue in the face and wasn't breathing rolled him over and the used needle was stuck in between his fingers. Narcan was administered to guest 2 times guest was still not responsive then stuck him 4 times the needle form and guest popped up before Medics treated him Medic 61 and engine 7 arrived to treat Client A.</p>		
Describe any injuries observed:	Describe any action taken by staff: 911 was called	
<input type="checkbox"/> Check if police were involved Time Called: 10:35am Time Arrived: 10:40am	Describe what actions were performed by the Paramedics or Police: Assisted the guest but he refused treatment	
<input type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:	Name of Police Officer/Badge No.:	
	Where was the client taken:	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	9/9/18	
Person Who Completed Report <i>(please print)</i>	Tamegee Artis	
Agency Name/Location/Phone <i>(please print)</i>	1950 Mission st 415-655-9251	
Supervisor Name and Phone	Tamegee Artis 415-655-9251	





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

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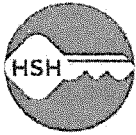
Page 3 of 3

City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

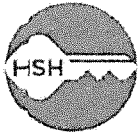
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- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:	
9/20/2018	5:00p.m	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Whitney Burnett		





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

Date Form Submitted to HSH	9-20-2018
Person Who Completed Report <i>(please print)</i>	Whitney Burnett
Agency Name/Location/Phone <i>(please print)</i>	1950 Mission St. Navigation Center
Supervisor Name and Phone	Whitney Burnett 415-655-9521

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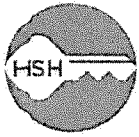
Page 3 of 3

City and County of San Francisco
Department of Homelessness and Supportive Housing
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415.252.3232

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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

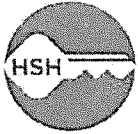
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- **Scott Walton, Manager for Shelters and Navigation Centers at 415.355-5326, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:	
9/20/2018	7:54p.m	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Whitney Burnett		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		John Ouertani
		Candra Jordan
		Whitney Burnett
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>Guest A. was wheeled up to the gated entrance unable to speak or open his eyes with drool hanging from his lips. Sup Whitney called 911 for medical assistance at 7:54p.m. Ambulance arrived at 8:02p.m and guest A.was placed on gurney and taken to the hospital. Guest A. was very unresponsive and the medic s stated that if help had not been called guest A. could have passed away. Guest A. was heavily under the influence of several drugs fentanyl, benzodiazepine, and meth. Guest was unable to speak or wheel himself around. Guest was taken to SF General by medic 84 from the SFFD.</p>		
Describe any injuries observed: Guest was heavily under the influence of several drugs		Describe any action taken by staff: Guest was wheeled onto the yard and monitored until paramedics arrived.
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:		Describe what actions were performed by the Paramedics or Police: Medics stabilized guest and took him to SF General
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 7:54p.m Time Arrived: 8:02p.m		Name of Police Officer/Badge No.: Rescue #2 and medic #84 Where was the client taken: SF General
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH		9-20-2018
Person Who Completed Report <i>(please print)</i>		Whitney Burnett





DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

Agency Name/Location/Phone <i>(please print)</i>	1950 Mission St Navigation Center
Supervisor Name and Phone	Whitney Burnett 415-655-9521

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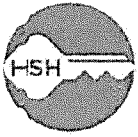
Page 3 of 3

City and County of San Francisco
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SAN FRANCISCO, CA 94103
415.252.3232

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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

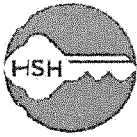
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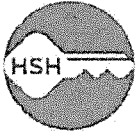
Date of Incident:	Time Incident Occurred:	Type of Incident:	
9-20-18	1:57pm	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Missy Mason		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Carlos Morales
		Kim Guillory
		John Ouertani
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Client A was complaining of difficulty breathing		
Describe any injuries observed: None	Describe any action taken by staff: Staff called 911 and kept him in the most comfortable position until fire and medics arrived.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Engine 7 medic 67 arrived and took his vitals and transported him to the hospital.	
<input type="checkbox"/> Check if paramedics were involved Time Called: 1:57pm Time Arrived: 2:01pm	Name of Police Officer/Badge No.:	
	Where was the client taken:SFGH	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	9/20/18	
Person Who Completed Report <i>(please print)</i>	Missy Mason	
Agency Name/Location/Phone <i>(please print)</i>	1950 Mission San Francisco Ca 94103	
Supervisor Name and Phone	Kim Guillory 415-678-7212	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

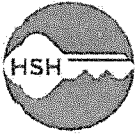
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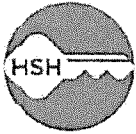
Date of Incident:	Time Incident Occurred:	Type of Incident:	
9-24-18	10:53am	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Missy Mason		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Kim Guillory
		John Ouertani
		Tamegee Artis
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Client A was having difficulty walking and could not apply pressure to his leg. Client A leg was swollen. He had to be transported to the hospital. He was in extreme pain.		
Describe any injuries observed: None	Describe any action taken by staff: Staff called 911 and kept him in the most comfortable position until fire and medics arrived.	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Medic AMR #35318 arrived took his vitals and spoke with him and transported him to the hospital.	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 10:53am Time Arrived: 11:09am	Name of Police Officer/Badge No.: Where was the client taken:SFGH	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	9/24/18	
Person Who Completed Report <i>(please print)</i>	Missy Mason	
Agency Name/Location/Phone <i>(please print)</i>	1950 Mission San Francisco Ca 94103	
Supervisor Name and Phone	Kim Guillory (415) 923-8904	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

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- **Brian Quinn, Navigation Centers Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

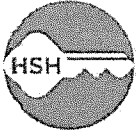
Date of Incident:	Time Incident Occurred:	Type of Incident:	
10/6/201810		<u>Other Emergency Services</u>	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	LaOshia Tillman/Sr. Case Manager 10/6/18 CCH NAV. 2		





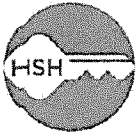
Names of Witnesses:	Client Witnesses	Staff Witnesses
		Megan Rogers
		Joy Hines
		LaOshia Tillman
		Marjorie Russell
<p align="center">Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p>		
<p>Marjorie walked out of the office and Joy Hines approached Marjorie saying that a women with a dress on said that someone got beat up. As Marjorie was walking out side to see what happened I followed behind her. We saw Megan coming from across the street and she was on the phone. Everybody was trying to figure out what unit the incident happened in and the name of the client that got injured. Megan thought that the unit was either 433 or 432. Megan went back upstairs to find out the unit number and that is when Client B came back into the building. Joy saw that the client was bleeding and told him to came back downstairs so we could call the police to get him looked at. Client B said that he was fine and headed back upstairs. The police arrived and asked what happened and then they went upstairs and as police was going up the stairs Megan, Client A and Client B were coming down the stairs and the meet the police on the third floor stairs. They all come down and the police and Client A went to the RSD office to talk. They were talking to Client A and I called Renee the program Director to see if I could give the police any information about the intruder since the intruder use to be a participate at the Civic Center. Renee said that I could only give out name and birth date. I let Renee know what was going on and how the intruder stab Client B. Renee wanted to know if it happened inside of the building or outside of the building. I asked Client B where did the client get stab and Client B said it happened behind the building in the parking lot. Renee asked if there was an ambulance coming and I confirmed with the police that one was on its way. The ambulance and everybody made their way out to the front of the building. Client B got into the ambulance and the EMT take the client to San Francisco General Hospital. Client A was telling Marjorie what happened and the police was also confirming that address to where the intruder lives. The police asked if I was able to give out any information and I told them that I would only be able to give the name and birth date that we have on file. The police asked if I got the birth date from off and ID or did the intruder tell me this was the birth date. I told the police officer that it was the birth date that the intruder gave when the intruder was a participate here. Another ambulance came and Client A got in and the police went to the ambulance with Client A.</p>		





Describe any injuries observed: Client A's left eye was swollen and bleeding. Client A could not open left eye. Client B was bleeding from the right hand.	Describe any action taken by staff: The police were called by Megan Renee was called by me LaOshia Tillman All staff comfort both clients and help calm the situation down and give as much information without breaking the HIPAA policy.
<input checked="" type="checkbox"/> Check if police were involved Time Called: 10:30am Time Arrived: 10:35am	Describe what actions were performed by the Paramedics or Police: The police talked to both Client A and Client B and took statements one police officer gave Client A information about domestic violence. The Paramedics treated both Client A and Client B and took Client A and Client B to the hospital
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 10:30am Time Arrived: 11am	Name of Police Officer/Badge No.: S. Richardson 412 and badge 1272 1 st : Paramedics Kings America unit 6 2 nd : Paramedics SF Fire department #36 Where was the client taken: Client B: was taken to San Francisco General Client A: unknown where the client was taken
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	10/6/2018
Person Who Completed Report <i>(please print)</i>	LaOshia Tillman
Agency Name/Location/Phone <i>(please print)</i>	CCH NAV. 2/20 12 th street/415-423-4979
Supervisor Name and Phone	Renee Penton/415-713-9409





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

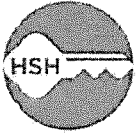
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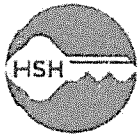
Date of Incident:	Time Incident Occurred:	Type of Incident:	
10/6/2018	10:30am	Violence	
Navigation Center Name	Civic Center Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Marjorie Russell		





<input checked="" type="checkbox"/> Check if police were involved Time Called: 10:30 am Time Arrived:10:40 am	Describe what actions were performed by the Paramedics or Police: the police collected the information from Clients A and Client B. The paramedics took both Client A and Client B to the hospital. The police also made out a temporary stay away order of protection for both Client A. and Client B.
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 10:30am Time Arrived: 10:45am	Name of Police Officer/Badge No.: S. Richardson- 412 Where was the client taken: S.F.G.H.
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	10/06/2018
Person Who Completed Report <i>(please print)</i>	Marjorie Russell
Agency Name/Location/Phone <i>(please print)</i>	Community Housing Partnership
Supervisor Name and Phone	Renee Penton-415-713-9409





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

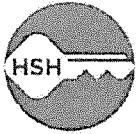
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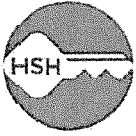
Date of Incident:	Time Incident Occurred:	Type of Incident:	
10-10-18	5:39pm	<u>Other Emergency Services</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Alex Napitan		





Names of Witnesses:	Client Witnesses	Staff Witnesses
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Client A was complaining of shortness of breath and felling faint and requested the paramedics to be called. I dialed 911 and paramedics were dispatched.		
Describe any injuries observed: shortness of breath	Describe any action taken by staff: I dialed 911 and stayed with guest till paramedics came.	
<input checked="" type="checkbox"/> Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: They arrived and checked vitals out and transported her to General hospital.	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 5:39pm Time Arrived: :43pm	Name of Police Officer/Badge No.: Engine 7 Medical 56 Where was the client taken: Client A was transported to general hospital	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	10/9/18	
Person Who Completed Report <i>(please print)</i>	Alex Napitan	
Agency Name/Location/Phone <i>(please print)</i>	1950 Mission San Francisco Ca 94103	
Supervisor Name and Phone	Kim Guillory (415) 923-8904	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

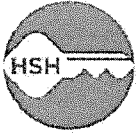
All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Janay Washington, Navigation Centers Program Specialist at 415.355-5331, janay.washington@sfgov.org**
- **Scott Walton, Manager for Shelters and Navigation Centers at 415.355-5326, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

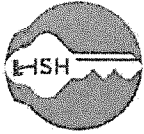
Date of Incident:	Time Incident Occurred:	Type of Incident:	
10/13/2018	10:45p.m	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Whitney Burnett		





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Daryi (Security Guard)
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>Guest A. returned from being out all day and was still upset with me about previous incident from earlier in the day. Guest was listening to his music at an extremely loud level when he entered in the Welcome Center to sign in. Guest was asked to step outside the Welcome Center. He step out and grabbed his dog aggressively which caused the dog to respond aggressive. The dog raised up on his hind legs and started to growl and Guest began to curse me out and walk off into dorm #2. Guest returned 1minute later and approached desk in the Welcome Center telling me how he felt about me and that he was 59 years old. I asked guest to leave Welcome Center and to exit the property. Guest turned around and told me to fuck myself and walked off into dorm #2 mumbling to himself. I called 911 and asked for assistance before approaching guest in dorm #2. Police were called at 10:45p.m and arrived at 10:48p.m 8 police officers arrived to assist.</p>		
Describe any injuries observed: none	Describe any action taken by staff: Guest was given a 2 hour time out	
<input checked="" type="checkbox"/> <input type="checkbox"/> Check if police were involved Time Called: 10:45p.m Time Arrived: 10:48p.m	Describe what actions were performed by the Paramedics or Police: Guest was asked to exit the property and to put his dog on a leash.	
<input type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:	Name of Police Officer/Badge No.: #994 Opistal #1148 Bryan	
	Where was the client taken: Guest was given a 2 Hour time out	
IMPORTANT AGENCY INFORMATION		

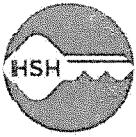




Date Form Submitted to HSH	10-13-2018
Person Who Completed Report <i>(please print)</i>	Whitney Burnett
Agency Name/Location/Phone <i>(please print)</i>	1950 Mission St. Navigation Center
Supervisor Name and Phone	Whitney Burnett 415-655-9521

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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

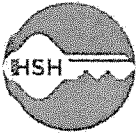
All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Janay Washington, Navigation Centers Program Specialist at 415.355-5331, janay.washington@sfgov.org**
- **Scott Walton, Manager for Shelters and Navigation Centers at 415.355-5326, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:	
10-13-18	4:40 a.m.	Violence	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Jacqueline Williams		





Time Called: Time Arrived:	Where was the client taken: Client A was escorted off site by SFPD stating he was going to mothers house
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	10/13/18
Person Who Completed Report <i>(please print)</i>	Jacqueline Williams
Agency Name/Location/Phone <i>(please print)</i>	1950 Mission San Francisco Ca 94103
Supervisor Name and Phone	Kim Guillory (415) 923-8904

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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Janay Washington, Navigation Centers Program Specialist at 415.355-5331, janay.washington@sfgov.org**
- **Scott Walton, Manager for Shelters and Navigation Centers at 415.355-5326, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:	
10-15-18	11:05pm	Other Emergency Services	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME	LAST FOUR:	
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Alex Napitan		





Names of Witnesses:	Client Witnesses	Staff Witnesses
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
<p>Client A Came to the office with complaints of not feeling well asked if we could check in on her. Approximately 15 min later requested for paramedics. I called 911.</p>		
Describe any injuries observed: Guest was vomiting and defecating on herself.	Describe any action taken by staff: We dialed 911 and kept her comfortable.	
<input checked="" type="checkbox"/> Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: They arrived and checked her out and transported her to the hospital.	
<input checked="" type="checkbox"/> Check if paramedics were involved	Name of Police Officer/Badge No.:	
Time Called: 11:05pm Time Arrived: 11:15pm	Where was the client taken: Client A was transported to General Hospital	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	10/15/18	
Person Who Completed Report <i>(please print)</i>	Alex Napitan	
Agency Name/Location/Phone <i>(please print)</i>	1950 Mission San Francisco Ca 94103	
Supervisor Name and Phone	Kim Guillory (415) 923-8904	





DEPARTMENT OF
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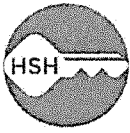
Page 3 of 3

City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

<http://hsh.sfgov.org>



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San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

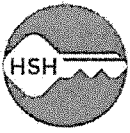
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A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK PRINT and. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Scott Walton, Navigation Centers Program Manager at 415.557-5474, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

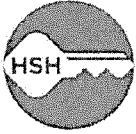
Date of Incident:	Time Incident Occurred:	Type of Incident:
10/17/2018	8:30pm	Choose one Medical
	Bayshore Navigation Center	
	PRINT FIRST NAME AND LAST NAME	LAST FOUR:





Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Guest A was laying in her bed complaining about she had a severe headache, Guest A was then brought to the supervisor office and 911 was contacted		
Describe any injuries observed: N/A	Describe any action taken by staff: Called 911	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Describe what actions were performed by the Paramedics or Police: Took guest to St Luke's hospital	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 8:32pm Time Arrived: 8:50pm	Name of Police Officer/Badge No.: #173 Truck #65 Where was the client taken: St Luke's Hospital	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH		
Person Who Completed Report <i>(please print)</i>	John Mcqueen	
Agency Name/Location/Phone <i>(please print)</i>	Five Keys Navigation Center	
Supervisor Name and Phone	John Mcqueen	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

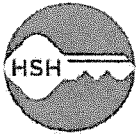
All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Janay Washington, Navigation Centers Program Specialist at 415.355-5331, janay.washington@sfgov.org**
- **Scott Walton, Manager for Shelters and Navigation Centers at 415.355-5326, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

Date of Incident:	Time Incident Occurred:	Type of Incident:
10/24/2018	5PM	<u>Other Emergency Services</u>
Navigation Center Name	Choose A Navigation Center	
Names of Clients Involved Last Four of SSN		
Client A.		
Client B.		
Client C.		
Names of Reporting Staff	Rhonda Reed	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

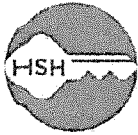
All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Janay Washington, Navigation Centers Program Specialist at 415.355-5331, janay.washington@sfgov.org**
- **Scott Walton, Manager for Shelters and Navigation Centers at 415.355-5326, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

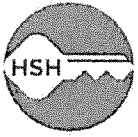
Date of Incident:	Time Incident Occurred:	Type of Incident:
Click here to enter a date.	10/25/18	<u>Other Emergency Services</u>
Navigation Center Name	Choose A Navigation Center	
Names of Clients Involved Last Four of SSN		
Client A.		
Client B.		
Client C.		
Names of Reporting Staff	Matthew McGill	





Names of Witnesses:	Client Witnesses	Staff Witnesses
		Glaucia Ajisaka
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
At 10:40am Client A was very Delusional, and also urinated on himself. Client A Requested Paramedics. Paramedics arrive, and transported Client A to Veterans Hospital		
Describe any injuries observed:	Glaucia Ajisaka and Patrick Harris Reported to Supervisor Matthew, Supervisor Matthew McGill calls the ambulance	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Ambulance Interacting with client A seeing if everything was ok asked him a couple questions then it took him out in an Ambulance chair/stretcher	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 10:47am Time Arrived: 11:00am	Name of Police Officer/Badge No.: Engine #53	
	Where was the client taken: Veterans hospital	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	10/25/18	
Person Who Completed Report <i>(please print)</i>	Matthew McGill, Supervisor	
Agency Name/Location/Phone <i>(please print)</i>	Central Waterfront Welcome Center 600, 25st, San Francisco ,94107	
Supervisor Name and Phone	John Ouertani (415)487-3300 EXT 4323	





DEPARTMENT OF
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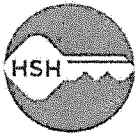
Page 3 of 3

City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

<http://hsh.sfgov.org>



REVISED 08/07/18



San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

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- **Janay Washington, Navigation Centers Program Specialist at 415.355-5331, janay.washington@sfgov.org**
- **Scott Walton, Manager for Shelters and Navigation Centers at 415.355-5326, scott.walton@sfgov.org**
- **Email a copy of this form to HSH Data Team at hshdata@sfgov.org**

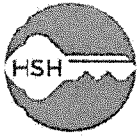
Date of Incident:	Time Incident Occurred:	Type of Incident:
10/30/2018	10:00am	<u>Other Emergency Services</u>
Navigation Center Name	Choose A Navigation Center	
Names of Clients Involved Last Four of SSN		
Client A.		
Client B.		
Client C.		
Names of Reporting Staff		

Page 1 of 2

City and County of San Francisco
Department of Homelessness and Supportive Housing
P.O. BOX 7988
SAN FRANCISCO, CA 94103
415.252.3232

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Names of Witnesses:	Client Witnesses	Staff Witnesses
		Patrick Harris- Support Service Manager
		Glaucia Ajisaka- Case Manager
		John Warner –Support Service Manager
		Matthew McGill- Supervisor
Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)		
Client A was very Delusional, Laying in urine and also urinated on the wall. His clothes smelt like urine. Client A had blood on his pants, face, and his hands		
Describe any injuries observed: N/A	Glaucia Ajisaka and Patrick Harris help dois out the dorm so facilities can come in and clean his bed area	
<input type="checkbox"/> Check if police were involved Time Called: Time Arrived:	Paramedics interacted with client A to see if everything is ok, Asked if there any issues going on	
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: 9:19am Time Arrived: 9:40am	Name of Police Officer/Badge No.: #78 Where was the client taken: Client A requested for a taxi to VA hospital	
IMPORTANT AGENCY INFORMATION		
Date Form Submitted to HSH	10/30/2018	
Person Who Completed Report <i>(please print)</i>	Matthew McGill, Supervisor	
Agency Name/Location/Phone <i>(please print)</i>	Central Waterfront Welcome Center 600 25st San Francisco 94107	
Supervisor Name and Phone	John Ouertani (415)487-3300 EXT 4311	





San Francisco Housing and Homeless Division Report of Critical Incident

INSTRUCTIONS FOR REPORTING CRITICAL INCIDENTS

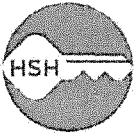
All Navigation Centers should report critical incidents to the Department of Homelessness and Housing as soon as possible. Types of critical incidents include: death, acts of violence, arrests, fire, sexual assaults, suicide attempts or any other critical incidents which require the involvement of emergency services.

A completed Report of Critical Incident form should be forwarded to HSH within **24 hours of the incident** preferably by **email** or TYPE OR PRINT LEGIBLY USING LARGE BLACK PRINT and **fax the report to 415.355.6321**. Please fill in all spaces on the form using N/A if appropriate. **When a death or serious incident occurs, staff should contact HSH immediately and leave a message detailing the event as well as submit a Report of Critical Incident to:**

- **Brian Quinn, Navigation Center Program Manager at 415.557-5474, brian.p.quinn@sfgov.org**
- **Email a copy of this form to Reggie Delos Santos, Online Navigation and Entry System Analyst, at regie.delossantos@sfgov.org**
-

Date of Incident:	Time Incident Occurred:	Type of Incident:	
	4:40 pm	<u>Suicide Attempt</u>	
Navigation Center Name	Mission Street Navigation Center		
Names of Clients Involved Last Four of SSN	PRINT FIRST NAME AND LAST NAME		LAST FOUR:
Client A.			
Client B.			
Client C.			
Names of Reporting Staff	Alexander Napitan		





Names of Witnesses:	Client Witnesses
	Staff Witnesses
	Antwan T
<p>Summary of Incident – Continue on separate sheet of paper if necessary. (Please do not include client names below. Refer to Client A, Client B, etc.)</p> <p>Client A walked out of the navigation center Antwan was standing out and heard her say she was going. Jump in front of a bus. This all occurred outside of the navigation center. She left on her own will.</p>	
Describe any injuries observed:	Describe any action taken by staff: Call 911
<input checked="" type="checkbox"/> Check if police were involved Time Called: 4:40 pm Time Arrived: 4:45 pm	Describe what actions were performed by the Paramedics or Police: police called paramedics # 82 came and placed her in the ambulance
<input checked="" type="checkbox"/> Check if paramedics were involved Time Called: Time Arrived:	Name of Police Officer/Badge No.: 199 Where was the client taken: Unknown
IMPORTANT AGENCY INFORMATION	
Date Form Submitted to HSH	
Person Who Completed Report <i>(please print)</i>	Alex Napitan
Agency Name/Location/Phone <i>(please print)</i>	Mission Street Navigation Center/415-655-9521
Supervisor Name and Phone	John Ouertani



From: [Heckel, Hank \(MYR\)](#)
To: [Wallace Lee](#)
Cc: [Stewart-Kahn, Abigail \(HOM\)](#); [Cohen, Emily \(DPH\)](#); [RUSSI, BRAD \(CAT\)](#); [PEARSON, ANNE \(CAT\)](#); [Ellis, Tanya \(HOM\)](#)
Subject: RE: Sunshine Ordinance Request (Set #3)
Date: Monday, May 6, 2019 4:53:07 PM
Attachments: Responsive re Request of Wallace Lee # 3.pdf

Dear Wallace,

Please see attached additional information responsive to your request below. This file is from HSH and specifically relates to the portion of your request concerning the March 29, 2019 count.

We are continuing to search for and process additional potentially responsive information regarding the portion of your request concerning the 2017 and 2019 point in time counts. We will provide any such data as it becomes available on a rolling basis.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
(415) 554-4796

From: Heckel, Hank (MYR)
Sent: Monday, April 29, 2019 5:26 PM
To: Wallace Lee <wajlee@gmail.com>
Cc: Stewart-Kahn, Abigail (HOM) <abigail.stewart-kahn@sfgov.org>; Cohen, Emily (DPH) <emily.cohen@sfgov.org>; RUSSI, BRAD (CAT) <Brad.Russi@sfcityatty.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>
Subject: Sunshine Ordinance Request (Set #3)

Dear Wallace Lee,

This further responds to your requests of April 17, 2019 to the Department of Homelessness and Supportive Housing and Emily Cohen of the Office of the Mayor, referred to as Sunshine Ordinance Request (Set #3), seeking the following documents:

“1. Documents sufficient to provide point-in-time homeless population count data at a block-by-block level for the area bounded by Market Street, The Embarcadero, McCovey Cove and Third Street. Please include data from the January 2019 point-in-time count, the January 2017 point-in-time count, and the count conducted on March 29, 2019 (the results of which were presented at the April 3, 2019 community meeting at the Delancey Street

Foundation).”

We are responding on behalf of HSH and the Office of the Mayor due to the overlapping nature of your requests. We previously responded to you regarding this and other related requests and informed you that we would be treating this as subject to the full time period to respond because it was not simple or routine and sought information that was not readily accessible, despite your later characterization as the request as an Immediate Disclosure Request.

I also informed you in a subsequent phone conversation that the data sought in this request may be partly in the possession of a third party vendor retained to perform the 2017 and January 2019 Point in Time counts you reference. We are continuing to review this issue in consultation with the City Attorney’s Office. Accordingly, HSH and the Office of the Mayor are invoking an extension of time of up to 14 days under Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) because of the need for consultation with other city departments.

Regarding the March 29, 2019 count, we are providing responsive information in the attached slide deck (see slide 8). Block by block data of the kind you reference regarding this count is not available.

We understand the need to conduct this consultation with all practicable speed and will provide any additional responsive documents on a rolling basis.

Regards,

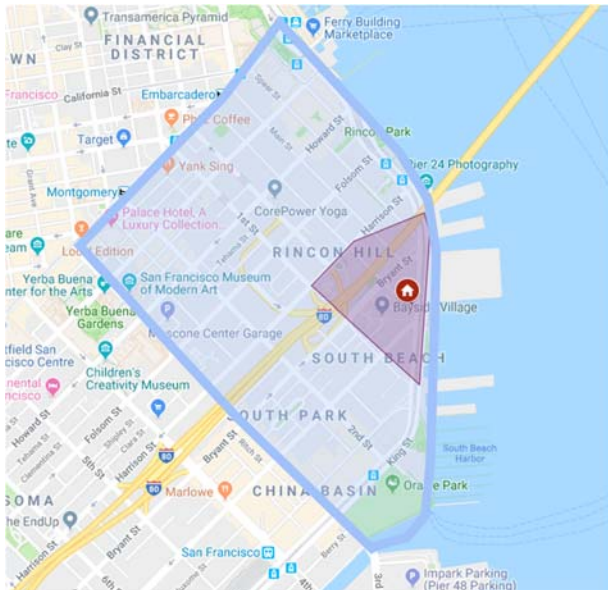
Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

Friday March 29th 11:30 pm until 3:30 am

Mission to Embarcadero	10 people, 1 Structure, 1 Tent
Embarcadero between Embarcadero plaza and 3 rd st	36 People, 2 Structures, 2 tents
Townsend	2 people
Brannon	4 people
Stewart	3 people
Market from Embarcadero to 3 rd st	35 people
Montgomery	3 people
Jesse	8 people
2 nd	5 people
3 rd market to Embarcadero	17 people
Park st	7 people
Howard	4 people
Minna	9 people
Marina	9 people
Harrison	9 people
Folsom	4 people, 1 tent

Total 165 People 3 Structures 4 Tents*

*assumes two people in each tent/structure. Total: 179



From: [Heckel, Hank \(MYR\)](#)
To: [Wallace Lee](#)
Cc: [Stewart-Kahn, Abigail \(HOM\)](#)
Subject: RE: Sunshine Ordinance Request (Set #3)
Date: Monday, May 13, 2019 6:15:04 PM
Attachments: Responsive Documents Re Request 3 of Wallace Lee - 2017 Count.pdf

Dear Wallace,

Please see attached additional information provided by HSH, responsive to your request below. Specifically, we are providing the available route data from the January 2017 point-in-time count that most closely approximates the area identified in your request. We are also providing the final report on the 2017 point-in-time count.

Route data for the January 2019 count is not yet available.

We have already provided you with the data for the March 29, 2019 count.

Accordingly HSH and the Office of the Mayor have provided the available data responsive to your request.

This closes the request. Please let us know if you have any questions.

Best,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
(415) 554-4796

From: Heckel, Hank (MYR)
Sent: Monday, May 06, 2019 4:53 PM
To: Wallace Lee <wajlee@gmail.com>
Cc: Stewart-Kahn, Abigail (HOM) <abigail.stewart-kahn@sfgov.org>; Cohen, Emily (DPH) <emily.cohen@sfgov.org>; RUSSI, BRAD (CAT) <Brad.Russi@sfcityatty.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; Ellis, Tanya (HOM) <tanya.ellis@sfgov.org>
Subject: RE: Sunshine Ordinance Request (Set #3)

Dear Wallace,

Please see attached additional information responsive to your request below. This file is from HSH and specifically relates to the portion of your request concerning the March 29, 2019 count.

We are continuing to search for and process additional potentially responsive information regarding the portion of your request concerning the 2017 and 2019 point in time counts. We will provide any such data as it becomes available on a rolling basis.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco
(415) 554-4796

From: Heckel, Hank (MYR)
Sent: Monday, April 29, 2019 5:26 PM
To: Wallace Lee <wajlee@gmail.com>
Cc: Stewart-Kahn, Abigail (HOM) <abigail.stewart-kahn@sfgov.org>; Cohen, Emily (DPH) <emily.cohen@sfgov.org>; RUSSI, BRAD (CAT) <Brad.Russi@sfcityatty.org>; PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>
Subject: Sunshine Ordinance Request (Set #3)

Dear Wallace Lee,

This further responds to your requests of April 17, 2019 to the Department of Homelessness and Supportive Housing and Emily Cohen of the Office of the Mayor, referred to as Sunshine Ordinance Request (Set #3), seeking the following documents:

“1. Documents sufficient to provide point-in-time homeless population count data at a block-by-block level for the area bounded by Market Street, The Embarcadero, McCovey Cove and Third Street. Please include data from the January 2019 point-in-time count, the January 2017 point-in-time count, and the count conducted on March 29, 2019 (the results of which were presented at the April 3, 2019 community meeting at the Delancey Street Foundation).”

We are responding on behalf of HSH and the Office of the Mayor due to the overlapping nature of your requests. We previously responded to you regarding this and other related requests and informed you that we would be treating this as subject to the full time period to respond because it was not simple or routine and sought information that was not readily accessible, despite your later characterization as the request as an Immediate Disclosure Request.

I also informed you in a subsequent phone conversation that the data sought in this request may be partly in the possession of a third party vendor retained to perform the 2017 and January 2019 Point

in Time counts you reference. We are continuing to review this issue in consultation with the City Attorney's Office. Accordingly, HSH and the Office of the Mayor are invoking an extension of time of up to 14 days under Government Code § 6253(c) and San Francisco Admin. Code § 67.25(b) because of the need for consultation with other city departments.

Regarding the March 29, 2019 count, we are providing responsive information in the attached slide deck (see slide 8). Block by block data of the kind you reference regarding this count is not available.

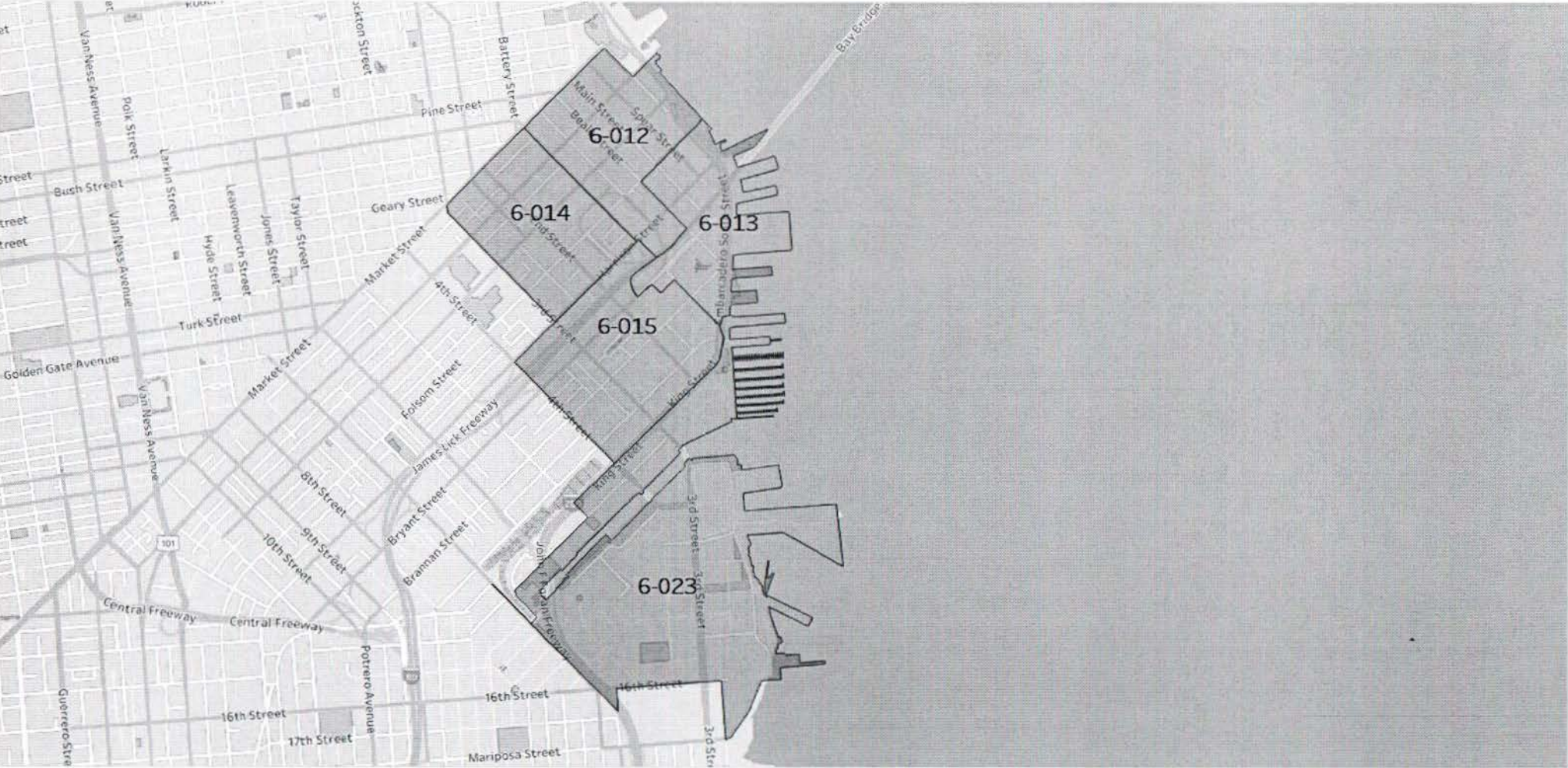
We understand the need to conduct this consultation with all practicable speed and will provide any additional responsive documents on a rolling basis.

Regards,

Hank Heckel
Compliance Officer
Office of Mayor London N. Breed
City and County of San Francisco

2017 Map Routes

PIT count routes best approximating the area bounded by Market Street, Embarcadero, McCovey Cove, and Third Street



2017 Map Routes

PIT count routes best approximating the area bounded by Market Street, Embarcadero, McCovey Cove, and Third Street

Route	District	
6-012	6	11
6-013	6	11
6-014	6	37
6-015	6	14
6-023	6	16
Grand Total		89



SAN FRANCISCO

2017 HOMELESS COUNT & SURVEY

COMPREHENSIVE REPORT



REPORT PRODUCED BY ASR

ABOUT THE RESEARCHER

Applied Survey Research (ASR) is a social research firm dedicated to helping people build better communities by collecting meaningful data, facilitating information-based planning, and developing custom strategies. The firm was founded on the principle that community improvement, initiative sustainability, and program success are closely tied to assessment needs, evaluation of community goals, and development of appropriate responses.

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Acknowledgements

The 2017 San Francisco Homeless Count & Survey planning team would like to thank the many individuals and agencies who contributed to this project. The participation of community volunteers and partner agencies is critical to the success of the count. Over 750 community volunteers, City and County employees, and local community-based organizations assisted with all aspects of the count, from the initial planning meetings, to the night of the count.

The San Francisco Local Homeless Coordinating Board (LHCB), the coordinating body for the San Francisco Continuum of Care, provided oversight for the 2017 Homeless Count project. We thank the members of the LHCB for their valued input and guidance. Meetings of the LHCB also served as a forum for stakeholder and community input on the project.

We would like to thank John Medve, Executive Director of the Office of Policy and Interagency Collaboration and the U.S. Department of Veterans Affairs, and Katy Miller, of the United States Interagency Council on Homelessness, for joining San Francisco during its 2017 homeless count.

Thank you to the many city and federal partners who supported the 2017 San Francisco Point-in-Time Count, including:

- San Francisco Department of Homelessness and Supportive Housing (HSH)
- U.S. Department of Housing and Urban Development
- U.S. Department of Veterans Affairs
- Department of Public Health
- Human Services Agency
- SF Police Department
- SF Recreation & Parks Department
- SF Municipal Transportation Agency
- SF Public Utilities Commission
- SF Unified School District

- Office of Civic Engagement and Immigrant Affairs

In particular, we would like to mention the following individuals for their time and effort: Mayor Edwin Lee, Jeff Kositsky, Barbara Garcia, Trent Rhorer, Dariush Kayhan, Kerry Abbott, Jason Albertson, Margot Antonetty, Emi Aoki, Shane Balanon, Sergio Canjura, Emily Cohen, Regie Delos Santos, Sam Dodge, Darlene Fernandez-Ash, Randy Higgins, Santiago Juan, Nicole McCray-Dickerson, Ashley Milburn, Charles Minor, Megan Owens, Rann Parker, Marisa Pereira Tully, Peter Radu, Dee Schexnayder, Ali Schlageter, Scott Walton, Cindy Ward, Gigi Whitley, and James Zelaya-Wagner.

We thank Mission High School, Dr. George Washington Carver Elementary School, St. Ignatius High School, and the San Francisco Department of Public Health for lending the use of their facilities as dispatch centers on the night of the count.

We thank At the Crossroads, Homeless Youth Alliance, Larkin Street Youth Services, LYRIC, and the Third Street Youth Center and Clinic who assisted with the recruitment, training, and oversight of the youth count enumerators.

We thank Randy Quezada of the Department of Homelessness and Supportive Housing for his media coordination.

We thank Supervisor Hillary Ronen and Supervisor Mark Farrell for participating in the count.

We appreciate the following programs that provided data for the sheltered count:

PARTICIPATING PROGRAMS

A Women's Place · Asian Women's Shelter · Baker Places Inc. · Bethel Women's Shelter · Brennan House · California Pacific Medical Centers (California, Davies, Pacific, and St. Luke Campuses) · Civic Center Navigation Center · Clara House · Compass Family Center · Community Housing Partnership - 5th Street Apartments · Diamond Youth Center · Dolores Street Community Services · Episcopal Community Services · First Friendship Family Shelter · Friendship House Association of American Indians · Geary House · Hamilton Family Programs · Hope House · Huckleberry House · Kaiser Permanente · La Casa de Las Madres · Larkin Street Youth Services · Multi-Service Center South · North Beach Citizens · Progress Foundation · Providence Shelter · Railton Place · Raphael House · Rosalie House · SafeHouse for Women · Salvation Army Transitional Housing Programs · SF County Jail · SF Department of Public Health · SF General Hospital · SFHOT Stabilization Rooms · SF Sobering Center · Star Community Home · St. Francis Hospital · St. Joseph's Family Shelter · St. Mary's Hospital · Swords to Plowshares · Taking it to the Streets · UCSF Medical Center · United Council for Human Services · Veteran's Administration Hospital

A team of trained, currently and formerly homeless surveyors administered surveys on the streets of San Francisco and at various service locations. We thank them for their excellent work.

We thank the staff of the Department of Homelessness and Supportive Housing (HSH) for providing feedback and assistance to the team throughout the project on many aspects, including the design of maps for the unsheltered count, project methodology, survey development, data entry coordination, review of this report, and the presentation of findings.

Introduction

Every two years, during the last ten days of January, communities across the country conduct comprehensive counts of the local population experiencing homelessness. These counts measure the prevalence of homelessness in each community, and collect information on individuals and families residing in emergency shelters and transitional housing, as well as people sleeping on the streets, in cars, in abandoned properties, or in other places not meant for human habitation.

The biennial Point-in-Time Count is the only source of nationwide data on sheltered and unsheltered homelessness, and is required by the U.S. Department of Housing and Urban Development (HUD) of all jurisdictions receiving federal funding to provide housing and services for individuals and families experiencing homelessness. Currently, the San Francisco Continuum of Care (CoC) receives more than \$32 million in federal funding, a key source of funding for the county's homeless services.

Continuum of Care report the findings of their local Point-in-Time Count in their annual funding application to HUD, which ultimately helps the federal government better understand the nature and extent of homelessness nationwide. Count data also helps to inform communities' local strategic planning, capacity building, and advocacy campaigns to prevent and end homelessness.

Applied Survey Research (ASR) conducted the 2017 San Francisco Homeless Point-in-Time Count and Survey. ASR is a social research firm with extensive experience in needs assessment and homeless enumeration.

The San Francisco Homeless Point-in-Time Count has two primary components: a point-in-time enumeration of unsheltered homeless individuals and families (those sleeping outdoors, on the street, in parks, or vehicles, etc.) and a point-in-time enumeration of homeless individuals and families residing in temporary shelter (e.g. emergency shelter, transitional housing, or stabilization rooms).

The 2017 San Francisco Homeless Point-in-Time Count was a community effort. With the support of approximately 750 community volunteers, staff from various City and County departments, and nonprofit partners, the entire county was canvassed between the hours of 8 p.m. and midnight on January 26, 2017. This resulted in a visual count of unsheltered homeless individuals and families residing on the streets, in vehicles, makeshift shelters, encampments, and other places not meant for human habitation. Shelters and facilities reported the number of homeless individuals and families who occupied their facilities on the same evening.

San Francisco also conducted a supplemental count of youth under the age of 25 years old. This dedicated count is part of a nationwide effort, established and recommended by HUD, to improve our understanding of the scope of youth homelessness. Trained youth enumerators who currently or recently experienced homelessness conducted the count in specific areas where young people

experiencing homelessness were known to congregate.¹ The supplemental youth count enumerated both unaccompanied children and those under the age of 25 in youth-headed, family households. This is an important year for national data on young people experiencing homelessness as HUD will use 2017 youth count results as a baseline for measuring progress towards ending youth homelessness by 2020.

In the weeks following the street count, an in-depth survey was administered to 1,104 unsheltered and sheltered homeless individuals of all ages. The survey gathered basic demographic details as well as information on service needs and utilization.

This report provides data regarding the number and characteristics of people experiencing homelessness in San Francisco on a single night in January.

To better understand the dynamics of homelessness over time, results from previous years, including 2013 and 2015, are provided where available and applicable.

FEDERAL DEFINITION OF HOMELESSNESS FOR POINT-IN-TIME COUNTS

In this study, the HUD definition of homelessness for the Point-in-Time Count is used. This definition includes individuals and families:

- Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangement; or
- With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

This narrow definition of homelessness is in contrast to the considerably broader definition adopted by the City and County of San Francisco. The definition of homelessness in San Francisco expands HUD's definition to include individuals who were "doubled-up" in the homes of family or friends, staying in jails, hospitals, and rehabilitation facilities, and families living in Single Room Occupancy (SRO) units. While this data is beyond the scope of this project, information on those residing in jails, hospitals, and rehabilitation facilities were gathered and are included in this report where applicable.

PROJECT PURPOSE AND GOALS

In order for the 2017 San Francisco Point-in-Time Count and Survey to best reflect the experience and expertise of the community, ASR held regular planning meetings with local community members. These community members were drawn from County and City departments, community-based service providers, and other interested stakeholders. These individuals comprised the 2017 Planning Committee and were instrumental in ensuring that the 2017 San Francisco Homeless Point-in-Time Count and Survey reflected the needs and concerns of the community. The 2017 Planning Committee identified several important project goals:

- To preserve current federal funding for homeless services and to enhance the ability to raise new funds;

¹ Significant deduplication efforts were made in 2017 to ensure unaccompanied children and youth were not captured in both the youth and general street count efforts. For more information on these efforts and the overall count methodology, please see Appendix 1.

- To improve the ability of policy makers and service providers to plan and implement services that meet the needs of the local homeless population;
- To measure the changes in numbers and characteristics of the homeless population since the 2015 San Francisco Homeless Point-in-Time Count and Survey in order to track progress toward ending homelessness;
- To increase public awareness of overall homeless issues and generate support for constructive solutions; and
- To assess the status of specific subpopulations, including veterans, families, unaccompanied children, transitional-age youth, and those who are chronically homeless.

This report is intended to assist service providers, policy makers, funders, and local, state, and federal government in gaining a better understanding of the population currently experiencing homelessness.

Point-In-Time Count and Survey

The 2017 San Francisco Homeless Point-in-Time Count and Survey included a complete enumeration of all unsheltered and publicly sheltered homeless persons. The general street count was conducted on January 26, 2017 from approximately 8 p.m. to midnight and covered all 47 square miles of San Francisco. The shelter count was conducted on the same evening and included all individuals staying in: emergency shelters, transitional housing facilities, domestic violence shelters, jails, hospitals, and treatment facilities. The general street count and shelter count methodology were similar to those used in 2013 and 2015.

The methodology used for the 2017 San Francisco Homeless Point-in-Time Count and Survey is commonly described as a “blitz count” since it is conducted by a large team over a very short period of time. As this method is conducted in San Francisco, the result is an observation based count of individuals and families who appear to be homeless. The count is then followed by an in-person representative survey, the results of which are used to profile and estimate the condition and characteristics of the local homeless population. Information collected from the survey is used to fulfill HUD reporting requirements and to inform local service delivery and strategic planning efforts.

In this Point-in-Time Count and Survey section, the broader definition of homelessness adopted by the City and County of San Francisco is used. The definition of homelessness in San Francisco expands HUD’s definition to include individuals who were “doubled-up” in the homes of family or friends, staying in jails, hospitals, or rehabilitation facilities, and families living in Single Room Occupancy (SRO) units.

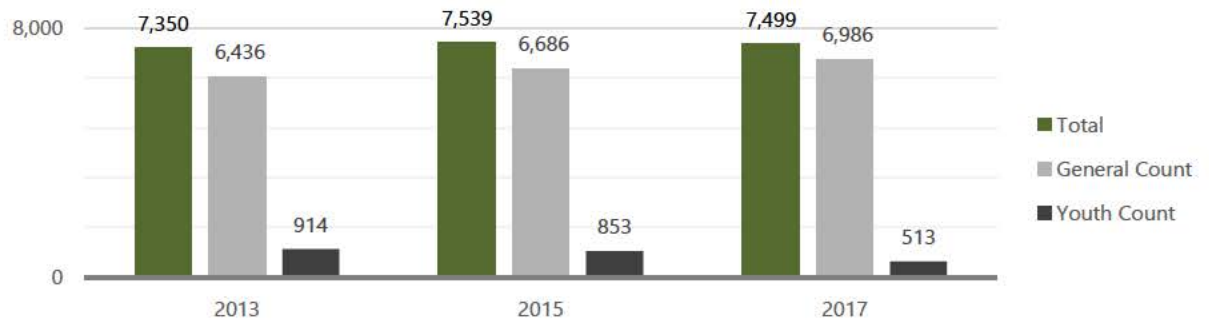
In a continuing effort to improve data on the extent of youth homelessness, San Francisco also conducted a dedicated youth count similar to the ones conducted in 2013 and 2015. The dedicated youth count methodology was improved in 2017 to better count unaccompanied children and transitional-age youth who were not included in both the general street count and youth count. For more information regarding the dedicated youth count methodology, please see Appendix 1.

NUMBER AND CHARACTERISTICS OF HOMELESS PERSONS IN SAN FRANCISCO

The number of individuals counted in the 2017 San Francisco Point-in-Time Count was 7,499. Compared to 2015, this was a one percent decrease. The number of unsheltered individuals counted in the general street count was 3,840. The supplemental youth count identified an additional 513 unsheltered persons: 501 unaccompanied children and transitional-age youth and 12 youth and children in youth-headed, family households. The total number of unsheltered persons counted in on January 26, 2017 was 4,353.

A four-year trend of comparable Point-in-Time count data identified a two percent increase in the number of persons experiencing homelessness in San Francisco between 2013 and 2017.

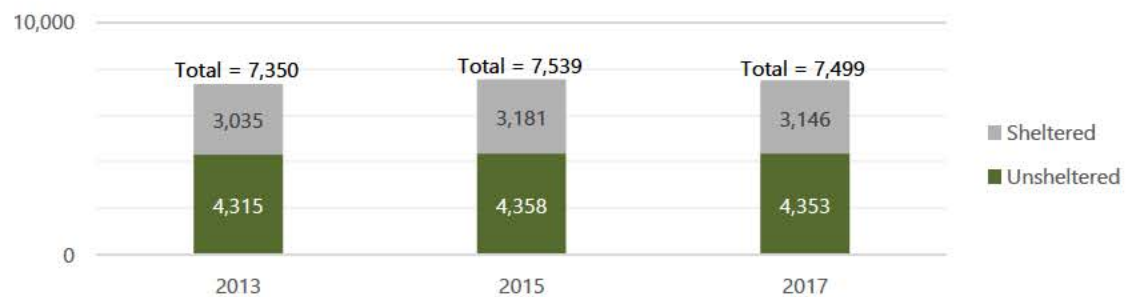
Figure 1. TOTAL NUMBER OF HOMELESS INDIVIDUALS, SHELTERED AND UNSHELTERED, ENUMERATED DURING THE GENERAL POINT-IN-TIME HOMELESS COUNT AND YOUTH COUNT WITH TREND



Source: Applied Survey Research. (2015-2017). San Francisco Homeless Count. Watsonville, CA.

In 2013, San Francisco adopted a best practice for the Point-in-Time Count: the supplemental youth count. The dedicated youth count is conducted on the same date as the general homeless count, and it is conducted by peers who are currently experiencing homelessness or have recently experienced homelessness. As this population can be especially difficult for volunteers to identify, the youth count methodology is intended to improve the quality of data on homeless youth. As in 2013 and 2015, the 2017 youth count was conducted around the same time in the evening as the general count so as to limit duplication.

Figure 2. TOTAL NUMBER OF HOMELESS INDIVIDUALS ENUMERATED DURING THE POINT-IN-TIME HOMELESS COUNT BY SHELTER STATUS



Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

San Francisco's Point-in-Time Count includes a count of people staying in institutions and settings that fall outside the federal definition of homelessness. Of the 3,146 individuals included in the shelter count, 20% (641 people) were counted in residential programs, jails, and hospitals.

Persons in families with children, including the minor children, represented eight percent (8%) of the total population counted in the Point-in-Time Count, while 92% were individuals without children. In total, six percent (6%) of those counted on January 26, 2017 were under the age of 18, 18% were between the ages of 18-24, and 76% were over the age of 25.

TOTAL NUMBER OF UNSHELTERED AND SHELTERED HOMELESS PERSONS BY DISTRICT

The 2017 San Francisco Homeless Count data are presented below, organized by the 11 County Supervisorial Districts in San Francisco and Golden Gate Park. As in previous years, District 6 had the greatest number of unsheltered homeless individuals.

Figure 3. UNSHELTERED AND SHELTERED POINT-IN-TIME COUNT RESULTS BY DISTRICT

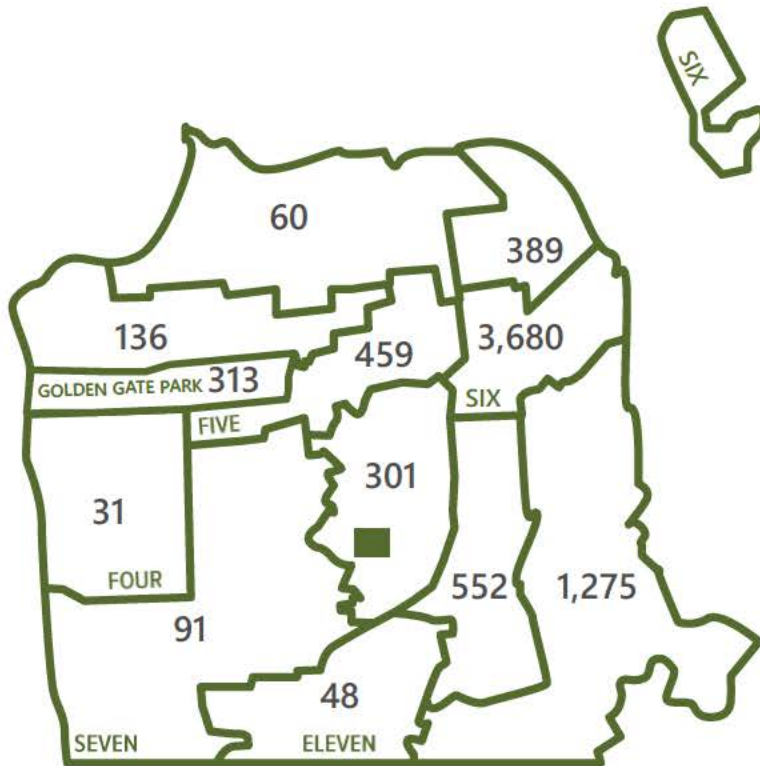


Figure 4. COMPLETE HOMELESS POINT-IN-TIME COUNT POPULATION BY DISTRICT AND SHELTER STATUS (2013-2017)

District	2013			2015			2017		
	Sheltered	Unsheltered	Total	Sheltered	Unsheltered	Total	Sheltered	Unsheltered	Total
1	33	321	354	62	45	107	79	57	136
2	0	24	24	0	60	60	7	53	60
3	84	363	447	45	234	279	96	293	389
4	0	136	136	0	7	7	0	31	31
5	182	284	466	184	310	494	316	143	459
6	1,999	1,364	3,363	2,194	2,011	4,205	1,957	1,723	3,680
7	0	19	19	15	14	29	17	74	91
8	50	163	213	54	322	376	65	236	301
9	194	247	441	136	248	384	271	281	552
10	181	1,278	1,459	227	725	952	174	1,101	1,275
11	0	40	40	0	130	130	0	48	48
Confidential/ Scattered Site Locations in SF	312	76*	388	264	0	264	164	0	164
Golden Gate Park	0	N/A**	0	0	252	252	0	313	313
Total	3,035	4,315	7,350	3,181	4,358	7,539	3,146	4,353	7,499
% of Total	41%	59%	100%	42%	58%	100%	42%	58%	100%

Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

Note: *In 2013, 76 individuals were counted in areas designated as "special outreach locations," and were not assigned to a district. **In 2013, there was no separate count of Golden Gate Park.

Forty-nine (49%) of the unsheltered and sheltered homeless population was identified in District 6. Seventeen percent (17%) of the homeless population was identified in District 10. There is no significant change between 2013 and 2017 in the proportion of homeless individuals living in unsheltered locations such as parks, streets, and outside of bus stations.



Homeless Survey Findings

This section provides an overview of the findings generated from the survey component of the 2017 San Francisco Homeless Point-in-Time Count and Survey. Surveys were administered to a randomized sample of homeless individuals between February 1 and February 21, 2017. This effort resulted in 1,104 complete and unique surveys. Based on a Point-in-Time Count of 7,499 homeless persons, with a randomized survey sampling process, these 1,104 valid surveys represent a confidence interval of +/- 3% with a 95% confidence level when generalizing the results of the survey to the estimated population of homeless individuals in San Francisco. In other words, if the survey were conducted again, we can be confident that the results would be within three percentage points of the current results.

In order to respect respondent privacy and to ensure the safety and comfort of those who participated, respondents were not required to complete all survey questions. Missing values are intentionally omitted from the survey results. Therefore, the total number of respondents for each question will not always equal the total number of surveys conducted.

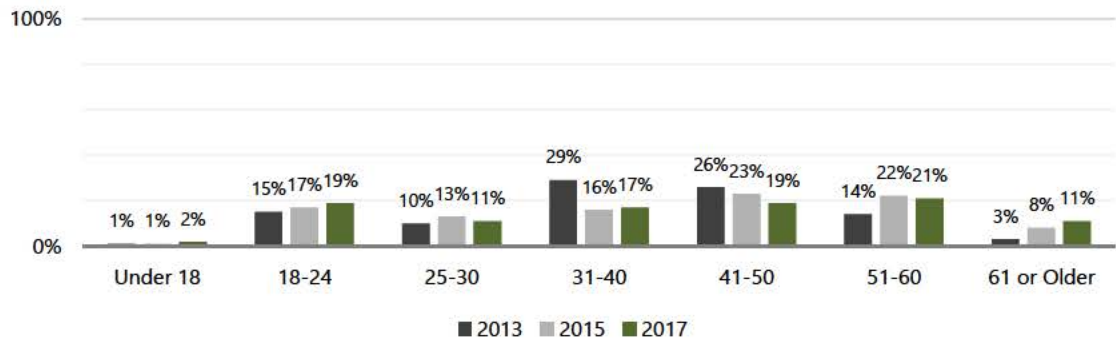
SURVEY DEMOGRAPHICS

In order to gain a more comprehensive understanding of the experiences of individuals and families experiencing homelessness in San Francisco respondents were asked basic demographic questions including age, gender, sexual orientation, and ethnicity.

AGE

Two percent (2%) of survey respondents were under the age of 18, and 19% were between the ages of 18 and 24. Eleven percent (11%) were between the ages of 25 to 30, 17% were 31 to 40, 19% were 41 to 50, 21% were 51 to 60, and 11% were 61 or older.

Figure 5. SURVEY RESPONDENTS BY AGE



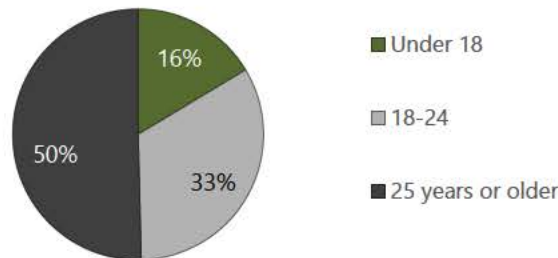
2013 n=924; 2015 n = 1,012; 2017 n = 1,104

Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

In an effort to better understand the experiences and age distribution of those experiencing homelessness, respondents were asked how old they were the first time they experienced homelessness. In response, 16% of respondents reported that they were under the age of 18, 33% reported they were between the ages of 18-24, and 50% reported they were 25 or older.

Figure 6. AGE AT FIRST EXPERIENCE OF HOMELESSNESS



2017 n = 1,068

Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

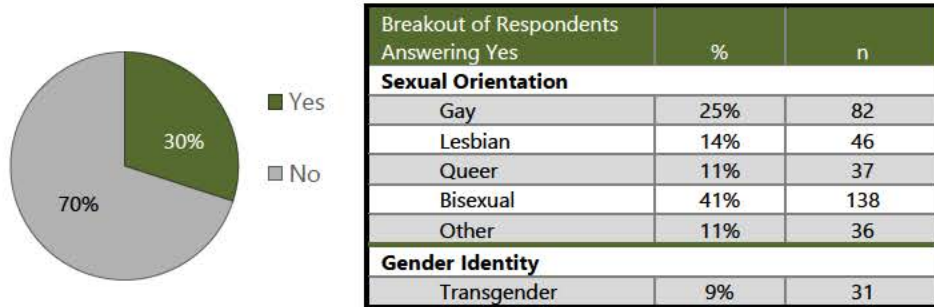
Note: Percentages may not add up to 100 due to rounding.

GENDER AND SEXUAL ORIENTATION

One third of survey respondents (33%) identified as female, 61% male, 5% transgender, and 1% Genderqueer/Gender non-binary. While there are limited data on the number of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) individuals experiencing homelessness, available data at the national level suggests LGBTQ individuals experience homelessness at higher rates, especially those under the age of 25. It is estimated that 14% of San Francisco’s population identifies as LGBTQ.² Thirty percent (30%) of homeless survey respondents identified as LGBTQ in 2017. Of those survey respondents, 41% identified as bisexual, 25% gay, 14% lesbian, 11% queer, and 9% transgender.

Respondents who identified as LGBTQ were more likely to report a mental health condition (46%), compared to 39% of respondents who did not identify as LGBTQ. Respondents who identified as LGBTQ also reported a higher incidence of HIV or AIDS related illness (22% compared to 8%). LGBTQ respondents were more likely to have been homeless for less than a year (61%) compared to the non-LGBTQ survey respondents.

Figure 7. SEXUAL ORIENTATION AND GENDER IDENTITY



LGBTQ 2017 n = 1,104; Breakout n = 333

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

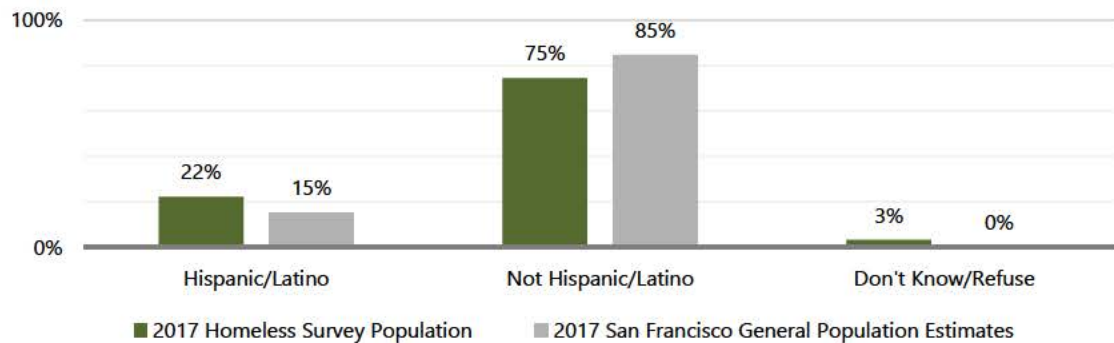
Note: Multiple response question. Percentages may not add up to 100.

² City and County of San Francisco, Office of the Controller (2015). 2015 City Survey Report. [Data set] Retrieved from http://sfcontroller.org/sites/default/files/FileCenter/Documents/6652-2015%20City%20Survey_final.pdf. Calculated by San Francisco Human Services Agency, May 28, 2015.

RACE/ETHNICITY

The U.S. Department of Housing and Urban Development (HUD) gathers data on race and ethnicity in two separate questions, similar to the U.S. Census. When asked if they identified as a Hispanic or Latino ethnicity, three-quarters (75%) of homeless survey respondents reported they did not identify as Hispanic or Latino. In comparison to the general population of San Francisco, a slightly greater percentage of homeless respondents identified as Hispanic or Latino (22% compared to 15%). There is no significant change in the ethnic breakdown of survey respondents between 2015 and 2017. In 2015, 19% of survey respondents identified as Hispanic/Latino.

Figure 8. HISPANIC OR LATINO ETHNICITY



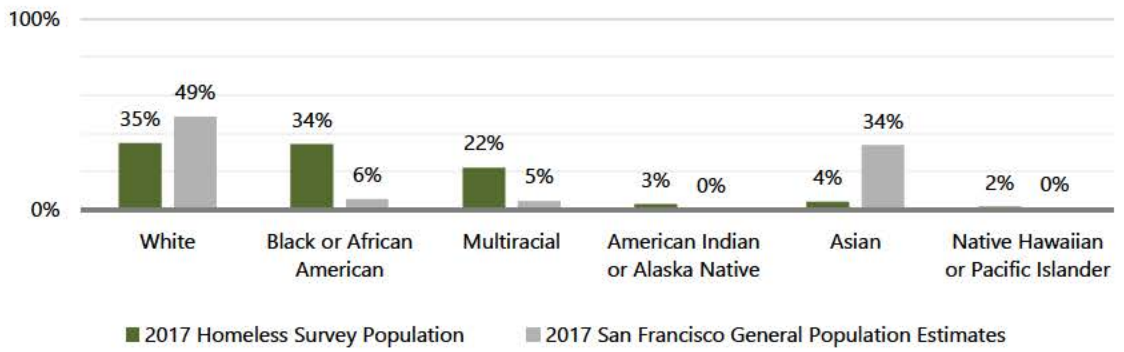
2017 n = 1,017

Source: Applied Survey Research. (2017). *San Francisco Homeless Count*. Watsonville, CA. And U.S. Count Bureau. (April 2015). *American Community Survey 2011-2015 5-Year Estimates*. Table DP05: ACS Demographic and Housing Estimates. Retrieved from <https://factfinder.census.gov>.

Note: Percentages may not add up to 100 due to rounding.

When asked about their racial identity, differences between the general population and those experiencing homelessness were more distinct. A much higher proportion of survey respondents identified as Black or African-American (34% compared to 6% of the general population), and a lower percentage identified as Asian (4% compared to 34% of the general population). This was similar to 2015 when 39% of survey respondents identified as White, 36% as Black or African American, 19% as Multiracial, 5% as American Indian or Alaskan Native, 3% as Asian, and 2% as Native Hawaiian or Pacific Islander.

Figure 9. RACE



2017 n = 1,055

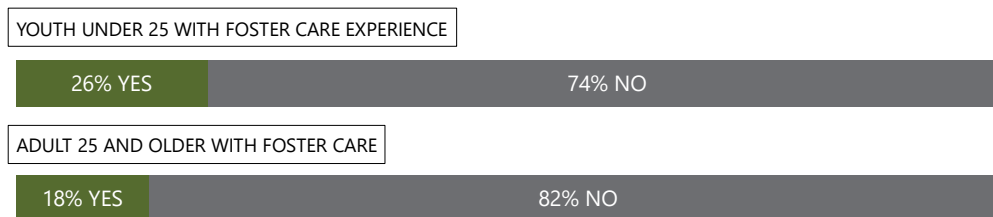
Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA. And U.S. Count Bureau. (April 2015). American Community Survey 2011-2015 5-Year Estimates. Table DP05: ACS Demographic and Housing Estimates. Retrieved from <https://factfinder.census.gov>.

Note: Percentages may not add up to 100 due to rounding.

HISTORY OF FOSTER CARE

National research estimates one in five former foster youth experience homelessness within four years of exiting the foster care system.³ In San Francisco in 2017, 19% of all survey respondents reported a history of foster care. The percentage of youth under the age of 25 who had been in foster care was much higher than adults over the age of 25; 26% compared to 18%.

Figure 10. HISTORY OF FOSTER CARE



Under 25 n = 208; 25 and Older n = 817

Source: Applied Survey Research. (2015-2017). San Francisco Homeless Count. Watsonville, CA.

³ Fernandes, AL. (2007). Runaway and Homeless Youth: Demographics, Programs, and Emerging Issues. Congressional Research Services, January 2007, <http://www.endhomelessness.org/content/general/detail/1451>.

LIVING ACCOMMODATIONS

Where individuals lived prior to experiencing homelessness and where they have lived since impacts the way they seek services, as well as their ability to access support from friends or family. Previous circumstances can also point to gaps in the system of care, and reveal opportunities for systemic improvement.

Survey respondents reported many different living accommodations prior to becoming homeless, although most lived in or around the San Francisco Bay Area with friends, family, or on their own in a home or apartment.

PLACE OF RESIDENCE

Sixty-nine percent (69%) of respondents reported they were living in San Francisco at the time they most recently became homeless. Of those, over half (55%) had lived in San Francisco for 10 or more years. Eight percent (8%) had lived in San Francisco for less than one year. This is similar to the survey findings in 2015.

Ten percent (10%) of respondents reported that they were living out of state at the time they became homeless. Twenty-one percent (21%) reported they were living in another county in California. California counties that respondents reported living in at the time they most recently became homeless include Alameda County (5%), San Mateo (4%), Contra Costa (3%), Marin (3%), Santa Clara County (1%), and some other California county (5%).

Figure 11. PLACE OF RESIDENCE AT TIME OF HOUSING LOSS



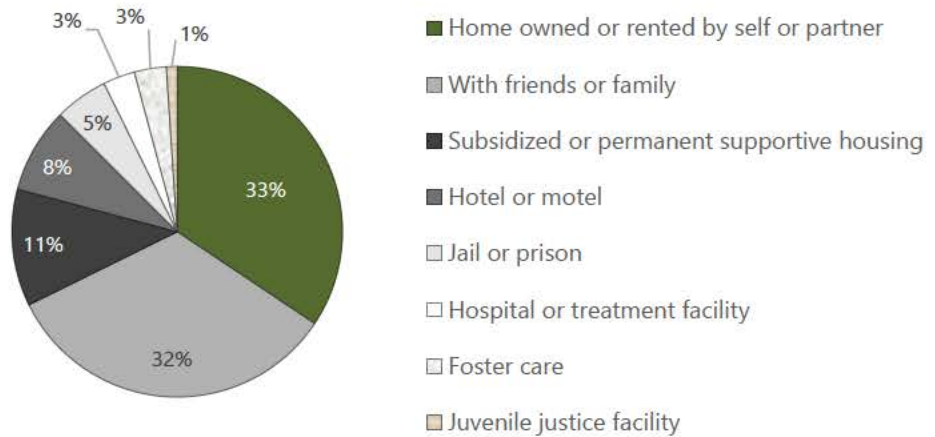
2017 n = 1,089

Source: Applied Survey Research. (2017). *San Francisco Homeless Count*. Watsonville, CA.

PRIOR LIVING ARRANGEMENTS

Thirty-three percent (33%) of respondents reported living in a home owned or rented by themselves or a partner immediately prior to becoming homeless, slightly more than 2015 (30%). Thirty-two percent (32%) reported staying with friends or family, lower compared to 2015 (37%). Eleven percent (11%) reported they were living in subsidized or permanent supportive housing, and 8% were staying in a hotel or motel. Five percent (5%) of respondents reported they were in a jail/prison facility immediately prior to becoming homeless, 3% were in a hospital or treatment facility, 3% were living in foster care, and less than 1% were in a juvenile justice facility.

Figure 12. LIVING ARRANGEMENTS IMMEDIATELY PRIOR TO EXPERIENCING HOMELESSNESS



2017 n= 1,064

Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA

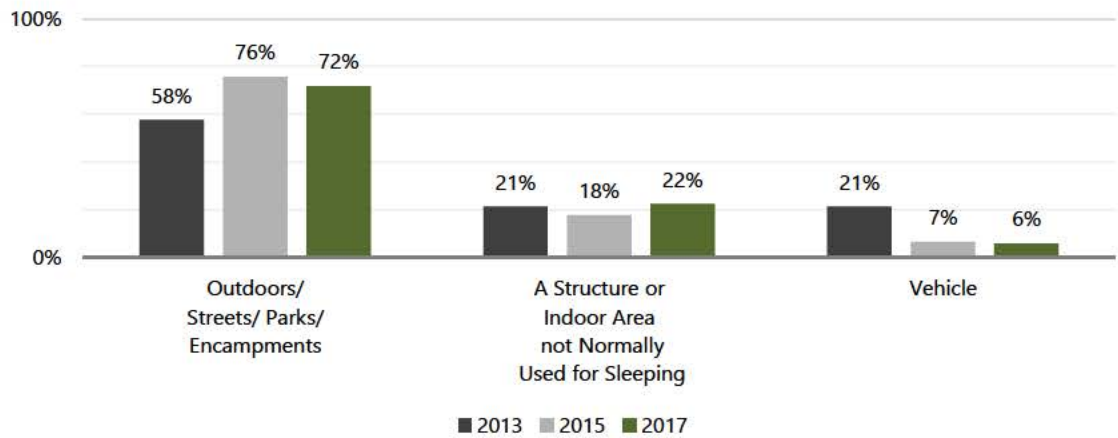
Note: Percentages may not add up to 100 due to rounding.

CURRENT LIVING ARRANGEMENTS OF UNSHELTERED SURVEY RESPONDENTS

While basic information on where individuals were observed during the general street count effort is collected, survey respondents are also asked about their usual nighttime accommodations. Understanding the types of places individuals experiencing homelessness are sleeping can help inform local outreach efforts.

Nearly three quarters (72%) of survey respondents who were unsheltered reported currently living outdoors. Twenty-two percent (22%) reported that they were sleeping in public buildings, foyers, hallways, or other indoor locations not meant for human habitation, and 6% were in a vehicle.

Figure 13. USUAL PLACES TO SLEEP AT NIGHT FOR UNSHELTERED SURVEY RESPONDENTS



2013 n = 943; 2015 n = 1,027; 2017 n = 967

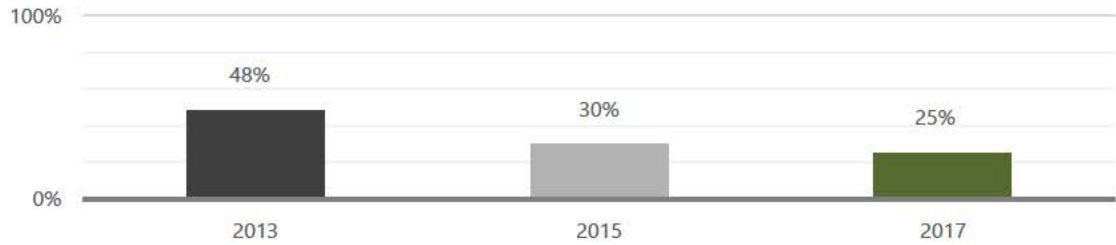
Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

DURATION AND RECURRENCE OF HOMELESSNESS

For many, the experience of homelessness is part of a long and recurring history of housing instability. Three in four (75%) 2017 survey respondents reported they had experienced homelessness previously.

Figure 14. FIRST TIME HOMELESS (RESPONDENTS ANSWERING "YES")



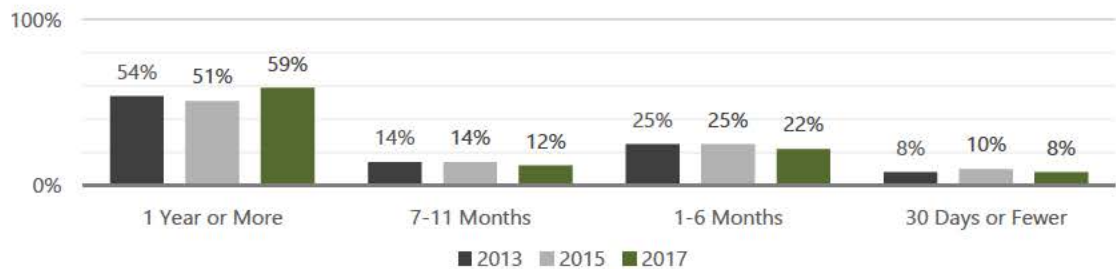
2013 n = 454; 2015 n = 1,022; 2017 n = 1,095

Source: Applied Survey Research. (2009-2017). San Francisco Homeless Count. Watsonville, CA.

DURATION OF HOMELESSNESS

Respondents were asked about their current experience or episode of homelessness. More than half of survey respondents (59%) reported they had been homeless for a year or more, an increase from 2015 (51%). Eight percent (8%) had been homeless for less than a month. Out of the 25% of respondents who reported they were experiencing homelessness for the first time, 33% reported that they had been homeless for a year or more, and 11% reported they had been homeless for less than a month.

Figure 15. LENGTH OF CURRENT EPISODE OF HOMELESSNESS



2013 n = 944; 2015 n = 1,007; 2017 n = 1,095

Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

RECURRENCE OF HOMELESSNESS

Eight percent (8%) of respondents reported they had experienced homelessness four or more times in the past year, much lower than in 2015 when 25% of respondents reported they had experienced homelessness four or more times in the past year. However, when asked how many times they had been homeless in the past three years, nearly half (48%) reported they had been homeless four or more times.

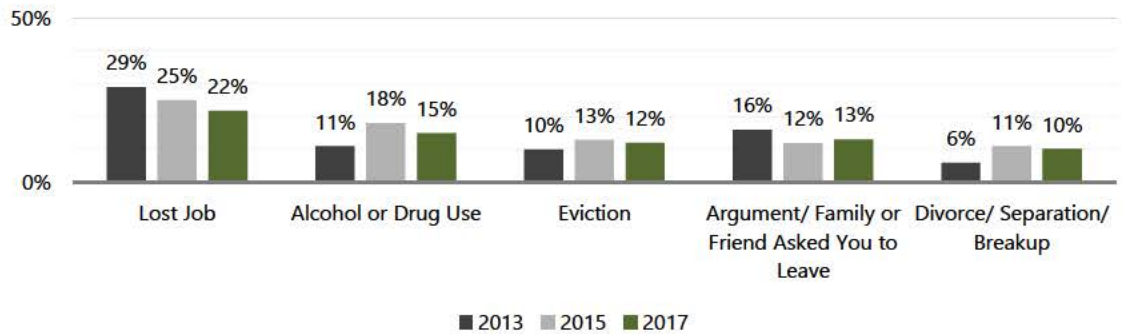
The percentage of respondents who reported having experienced homelessness four or more times in the past three years was higher in 2017 than 2015. In 2015, 34% of respondents reported four or more incidents of homelessness in the three years prior to the study.

PRIMARY CAUSE OF HOMELESSNESS

The primary cause of an individual's inability to obtain or retain housing is difficult to pinpoint, as it is often the result of multiple and compounding causes.

Nearly one quarter (22%) of respondents reported job loss as the primary cause of their homelessness. Fifteen percent (15%) reported drugs or alcohol. Thirteen percent (13%) reported an argument with a friend or family member who asked them to leave, 12% reported eviction, 10% reported divorce or separation, and 7% reported an illness or medical problem.

Figure 16. PRIMARY CAUSE OF HOMELESSNESS (TOP FIVE RESPONSES IN 2017)



2013 n= 931 respondents offering 1,057 responses; 2015 n = 993 respondents offering 1,267 responses; 2017 n= 1,073

Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

OBSTACLES TO OBTAINING PERMANENT HOUSING

Many individuals experiencing homelessness face significant barriers in obtaining permanent housing. These barriers can range from housing affordability and availability to accessing the economic and social supports (e.g. increased income, rental assistance, case management) needed to access and maintain permanent housing. An inability to find adequate housing can lead to an inability to address other basic needs, such as healthcare and adequate nutrition.

Respondents were asked what prevented them from obtaining housing. The majority (56%) reported that they could not afford rent. One third (33%) reported a lack of job or income, followed by 25% who reported that there was no housing available. Most other respondents reported a mixture of other income or access related issues, such as difficulty with the housing process (18%), and lack of money for moving costs (16%).

Figure 17. OBSTACLES TO OBTAINING PERMANENT HOUSING (TOP FIVE RESPONSES IN 2017)

	2013	2015	2017
Can't afford rent	55%	48%	56%
No job/income	52%	28%	33%
No housing available	23%	17%	25%
Housing process is too difficult	18%	13%	18%
No money for moving costs	29%	13%	16%

2017 n = 1,056

Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

SERVICES AND ASSISTANCE

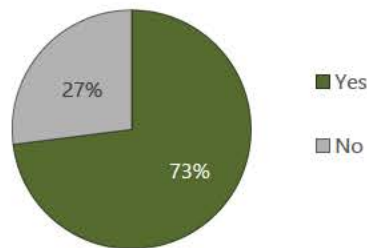
The City and County of San Francisco provides services and assistance to those currently experiencing homelessness through local, state, and federal funding sources. Government assistance and homeless services work to enable individuals and families to obtain income and support.

GOVERNMENT ASSISTANCE

There are a variety of forms of governmental assistance available to individuals experiencing homelessness. However, knowledge of services available, understanding of eligibility requirements, and perceived stigma of receiving governmental assistance can all impact the rate at which eligible individuals access these supports.

Nearly three-quarters (73%) of respondents in 2017 reported they were receiving some form of government assistance. The largest percentage of respondents (35%) reported receiving CalFresh (food stamps) and/or WIC (Special Supplemental Nutrition Program for Women, Infants, and Children). One quarter (25%) of respondents in 2017 reported receiving County Adult Assistance Program (CAAP) or General Assistance (GA). Twenty percent (20%) reported receiving SSI, SSDI, or non-veteran disability benefits, higher than 16% reported in 2015.

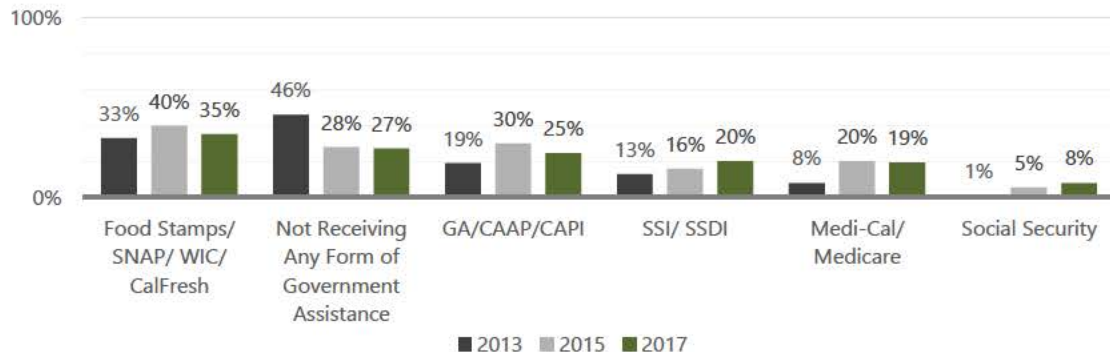
Figure 18. USING GOVERNMENT ASSISTANCE



2017 n = 999

Source: Applied Survey Research. (2017). *San Francisco Homeless Count*. Watsonville, CA.

Figure 19. GOVERNMENT ASSISTANCE RECEIVED



2013 n = 917 respondents offering 1,182 responses; 2015 n = 886 respondents offering 1,317 responses; 2017 n = 999 respondents offering 1,503 responses

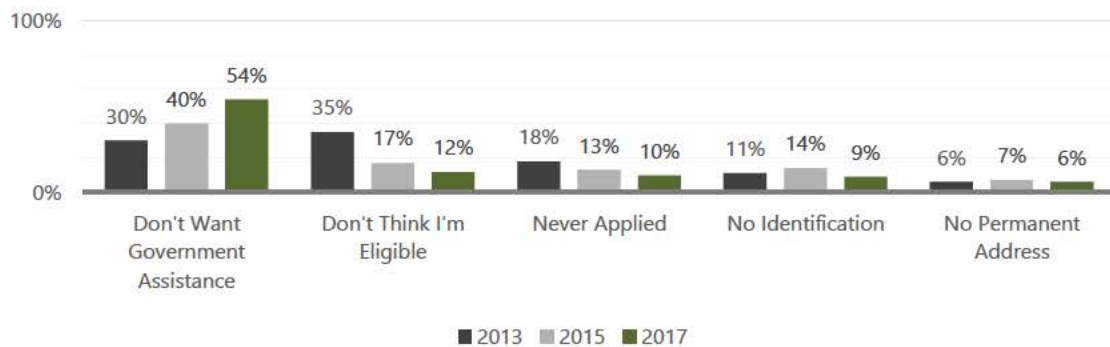
Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

Of the 27% that reported they were not receiving any form of government support, the greatest percentage reported they did not want assistance (54%). Twelve percent (12%) did not think they were eligible for services, 10% reported they had never applied, 4% had applied and were waiting for a response, and 2% reported they were turned down.

Respondents also reported challenges applying for services; 9% reported they did not have the required identification, 6% reported no permanent address to use on their application, and 3% reported that the paperwork was too difficult. Five percent (5%) reported immigration issues as playing role, and 4% reported they did not know where to go to seek assistance.

Figure 20. REASONS FOR NOT RECEIVING GOVERNMENT ASSISTANCE



2013 n = 406 respondents offering 515 responses; 2015 n = 224 respondents offering 275 response; 2017 n = 259 respondents offering 304 responses.

Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

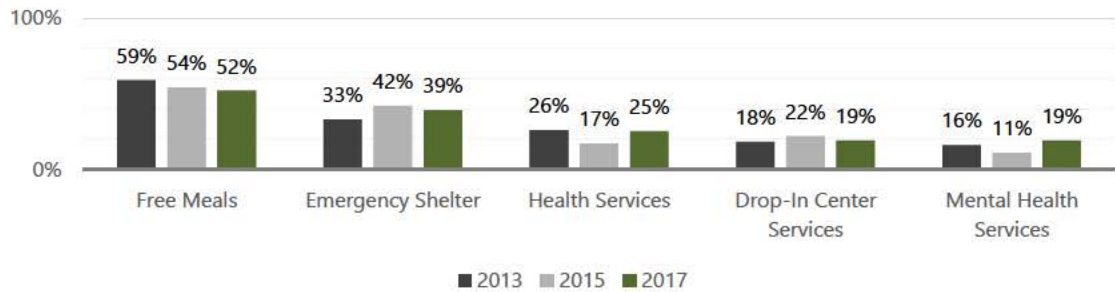
Note: Multiple response question. Percentages may not add up to 100.

SERVICES AND PROGRAMS

In addition to governmental assistance, there are City-funded community-based services and programs made available to individuals experiencing homelessness. These services range from shelters, drop-in centers, and meal programs to job training and healthcare.

More than half of respondents reported using meal services (52%). Thirty-nine percent (39%) of respondents report using emergency shelter services and 19% of respondents reported using drop-in center services. One quarter (25%) of respondents reported using health services, and increase from 17% in 2015. Nineteen percent (19%) reported using mental health services and 15% drug and alcohol counseling. Fifteen percent (15%) of respondents reported they were not using any services.

Figure 21. SERVICES OR ASSISTANCE (TOP FIVE RESPONSES IN 2017)



2013 n = 896 respondents offering 1,992 responses, 2015 n = 956 respondents offering 1,967 responses; 2017 n = 1,037 respondents offering 2,523 responses

Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

EMPLOYMENT AND INCOME

While the majority of survey respondents reported being unemployed, 13% reported part-time or full-time work, and many were receiving some sort of income.

EMPLOYMENT

The unemployment rate in San Francisco in January 2017 was 3%, slightly down from 4% in 2015.⁴ It is important to recognize that the unemployment rate represents only those who are unemployed and actively seeking employment. It does not represent all joblessness, nor does it address the types of available employment. In 2017, the unemployment rate for homeless respondents was 87%. Thirteen percent (13%) of respondents were working full-time, part-time, or with seasonal, temporary, or casual employment.

Of those who were unemployed, the primary barriers to employment included lack of transportation (36%), lack of permanent address (36%), lack of education and/or training (22%), and lack of available work or jobs (16%). Eleven percent (11%) of respondents reported health problems as a barrier, 9% alcohol and/or drug use, and 9% mental health issues. Thirteen percent (13%) of respondents reported that they did not want to work.

Figure 22. OBSTACLES TO OBTAINING EMPLOYMENT (TOP FIVE RESPONSES EACH YEAR)

2013	2015	2017
No Phone (28%)	No Permanent Address (28%)	No Transportation (36%)
Need Education/Training (28%)	Alcohol or Drug Use (20%)	No Permanent Address (36%)
Need Clothing/Shower Facilities (27%)	Disability (17%)	Need Education/Training (22%)
Alcohol or Drug Use (25%)	Age (14%)	No Jobs (16%)
No Jobs (24%)	Need Clothing/Shower Facilities (13%)	Don't Want to Work (13%)

2013 n = 560 respondents offering 1,624 responses; 2015 n = 882 respondents offering 1,752 responses; 2017 n = 45 respondents offering 96 responses

Source: Applied Survey Research. (2015-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

Note: Respondents were challenged by this barriers question and the low response for barriers to employment is subject to a high margin of error.

⁴ State of California Employment Development Department. (2017). Unemployment Rates (Labor Force). Retrieved 2017 from <http://www.labormarketinfo.edd.ca.gov>

INCOME

Income from all sources varied between those with regular employment and those who were unemployed. One third (33%) of unemployed respondents reported an income of \$99 or less per month, in comparison to 13% of those who were employed. Unemployed income was typically from government benefits, recycling, or panhandling. Overall income for those with employment was higher than for people without employment. For example, 55% of employed respondents reported making between \$750 and \$3,000 per month, compared to 33% of unemployed respondents.

Figure 23. EMPLOYMENT AND MEAN MONTHLY INCOME

	2015		2017	
	Employed	Unemployed	Employed	Unemployed
\$0-\$99	14%	48%	13%	33%
\$100-\$449	23%	16%	4%	18%
\$450-\$749	19%	12%	26%	16%
\$750-\$1,099	16%	17%	16%	24%
\$1,100-\$1,499	12%	4%	24%	6%
\$1,500-\$3,000	14%	2%	15%	3%
More than \$3,000	2%	1%	2%	< 1%

2015 employed n = 104, 2015 unemployed n = 860; 2017 employed n = 137, 2017 unemployed n = 917

Source: Applied Survey Research. (2015-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

Note: Respondents were challenged by this income question and the low response for employed income is subject to a high margin of error.

In addition to overall income, respondents were asked specifically about income from panhandling. Nearly half of 2017 survey respondents (49%) reported panhandling, compared to 44% in 2015.

HEALTH

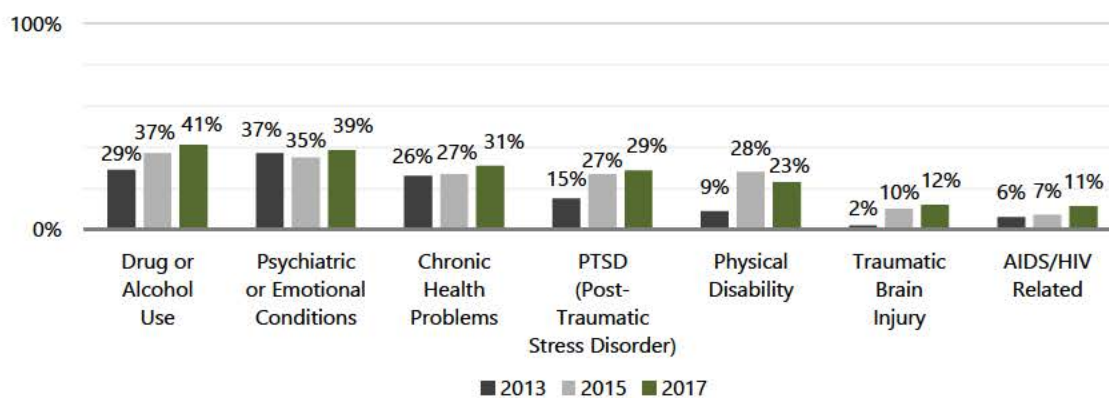
Nationally, the average life expectancy for individuals experiencing homelessness is 25 years less than those in stable housing. Without regular access to healthcare and without safe and stable housing, individuals experience preventable illness and often endure longer hospitalizations. It is estimated that those experiencing homelessness stay four days (or 36%) longer per hospital admission than non-homeless patients.⁵

CHRONIC HEALTH CONDITIONS

More than two-thirds of respondents (68%) reported one or more health conditions, similar to 2015 (67%). These conditions included chronic physical illness, physical disabilities, chronic substance use, and severe mental health conditions. Over half of respondents (53%) reported their condition limited their ability to take care of personal matters or to get and keep a job, much higher compared to 34% in 2015.

The most frequently reported health condition was drug or alcohol abuse (41%), followed by a psychiatric or emotional condition (39%), and then a chronic health problem (31%). Twenty-nine percent (29%) reported Post-Traumatic Stress Disorder (PTSD), 23% a physical disability, 12% a traumatic brain injury, and 11% reported having an AIDS or HIV related illness.

Figure 24. HEALTH CONDITIONS



2013 n = 902; 2015 n = 951-980; 2017 n = 1,027-1,061

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

FOOD SECURITY

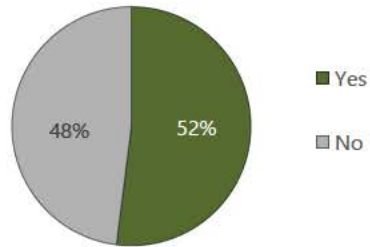
Food insecurity is associated with adverse health outcomes, including increased prevalence of chronic health conditions, and preventing those that are already ill from improving health outcomes.⁶ Respondents were asked if they had experienced a food shortage at any time in the four

⁵ Sharon A. Salit, M. E. (1998). Hospitalization Costs Associated with Homelessness in New York City. *New England Journal of Medicine*, 338, 1734-1740.

⁶ Weiser, S. et al. (2013). Food insecurity is associated with greater acute care utilization among HIV-infected homeless and marginally housed individuals in San Francisco. *J Gen Intern Med*. 28(1), 91-98.

weeks prior to the survey. Fifty-two percent (52%) reported experiencing a food shortage, a decrease compared to 58% in 2015.

Figure 25. FOOD SHORTAGE IN THE PAST FOUR WEEKS



2017 n = 829

Source: Applied Survey Research. (2017). *San Francisco Homeless Count*. Watsonville, CA.

DOMESTIC VIOLENCE AND PARTNER ABUSE

Histories of domestic violence and partner abuse are prevalent among individuals experiencing homelessness, and can be a primary cause of homelessness for many. Survivors often lack many of the financial resources required for housing due to a limited employment history or dependable income. Six percent (6%) of all survey respondents reported they were currently experiencing domestic/partner violence or abuse. When asked about experiences throughout their lifetime, 26% reported domestic/partner violence or abuse.

Domestic violence varied by gender with 25% of genderqueer/gender non-binary respondents and 16% of transgender respondents reporting current experiences of domestic violence, compared to 5% of males and 8% of females. Looking at domestic violence across the lifetime, 88% of transgender and 37% of female respondents reported previous experiences of domestic violence, compared to 17% of male respondents. Of those who had an experience of domestic violence, 12% reported domestic violence as the primary cause of their homelessness. Among individuals in families, 40% had experienced domestic violence, and 30% of those in families who had experienced domestic violence reported domestic violence was the primary cause of their homelessness.

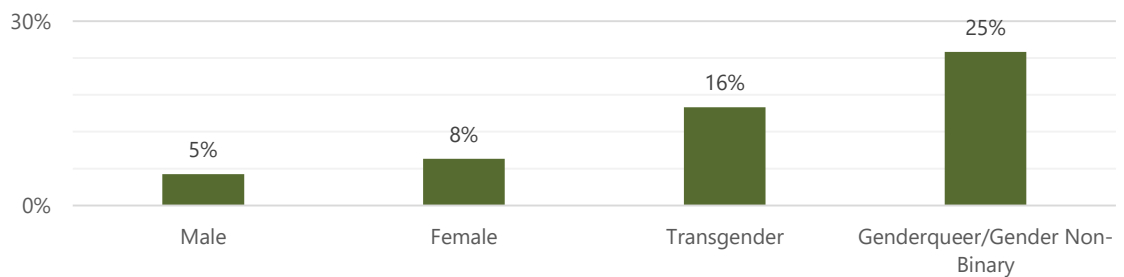
Figure 26. HISTORY OF DOMESTIC VIOLENCE



2017 n= 955

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Figure 27. CURRENT EXPERIENCES OF DOMESTIC VIOLENCE BY GENDER



2017 n= 942

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

CRIMINAL JUSTICE SYSTEM

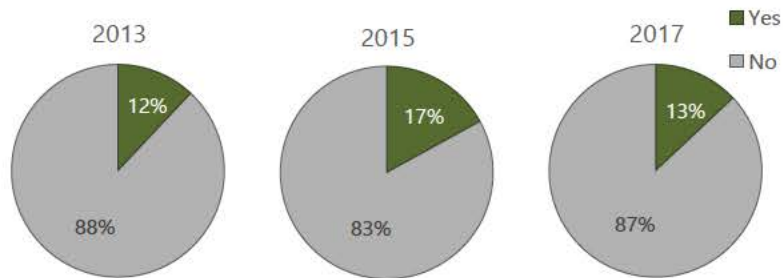
Homelessness and incarceration are often correlative. Individuals without stable housing are at greater risk of criminal justice system involvement, particularly for individuals with mental health issues, veterans, and youth. Individuals with past incarceration face significant barriers to exiting homelessness due to stigmatization and policies that affect both their ability to gain employment and their access housing opportunities.⁷

INCARCERATION

When asked if they had spent a night in jail or prison in the last 12 months, one fifth (20%) of respondents experiencing homelessness reported that they had, compared to 29% in 2015. Of the 20% of respondents who had spent a night in jail or prison in the 12 months prior to the survey, the mean number of nights spent in jail or prison was five.

Thirteen percent (13%) of respondents reported that they were on probation or parole at the time of the survey, lower than 2015 (17%). Similarly, in 2013, 12% of respondents were on probation or parole at the time they became homeless.

Figure 28. ON PROBATION OR PAROLE AT ONSET OF HOMELESSNESS



2013 n = 953; 2015 n = 931; 2017 n = 1,039

Source: Applied Survey Research. (2015-2017). San Francisco Homeless Count. Watsonville, CA.

⁷ Greenberg, GA, Rosenheck, RA. (2008). Jail Incarceration, Homelessness, and Mental Health: A National Study. *Psychiatr Serv*, 2008 Feb;59(2): 170-7.



HUD Report and Subpopulations

Opening Doors: Federal Strategic Plan to Prevent and End Homelessness outlines national objectives and evaluative measures for ending homelessness in the United States. In order to adequately address the diversity within the population experiencing homelessness, the federal government identifies four subpopulations with particular challenges or needs, including: the chronically homeless, veterans, families with children and youth. These subpopulations represent important reportable indicators for measuring local progress toward ending homelessness.

The following sections examine each of these four subpopulations, identifying the number and characteristics of individuals included in HUD submission for the 2017 San Francisco Homeless Point-in-Time Count and Survey. Because this section is focused on the HUD defined subpopulations, the HUD definition of homelessness is used and the numbers reported in this section are consistent with the numbers that San Francisco reports to HUD. The previous section used the expanded definition of homelessness adopted by the City and County of San Francisco. In the following section, the HUD definition of homelessness for the Point-in-Time Count is used and includes:

- Living in a supervised publicly or privately operated shelter designated to provide temporary living arrangement; or
- With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

The table below shows the 2017 San Francisco Report numbers, as well as the numbers reported to HUD in 2017. The differences are due to a broader definition of homelessness adopted by the City and County of San Francisco. The definition of homelessness in San Francisco expands HUD’s definition to include individuals who were “doubled-up” in the homes of family or friends, staying in jails, hospitals, and rehabilitation facilities, and families living in Single Room Occupancy (SRO) units. While this data is beyond the scope of this project, the 2015 and 2017 San Francisco Report numbers include those residing in jails, hospitals, and rehabilitation facilities.

Figure 29. DIFFERENCES IN REPORTED NUMBERS BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND HUD

	San Francisco Report Numbers		San Francisco HUD Reported Numbers	
	2015	2017	2015	2017
Total number of persons	7,539	7,499	6,775	6,858
Total number of individuals	6,909	6,881	6,175	6,257
Total number of families	226	198	212	190
Total number of persons in families	630	618	600	601
Total number of unaccompanied children and TAY	1,567	1,363	1,473	1,274
Total number of chronically homeless persons	1,803	2,181	1,629	2,138
Total number of veterans	598	744	557	684

Of the 1,104 surveys completed in 2017, the results represent 351 chronically homeless individuals, 122 homeless veterans, 53 individuals in homeless families,⁸ and 213 unaccompanied children and transitional-age youth. Surveys were completed in unsheltered environments and transitional housing settings. The extrapolated population estimate data presented in this section includes only individuals and families that meet the HUD definition of homelessness.

⁸ Homeless families continue to be underrepresented in San Francisco Homeless Survey data. The majority of homeless families in San Francisco are currently residing in shelters and transitional housing facilities.

CHRONIC HOMELESSNESS

The Department of Housing and Urban Development defines a chronically homeless individual as someone who has experienced homelessness for a year or longer, or who has experienced at least four episodes of homelessness in the last three years, *and* also has a condition that prevents them from maintaining work or housing. This definition applies to individuals as well as heads of household who meet the definition.

The chronically homeless population represents one of the most vulnerable populations on the street; the mortality rate for those experiencing chronic homelessness is four to nine times higher than the general population.⁹ Data from communities across the country show that public costs incurred by those experiencing extended periods of homelessness include emergency room visits, interactions with law enforcement, incarceration, and regular access to social supports and homeless services. These combined costs are often significantly higher than the cost of providing individuals with permanent housing and supportive services.¹⁰ The U.S. Department of Housing and Urban Development reported that roughly 22% of the national homeless population, or an estimated 77,486 individuals, was chronically homeless in 2016.¹¹

⁹ United States Interagency Council on Homelessness. (2010). Supplemental Document to the Federal Strategic Plan to Prevent and End Homelessness: June 2010. Retrieved 2017 from https://www.usich.gov/resources/uploads/asset_library/BkgrdPap_ChronicHomelessness.pdf

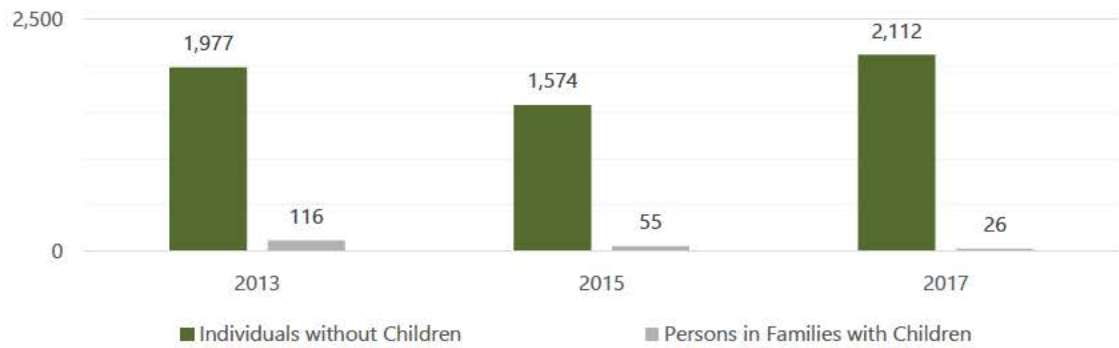
¹⁰ Larimer, E., Malone, D., Garner, D., et al. (2009). Health Care and Public Service Use and Costs Before and After Provision of Housing for Chronically Homeless Persons with Severe Alcohol Problems. Retrieved 2017 from <http://jamanetwork.com/journals/jama/fullarticle/183666>

¹¹ Department of Housing and Urban Development. (2016). Annual Assessment Report to Congress. Retrieved 2017 from <https://www.hudexchange.info/resources/documents/2016-AHAR-Part-1.pdf>

PREVALENCE OF CHRONIC HOMELESSNESS

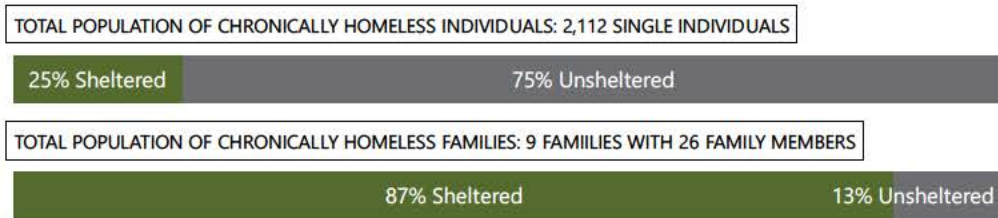
In 2017, the number of chronically homeless individuals in San Francisco increased, while the number of chronically homeless persons in families decreased. Many communities in California, including Los Angeles County and Alameda County, have seen an increase in chronic homelessness between 2015 and 2017. Based on the San Francisco Point-in-Time Count data, it was estimated that there were 2,138 chronically homeless people living in San Francisco on January 26, 2017. Approximately 31% of the homeless population in San Francisco is chronically homeless.

Figure 30. CHRONIC HOMELESS POPULATIONS ESTIMATES OVER TIME



Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Figure 31. CHRONIC HOMELESS POPULATION ESTIMATES BY SHELTER STATUS

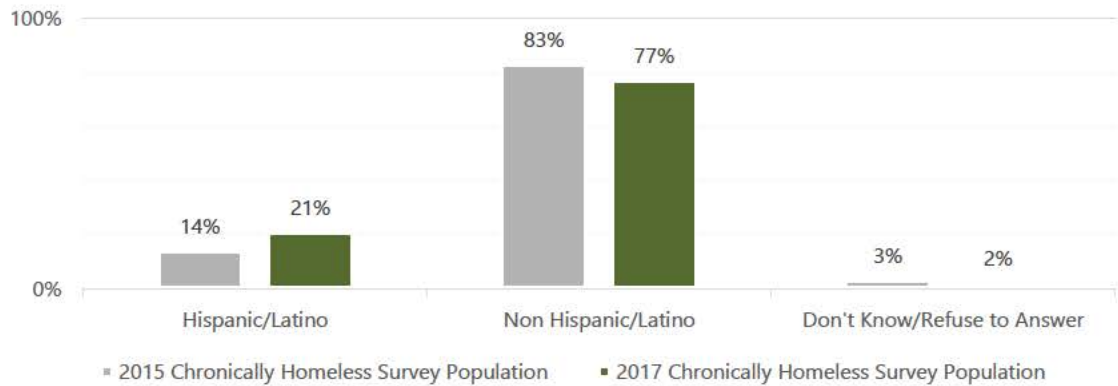


Source: Applied Survey Research (2015-2017). San Francisco Homeless Count. Watsonville, CA.

DEMOGRAPHICS OF CHRONICALLY HOMELESS SURVEY RESPONDENTS

The majority of chronically homeless individuals were male (68%), slightly higher than the non-chronically homeless population (58%). A similar percentage of chronically homeless respondents identified as Hispanic or Latino compared to non-chronically homeless respondents (21% and 23%, respectively). Six percent (6%) of chronically homeless respondents identified as veterans.

Figure 32. ETHNICITY AMONG PERSONS EXPERIENCING CHRONIC HOMELESSNESS

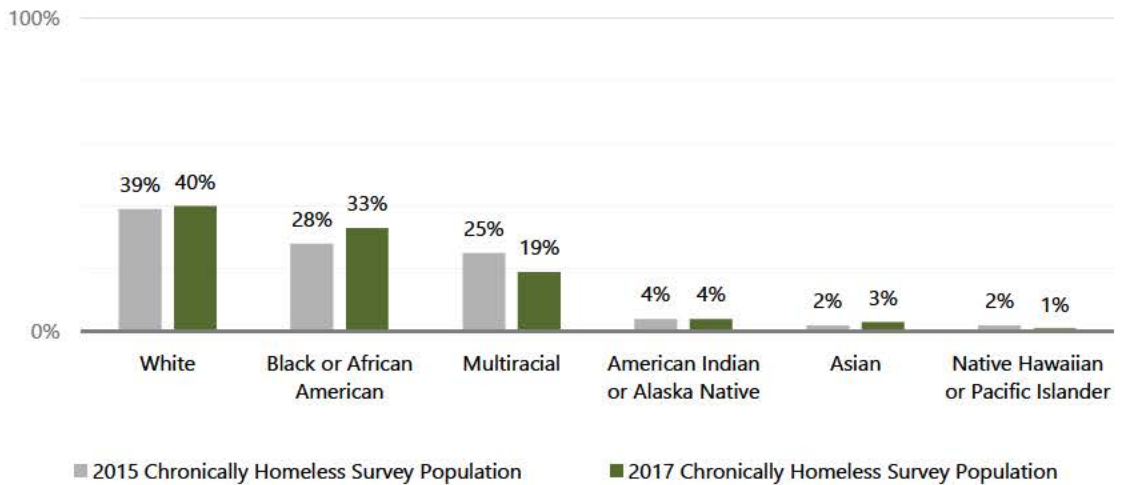


2015 n = 250; 2017 n = 322

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

Figure 33. RACE AMONG PERSONS EXPERIENCING CHRONIC HOMELESSNESS



2015 n=249; 2017 n=335

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

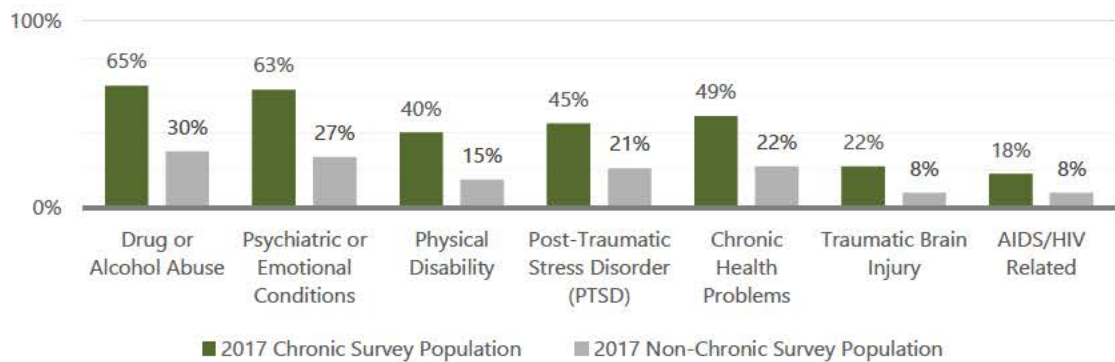
Note: Percentages may not add up to 100 due to rounding.

HEALTH CONDITIONS AMONG THOSE EXPERIENCING CHRONIC HOMELESSNESS

The definition of chronic homelessness requires a condition that prevents an individual from maintaining work or housing, and many respondents reported experiencing multiple physical or mental health conditions. Sixty-five percent (65%) of chronically homeless survey respondents reported alcohol or substance use. Sixty-three percent (63%) reported a psychiatric or emotional condition. Forty-nine percent (49%) reported a chronic health problem or medical condition. Forty-five percent (45%) reported Post Traumatic Stress Disorder (PTSD).

In general, higher rates of health conditions were reported for those who were chronically homeless compared to their non-chronically homeless counterparts. For example, 40% of chronically homeless individuals reported having a physical disability compared to 15% of non-chronically homeless individuals.

Figure 34. HEALTH CONDITIONS, CHRONIC AND NON-CHRONIC COMPARISON



Chronic n = 331-342; Non-Chronic n = 696-719

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

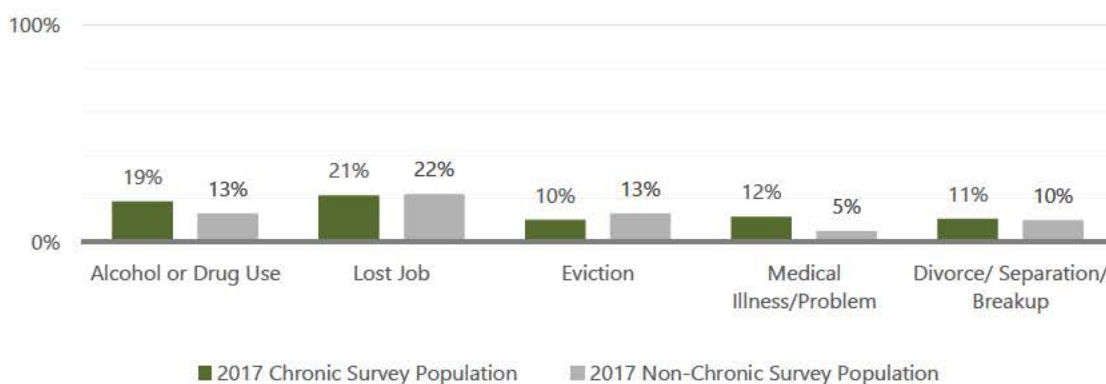
Note: Multiple response question. Percentages may not add up to 100.

PRIMARY CAUSE OF HOMELESSNESS AMONG THOSE EXPERIENCING CHRONIC HOMELESSNESS

Nearly one-fifth (19%) of chronically homeless survey respondents identified alcohol or drug use as the primary cause of their homelessness; this was a decrease compared to 32% in 2015. Ten percent (10%) of chronically homeless respondents reported mental health issues as a primary cause compared to 4% of non-chronically homeless respondents.

While chronically homeless respondents reported some differences in the initial cause of their homelessness compared to non-chronic respondents, they reported similar barriers to permanent housing. As in 2015, the most common response in 2017 was inability to afford rent (55%). Twenty-nine percent (29%) reported having no job or not enough income, 24% reported a lack of available housing, and 19% reported difficulty with the housing process.

Figure 35. PRIMARY CAUSE OF HOMELESSNESS, CHRONIC AND NON-CHRONIC COMPARISON



Chronic n = 345; Non-Chronic n = 728

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

ACCESS TO SERVICES AMONG THOSE EXPERIENCING CHRONIC HOMELESSNESS

A higher proportion (19%) of chronically homeless respondents reported they were not using any local homeless services such as food and shelter services, compared to 14% of those who were not chronically homeless. They also reported somewhat higher use of health services, 29% compared to 23% of those who were not chronically homeless.

Twenty-two percent (22%) of chronically homeless respondents reported they were not using government assistance, a slight increase from 20% in 2015. Thirty-one percent (31%) reported receiving SSI, SSDI, or other disability benefits, 27% received CalFresh (food stamps), and 21% received General Assistance (GA). Nineteen percent (19%) reported receiving Medi-Cal/MediCare benefits, a large decrease from 32% in 2015.

Of chronically homeless respondents who were not receiving government services, over half (55%) reported that they did not want government assistance. Ten percent (10%) reported not having a permanent ID, and another 10% reported they had never applied. One percent (1%) reported that the paperwork was too difficult, a large decrease from 17% in 2015.

INCARCERATION AMONG THOSE EXPERIENCING CHRONIC HOMELESSNESS

A slightly higher percentage of chronically homeless respondents reported they had spent one or more nights in jail or prison in the 12 months prior to the survey, 22% compared to 19% of non-chronically homeless respondents. Sixteen percent (16%) of chronically homeless survey respondents reported being on probation or parole at the time of the survey, and 17% reported being on probation or parole at the time they became homeless.

HOMELESSNESS AMONG VETERANS

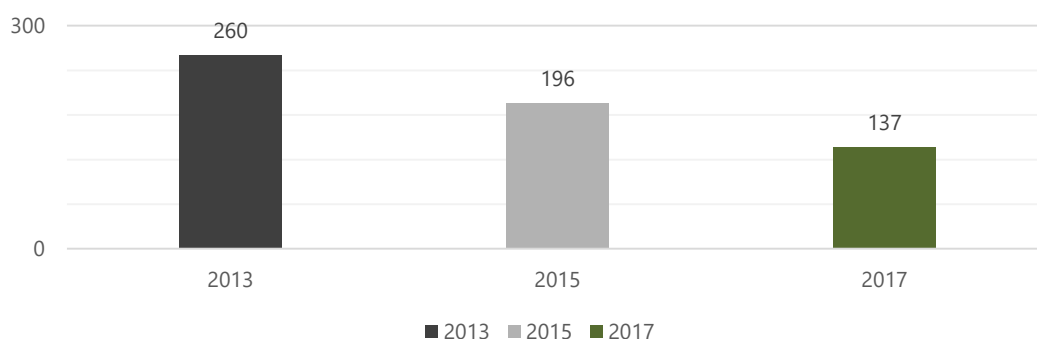
Many U.S. veterans experience conditions that place them at increased risk for homelessness. Veterans experience higher rates of post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), sexual assault, and substance abuse. Nationally, veterans experiencing homelessness are more likely to live on the street than in shelters and often remain on the street for extended periods of time.¹²

The U.S. Department of Veterans Affairs (VA) provides a broad range of benefits and services to veterans of the U.S. Armed Forces. These benefits can involve different forms of financial assistance, including monthly cash payments to disabled veterans, health care, education, and housing benefits. In addition to these supports, the VA and HUD partner to provide additional housing and support services to veterans' currently experiencing homelessness or at risk of experiencing homeless.

NUMBER OF CHRONICALLY HOMELESS VETERANS

San Francisco and its federal and local partner have prioritized ending chronic homelessness for veterans. Due to this increased focus and investment the number of chronically homeless veterans in San Francisco decreased between 2015 and 2017. It was estimated that 137 veterans were chronically homeless in San Francisco in January 2017, a decrease from 196 individuals in 2015.

Figure 36. CHRONICALLY HOMELESS VETERAN POPULATION ESTIMATES



Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

ACCESS TO SERVICES AMONG VETERANS

Overall, the number of veterans connected to any form of government assistance was higher than the non-veteran population, 84% compared to 71%. More veterans reported using health services (29%) and mental health services (23%) than non-veterans (compared to 24% and 18% of non-veterans, respectively).

Twenty-six percent (26%) of veterans reported receiving VA disability compensation, and 19% reported receiving another form of VA benefit. Twenty-four percent (24%) reported they were receiving SSI/SSDI.

¹² National Alliance to End Homelessness (2015). Fact Sheet: Veteran Homelessness. Retrieved 2017 from <http://www.endhomelessness.org/library/entry/fact-sheet-veteran-homelessness>

NUMBER OF HOMELESS VETERANS

While the number of veterans experiencing chronic homelessness has decreased the estimated number of homeless veterans in San Francisco increased between 2015 and 2017. There were an estimated 684 veterans in 2017, compared to 557 in 2015. Forty-eight percent (48%) of veterans identified in the Point-in-Time Count were identified in City shelters or VA facilities.

Figure 37. HOMELESS VETERAN POPULATION ESTIMATES

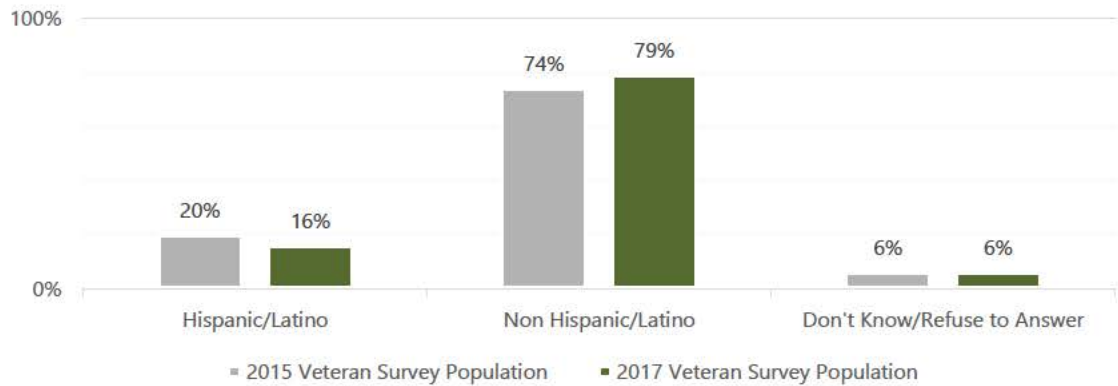


Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

DEMOGRAPHICS OF HOMELESS VETERANS

Eighty-one percent (81%) of veteran survey respondents identified as male, 16% female, and 3% transgender. Sixteen percent (16%) of veterans identified as Hispanic or Latino, less than the non-veteran respondents (23%). Forty percent (40%) of veterans reported their racial identity as White, 34% Black or African American, and 17% Multiracial.

Figure 38. ETHNICITY AMONG VETERANS

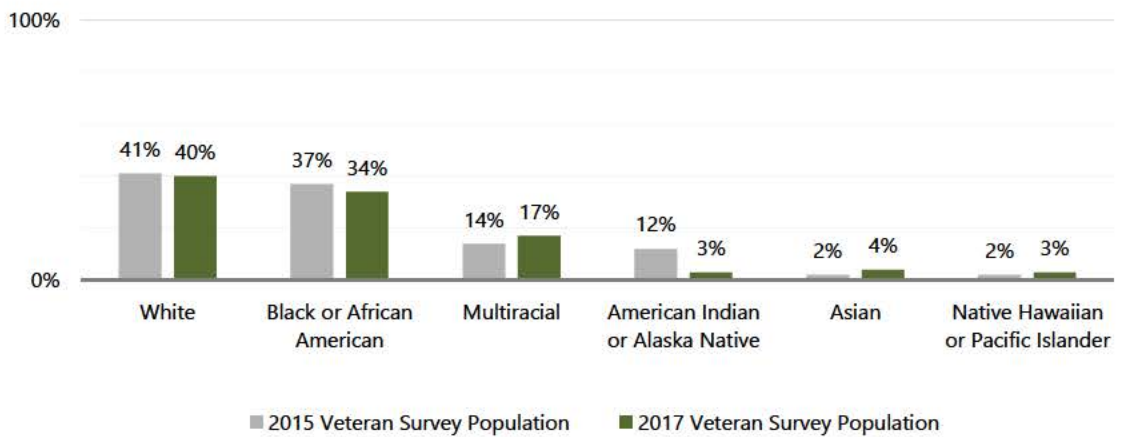


2015 n = 131; 2017 n = 109

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

Figure 39. RACE AMONG VETERANS



2015 n = 132; 2017 n = 118

Source: Applied Survey Research. (2015-2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

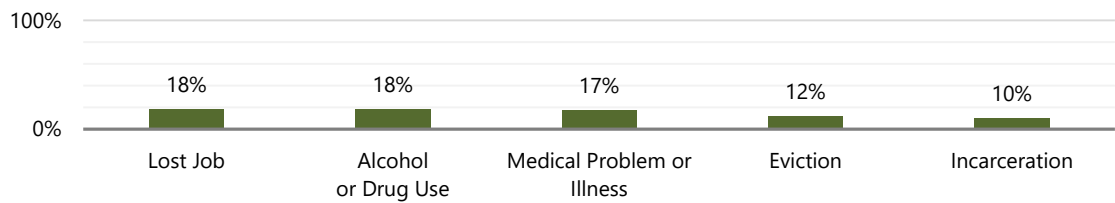
Sixty-four percent (64%) of veterans were living in San Francisco at the time they most recently became homeless, slightly lower than the non-veteran population (69%). Twenty-two percent (22%) were living in another county in California when they became homeless, and 14% reported they were living in another state. Of those who did not live in San Francisco at the time they became homeless, 24% reported coming to San Francisco to access VA services or a clinic.

The greatest number of veterans reported that prior to becoming homeless they were living in a home owned or rented by themselves or a partner (35%), marginally higher than the non-veteran population (33%). Veterans more often reported they were in a hospital or treatment center prior to becoming homeless, 7% compared to 3% of non-veterans.

PRIMARY CAUSE OF HOMELESSNESS AMONG HOMELESS VETERANS

The most frequently cited cause of homelessness among veterans was job loss and alcohol or drug use, each representing 18% of the veteran population. Seventeen percent (17%) reported a medical problem or illness as the primary cause of their homelessness, 12% reported eviction, and 10% reported incarceration.

Figure 40. PRIMARY CAUSE OF HOMELESSNESS AMONG HOMELESS VETERANS (TOP FIVE RESPONSES IN 2017)



2017 n = 160

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

INCARCERATION AMONG HOMELESS VETERANS

Nationally, among those who are incarcerated, veterans are more likely than non-veterans to be first time offenders, to have committed a violent offense, and to have longer prison sentences. Veterans who are incarcerated may also face the loss or decrease in amount of various VA benefits.¹³

Twenty percent (20%) of veteran and non-veteran respondents reported they had spent one or more nights in jail in the 12 months prior to the survey. A slightly higher percentage of veterans (14%) reported they were currently on probation or parole compared to non-veterans (12%).

¹³ Military Benefits. (2014). Incarcerated Veterans. Retrieved 2014 from <http://www.military.com/benefits/veteran-benefits/incarcerated-veterans.html>.

HOMELESS FAMILIES WITH CHILDREN

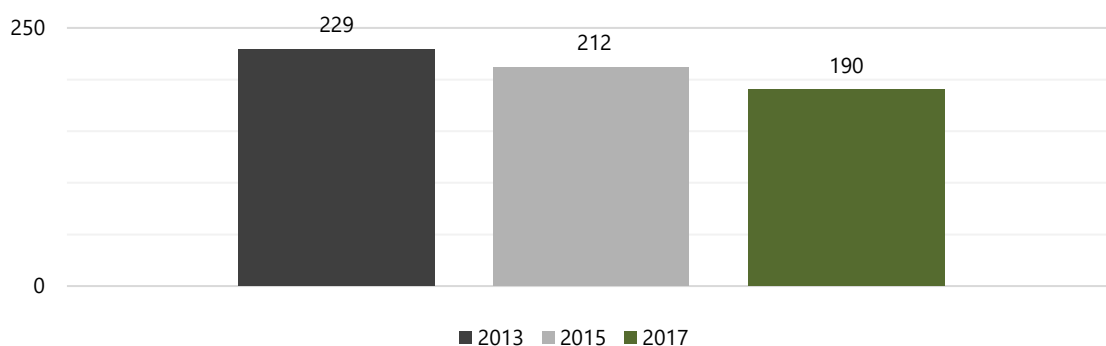
National data from 2016 suggest that 35% of all people experiencing homelessness are persons in families. Very few families experiencing homelessness are unsheltered, as public shelters serve 90% of homeless families in the United States; this is a significantly higher proportion of the population compared to adults without children and unaccompanied youth. Data on families experiencing homelessness suggest that they are not much different from families in poverty.¹⁴

Nationally, the risk of homelessness is highest among households headed by single women and families with children under the age of six.¹⁵ Children in families experiencing homelessness have increased incidence of illness and are more likely to have emotional and behavioral problems than children with consistent living accommodations.¹⁶

NUMBER OF HOMELESS FAMILIES WITH CHILDREN

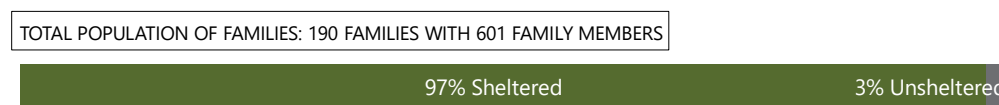
Trend data showed that the distribution of single individuals compared to people in families has remained relatively consistent over time. There were 601 persons in families identified during the 2017 count, nearly identical to the 600 persons in families identified in 2015. Between 2015 and 2017 the number of homeless families enumerated decreased by 10% from 212 to 190. Ninety-seven percent (97%) of families identified during the Point-in-Time Count were staying in shelters or transitional housing programs.

Figure 41. FAMILIES ENUMERATED DURING THE POINT-IN-TIME HOMELESS COUNT



Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

Figure 42. HOMELESS FAMILIES WITH CHILDREN POPULATION ESTIMATES



Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

¹⁴ U.S. Interagency Council on Homelessness. (2015). Opening Doors. Retrieved 2015 from <http://www.usich.gov/>

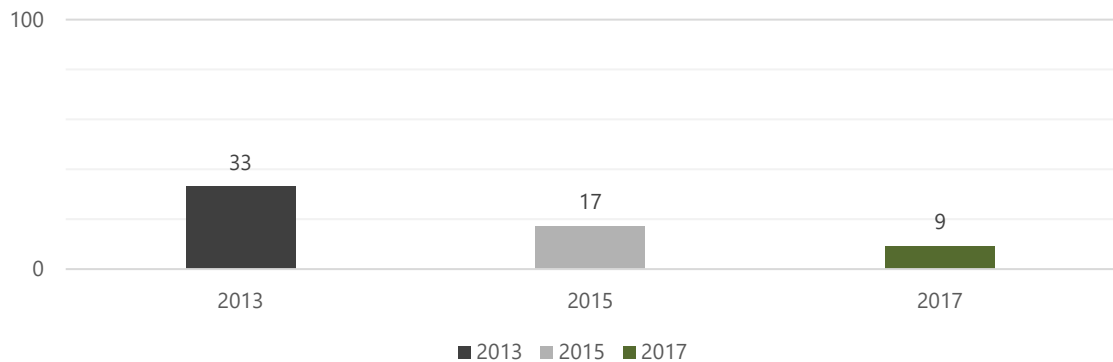
¹⁵ U. S. Department of Health and Human Services. (2007). Characteristics and Dynamics of Homeless Families with Children. Retrieved 2015 from <http://aspe.hhs.gov/>

¹⁶ U.S. Interagency Council on Homelessness. (2015). Opening Doors. Retrieved 2015 from <http://www.usich.gov/>

CHRONICALLY HOMELESS FAMILIES WITH CHILDREN

Chronic homelessness among families has been declining in San Francisco since 2013. Between 2013 and 2017 there was a 78% decrease in the number of people in families experiencing chronic homelessness; in 2013, there were 116 chronically homeless people in families and in 2017 it was down to 26.

Figure 43. NUMBER OF FAMILIES EXPERIENCING CHRONIC HOMELESSNESS BETWEEN 2013-2017



Source: Applied Survey Research. (2013-2017). San Francisco Homeless Count. Watsonville, CA.

CHARACTERISTICS OF HOMELESS FAMILIES WITH CHILDREN

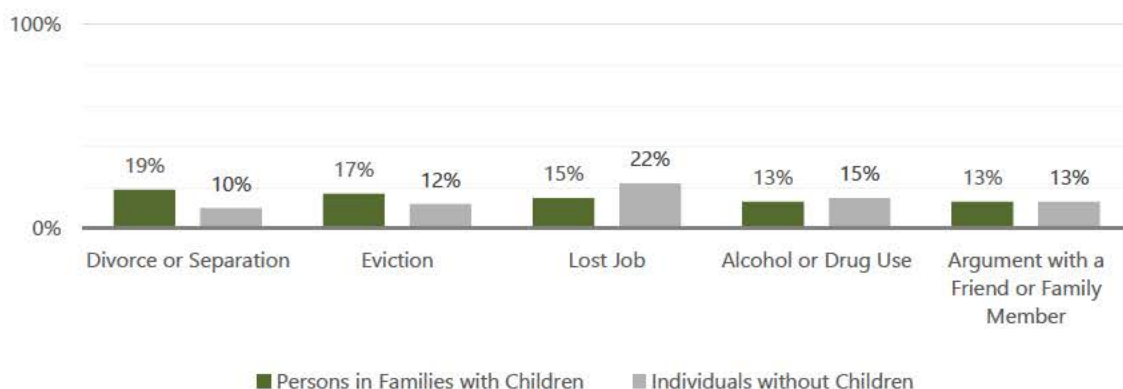
Fifty-three individuals in homeless families with children participated in the San Francisco Survey.¹⁷ Ninety-one percent (91%) of survey respondents in families were female, significantly higher than survey respondents not in families (30%). Twenty-nine percent (29%) of those surveyed in families identified as Hispanic or Latino, slightly higher than those not in families (21%).

¹⁷ Caution should be used when interpreting these data due to small number of surveys conducted with homeless individuals in families with children

PRIMARY CAUSE OF HOMELESSNESS AMONG HOMELESS FAMILIES WITH CHILDREN

Forty percent (40%) of individuals in families with children reported having experienced domestic violence in the past, and 6% reported they were currently experiencing domestic violence at the time of the survey. Eleven percent (11%) reported family or domestic violence as the primary cause of their homelessness. The most frequently reported cause was divorce or separation (19%), followed by eviction (17%) and job loss (15%).

Figure 44. PRIMARY CAUSE OF HOMELESSNESS AMONG HOMELESS FAMILIES WITH CHILDREN (TOP FIVE RESPONSES IN 2017)



Families n = 53; Non-families n = 988

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

LENGTH OF HOMELESSNESS AMONG FAMILIES WITH CHILDREN

Forty-two percent (42%) of individuals in families with children reported they were experiencing homelessness for the first time compared to 24% of single individuals. Slightly over half (55%) had been without housing for more than 6 months, and 37% reported they were living in a home owned or rented by themselves or a partner prior to becoming homeless.

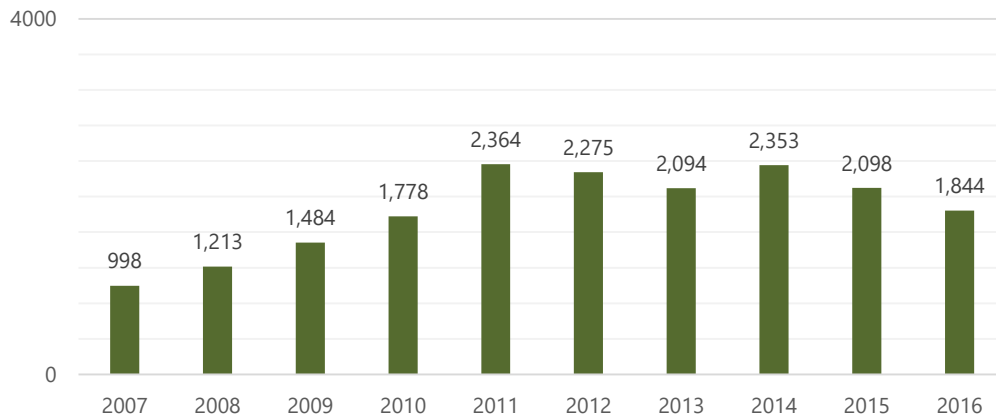
GOVERNMENT ASSISTANCE FOR HOMELESS FAMILIES WITH CHILDREN

Forty-five percent (45%) of respondents reported that in the 4 weeks prior to the survey, they had experienced a food shortage. Over half (62%) reported that they were receiving CalFresh (food stamps), and 46% reported they were receiving Medi-Cal/MediCare.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

Due to increased investments and targeted interventions, the San Francisco Unified School District has seen a reduction in students experiencing homelessness. Given the difference in definitions of homelessness between HUD and the Department of Education, the San Francisco Unified School District (SFUSD) numbers differ from those reported to HUD. Despite this difference, SFUSD's data on the annual number of students experiencing homelessness is an important source of information and a key indicator of progress on reducing family homelessness.

Figure 45. NUMBER OF STUDENTS IN SFUSD EXPERIENCING HOMELESSNESS



Source: San Francisco Unified School District. This reflects a snapshot of homeless students taken in early October of each school year.

UNACCOMPANIED HOMELESS CHILDREN AND TRANSITIONAL-AGE YOUTH

Due to the often hidden nature of youth homelessness, there are limited data available on unaccompanied children and transitional-age youth experiencing homelessness. Although largely considered an undercount, current federal estimates suggest there are 35,686 unaccompanied children and transitional-age youth on the streets and in public shelters.¹⁸ Young people experiencing homelessness have a harder time accessing services, including shelter, medical care, and employment due to the stigma of their housing situation, lack of knowledge of available resources, and a dearth of services targeted to young people.¹⁹

In 2012, the U.S. Interagency Council on Homelessness amended the federal strategic plan to end homelessness to include specific strategies and supports to address the needs of unaccompanied homeless children and transitional-age youth. As part of this effort, the Department of Housing and Urban Development placed increased focus on gathering data on unaccompanied homeless children and youth during the Point-in-Time Count.

The City and County of San Francisco implemented a supplemental youth count and survey in 2013 to improve data on unaccompanied children and youth in San Francisco. These efforts were replicated, with minor improvements, in 2015 and 2017. The following section provides an overview of the findings on unaccompanied children and youth identified in San Francisco's general point-in-time count, as well as in the specific youth count. More information regarding the youth study can be found in the 2017 San Francisco Homeless Unique Youth Count & Survey.

¹⁸ Department of Housing and Urban Development. (2016). Annual Assessment Report to Congress. Retrieved 2017 from <https://www.hudexchange.info/resources/documents/2016-AHAR-Part-1.pdf>

¹⁹ National Coalition for the Homeless. (2011). Homeless Youth Fact Sheet. Retrieved 2011 from <http://www.nationalhomeless.org>.

NUMBER OF UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH

In 2017, 1,274 unaccompanied children and transitional-age youth were identified in the count. Of this, 1,170 of these individuals were transitional-age youth and 104 were unaccompanied children. This was lower than in 2015, when 1,348 transitional-age youth and 125 unaccompanied children were included in the count. Ninety percent (90%) of unaccompanied children and 88% of transitional-age youth counted on January 26, 2017 were unsheltered.

Figure 46. UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH POPULATION ESTIMATES OVER TIME

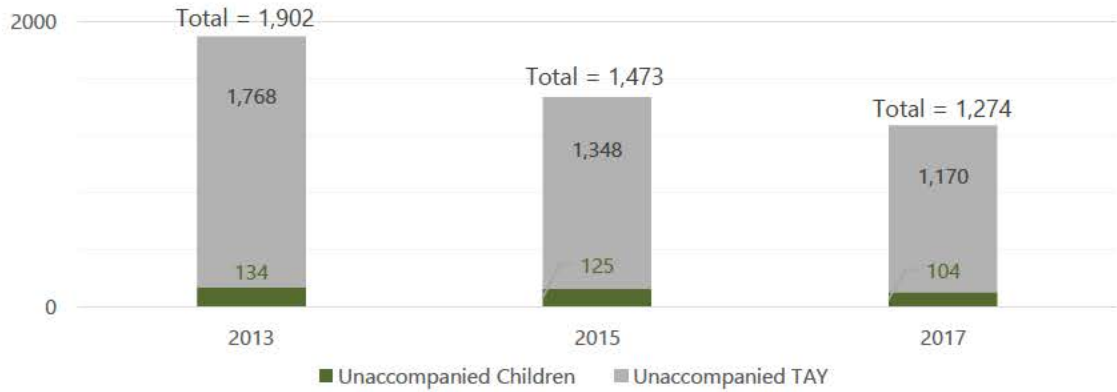
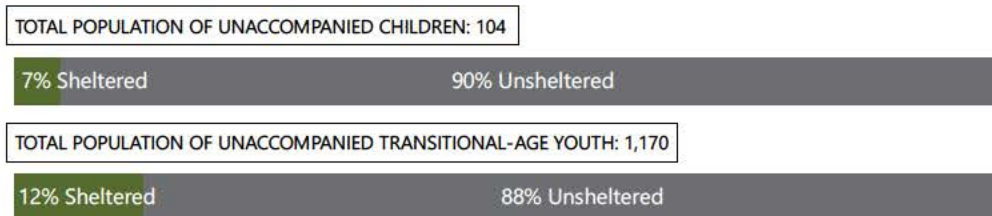


Figure 47. UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH POPULATION ESTIMATES BY SHELTER STATUS



Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Unaccompanied children and transitional-age youth are enumerated through the shelter count, general street count, and supplemental youth street count. In 2017, 40% of unaccompanied children and transitional-age youth were identified through the youth point-in-time count efforts. It is important to note the youth count is conducted by peer youth enumerators who themselves have or are currently experiencing homelessness. These youth have a clearer understanding of where homeless youth reside and what distinguishes them from non-homeless, unaccompanied children and transitional-age youth seen on the street.

Figure 48. UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH HOMELESS COUNT RESULTS BY AGE GROUP

	Unaccompanied Children Under 18	Transitional-Age Youth 18-24	Total Unaccompanied Youth
Sheltered Count	10	140	150
Street Count	94	1,030	1,124
General Count	47	576	623
Supplemental Youth Count	47	454	501*
Total	104	1,170	1,274

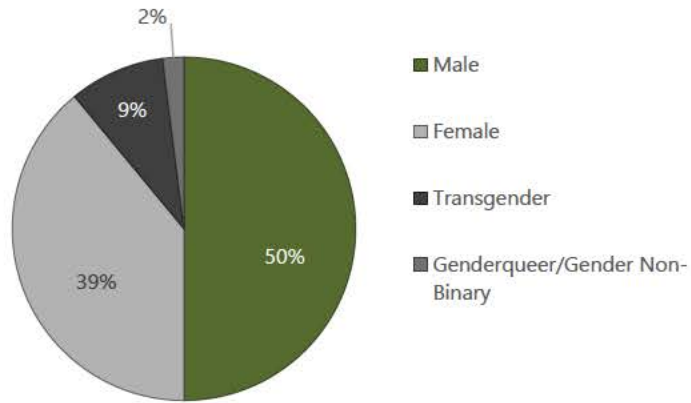
Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

*The youth count identified 513 persons, however 12 of those persons were youth in families. The youth count identified 501 unaccompanied children and youth.

DEMOGRAPHIC CHARACTERISTICS AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH

Half (50%) of the population of youth respondents under the age of 25 identified as male, less than the general population (64%). Nine percent (9%) identified as transgender, 2% as genderqueer/gender non-binary, and 39% as female. Nearly half (49%) of youth respondents identified as LGBTQ, much higher than the adult population (25%).

Figure 49. GENDER IDENTITY AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH

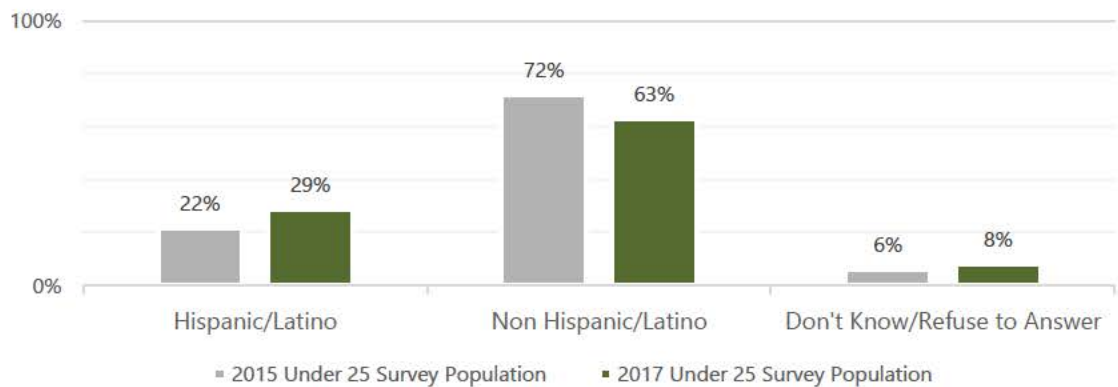


Under 25 n= 1,104

Note: Percentages may not add up to 100 due to rounding.

Twenty-nine percent (29%) of youth respondents reported they were Hispanic or Latino, compared to 20% of respondents 25 years and over. The highest reported race for youth respondents was Multiracial (35%), followed by Black or African American and White, each representing 26% of the youth population.

Figure 50. ETHNICITY AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH

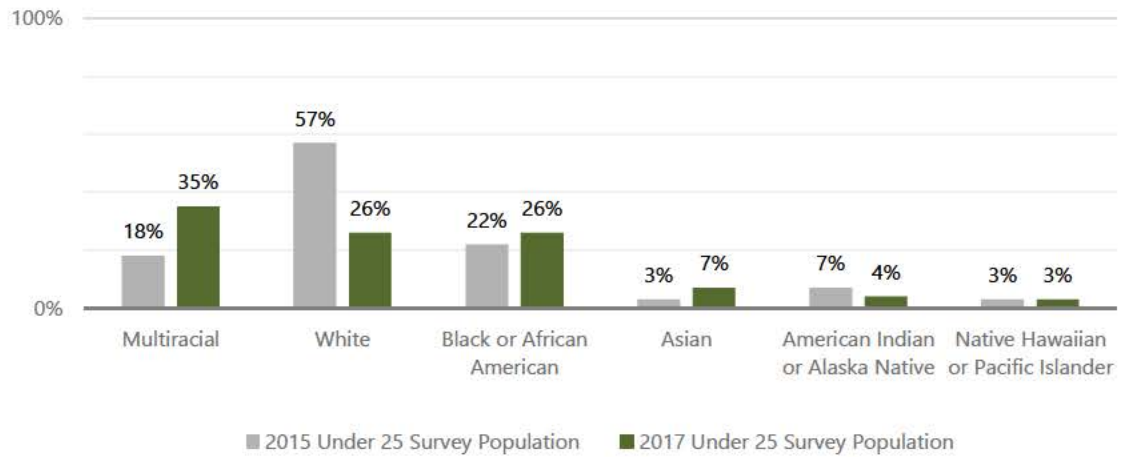


2015 n = 175; 2017 n=211

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

Figure 51. RACE AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH



2015 n=161; 2017 n = 215

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Percentages may not add up to 100 due to rounding.

More than half (56%) of youth survey respondents reported they were living in San Francisco at the time they most recently became homeless. Twenty-eight percent (28%) of youth survey respondents reported living in another county in California at the time they most recently became homeless. Sixteen percent (16%) moved to San Francisco out of state compared to 9% of respondents over the age of 25.

Figure 52. PLACE OF RESIDENCE AT TIME OF HOUSING LOSS FOR UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH



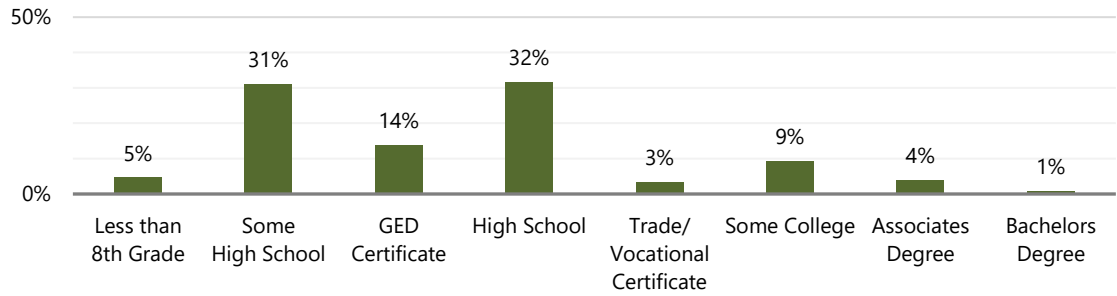
2017 n = 215

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

EDUCATIONAL ATTAINMENT AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH

Approximately 90% of the youth respondents were over the age of 18, yet 36% had not completed high school or received a GED. Thirty-two percent (32%) had completed high school, 4% had attained an associate’s degree, and 1% had completed college. Forty-three percent (43%) of youth reported they were currently enrolled in some kind of educational or vocation program.

Figure 53. EDUCATION ATTAINMENT AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH



Under 25 n = 152

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

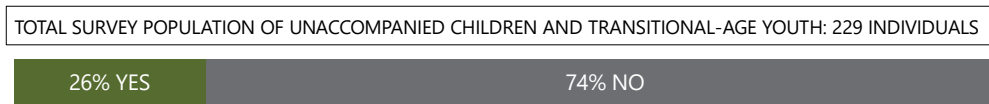
Note: Percentages may not add up to 100 due to rounding.

INSTITUTIONAL INVOLVEMENT AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH

About one quarter (26%) of youth respondents reported they had been in the foster care system, and 7% of those with foster care experience reported aging out of foster care as the primary cause of their homelessness.

Twenty-nine percent (29%) of youth reported they had been involved with the justice system before turning 18, and 10% were on probation or parole at the time they most recently became homeless. Four percent (4%) reported incarceration as the primary cause of their homelessness, and 5% reported their criminal record was preventing them from obtaining permanent housing.

Figure 54. HISTORY OF FOSTER CARE AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH



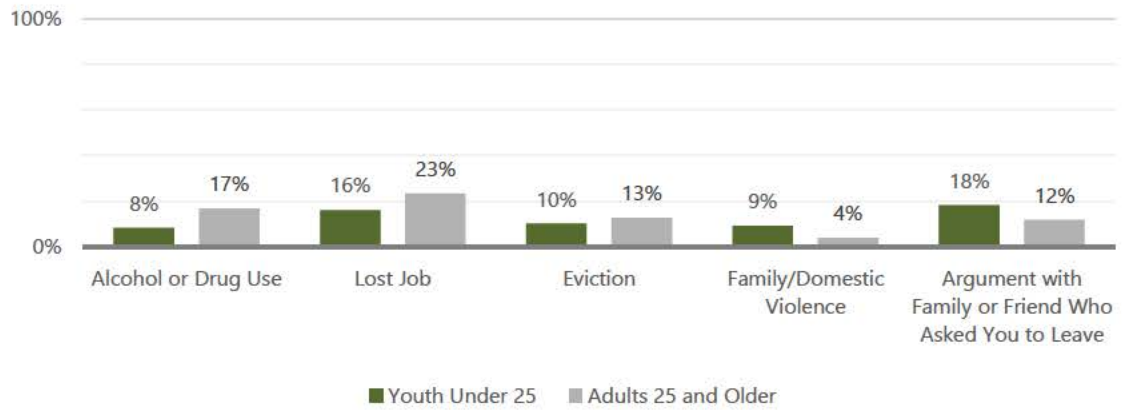
Under 25 n = 208

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA

PRIMARY CAUSE OF HOMELESSNESS AMONG UNACCOMPANIED HOMELESS CHILDREN AND TRANSITION-AGE YOUTH

Homeless youth survey respondents reported some differences in cause of homelessness compared to respondents 25 years or older. Eighteen percent (18%) of youth reported an argument with a friend or family member who asked them to leave as the primary cause of their homelessness, compared to 12% of individuals over 25. Fewer reported a job loss as the primary cause of their homelessness compared to that of adults, 16% compared to 23%, respectively.

Figure 55. PRIMARY CAUSE OF HOMELESSNESS AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH AND ADULTS 25 AND OLDER



Under 25 n = 218; Adults 25 and Older n = 855

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

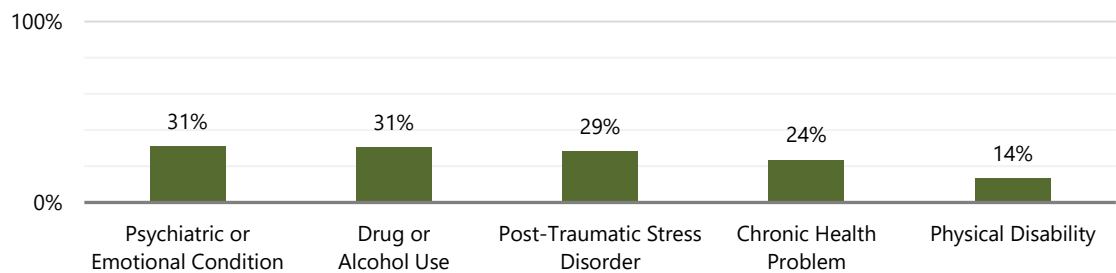
Note: Multiple response question. Percentages may not add up to 100.

HEALTH AND SOCIAL BARRIERS AMONG UNACCOMPANIED HOMELESS CHILDREN AND TRANSITIONAL-AGE YOUTH

Though better than the general homeless population, health is still an issue for homeless youth. Forty-nine percent (49%) of youth reported their physical health was “good” or “very good.” One in five youth (20%) surveyed reported receiving Medi-Cal/MediCare, higher than in 2015 (15%).

Forty percent (40%) of youth reported one or more health conditions, including psychiatric and emotional conditions (31%), drug or alcohol use (31%), and Post-Traumatic Stress Disorder (PTSD) (29%).

Figure 56. HEALTH CONDITIONS AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH (TOP FIVE REPOSSES IN 2017)



Under 25 n = 212-217

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

SERVICES AND SOCIAL SUPPORT NETWORKS AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH

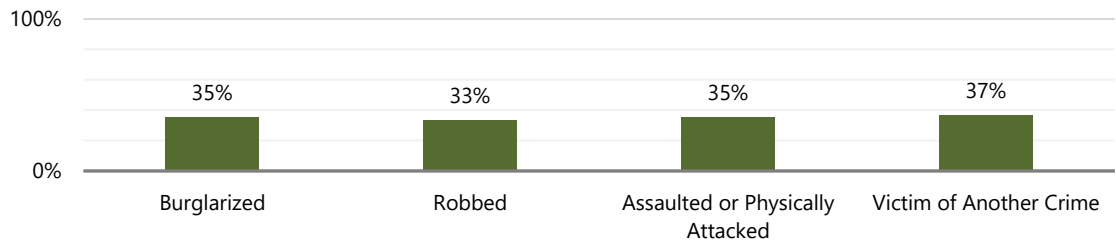
Thirty-nine percent (39%) of homeless youth survey respondents reported having a supportive adult in the Bay Area, an increase from 25% in 2015. Thirty-one percent (31%) of youth reported they had stayed with a friend or family member at least one night in the two weeks prior to the survey, however, three-quarters (75%) reported that they did not usually stay with the same person. Thirty-seven percent (37%) of youth reported using emergency shelter services, and 29% reported using transitional housing services, an increase from 14% in 2015.

Forty-six percent (46%) of youth respondents reported using youth specific services “often” or “always.” Forty-two percent (42%) of youth reported receiving CalFresh (food stamps), and 51% reported using free meal services; however, 64% still reported experiencing a food shortage in the four weeks prior to the survey, and 58% reported food as a current need. Twenty-eight percent (28%) reported they had a job, paid internship, or other type of employment, and 13% were accessing employment services.

EXPERIENCES OF VIOLENCE AND CRIME AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH

One third (33%) of youth survey respondents reported that they felt “a little unsafe” or “very unsafe” in their current living situation, and half (50%) reported that their safety had been threatened at least once in the 30 days prior to the survey. When asked about specific experiences of violence, 35% reported they had been assaulted or physically attacked in the year prior to the survey.

Figure 57. EXPERIENCES WITH VICTIMIZATION IN THE PAST 12 MONTHS AMONG UNACCOMPANIED CHILDREN AND TRANSITIONAL-AGE YOUTH



2017 n = 156-153

Source: Applied Survey Research. (2017). San Francisco Homeless Count. Watsonville, CA.

Note: Multiple response question. Percentages may not add up to 100.

Note: Burglarized means that you were not present at the time.

2017 SAN FRANCISCO HOMELESS UNIQUE YOUTH COUNT & SURVEY

The above section provides an overview of San Francisco HUD reported data on unaccompanied children and youth. The 2017 San Francisco Homeless Unique Youth Count and Survey contains additional information on the number of unaccompanied children and transitional-age youth counted in the Point-in-Time Count using the City of San Francisco’s expanded definition of homelessness, as well as additional information gathered in the youth focused survey effort. The report can be accessed online at hsh.sfgov.org.



Local Context

A NEW DEPARTMENT OF HOMELESSNESS AND SUPPORTIVE HOUSING

On August 15, 2016, the Department of Homelessness and Supportive Housing (HSH) was launched in the City and County of San Francisco. Despite innovative programs and cutting edge practices, the City and County of San Francisco had seen a sustained crisis of homelessness for more than 30 years. Mayor Edwin Lee announced the creation of the new department in a speech on December 11, 2015. He called on the directors of the Department of Public Health, Human Services Agency, and the Mayor's Office of HOPE to build upon our successful efforts by creating a single department. HSH is charged with reducing all homelessness and ending it when possible by uniting programs and staffing from five different agencies and aligning strategies and resources. In short, to create a homeless service system from street outreach and emergency services back to housing. HSH will release a new Strategic Framework to guide these efforts and will be retooling the homelessness response system over the next few years to become a fully coordinated and transparent system that connects people with housing and services based on their unique needs. The goal of the HSH is to reduce homelessness among the various subpopulations and strive for an overall reduction in the Point-in-Time Count.

COORDINATED ENTRY SYSTEM

San Francisco's current homeless system is made up of strong programs and effective micro-strategies. However, the pathways from homelessness to housing are unclear and inconsistent. People experiencing homelessness typically try to access support in multiple locations, and the place where they happen to seek help can determine what type of help they receive, rather than any systematic decision-making about the most appropriate support. Lack of consistency in approach and targeting means that the system's resources are not working together and limited support is not effectively and efficiently allocated. It also means that people who are most able to navigate the confusing system may receive more help, while those with the greatest need for assistance become discouraged and give up.

To build on existing strengths and achieve better results, San Francisco will bring its programs together in a coordinated crisis response system for each major group of homeless people – adults, families, and youth - that creates clear and consistent connections between program components and speeds movement to a housing solution. The core components must each play a part in the overall strategy to respond quickly with the most appropriate resource available.

While many of these components exist now, some will be new to the system, including coordinated entry for all interventions and problem solving assistance. Other components, such as outreach, flexible subsidies, and temporary housing are being retooled or aligned with the rest of the system to increase impact.

Coordinated Entry is a key component of each of these systems. Like the triage nurse in an emergency room, coordinated entry assesses needs and prioritizes available resources while keeping track of all who are seeking help. Coordinated entry provides a standardized assessment that matches the household in need with the most appropriate available resource. Coordinated entry also prioritizes households for assistance to ensure that those with highest need do not fall through the cracks or get lost navigating the complexities of the different programs.

EXPANSION OF TEMPORARY SHELTER

In addition to improving the way our system functions, the City and County of San Francisco is committed to expanding the capacity of the homelessness response system to better meet the needs of people experiencing homelessness. Recent growth includes the expansion of temporary shelter, the development of Navigation Centers, and the expansion of supportive housing and rapid re-housing options.

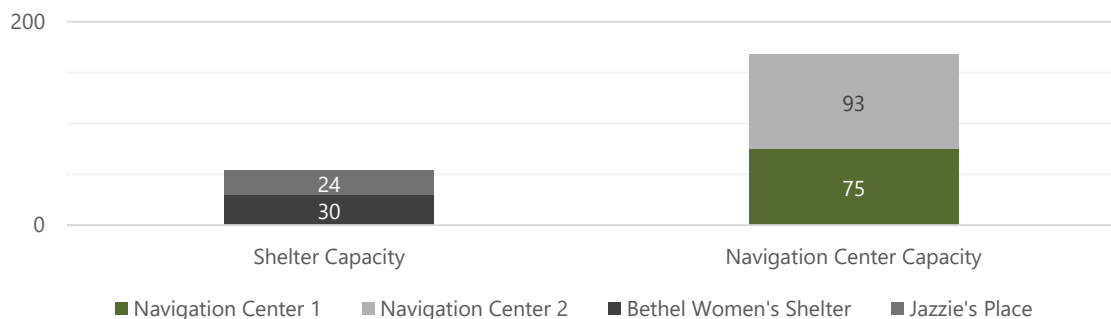
In June 2015, San Francisco opened **Jazzie’s Place**, the nation’s first LGBTQ shelter for homeless adults. Jazzie’s is a 24-bed shelter targeted to serve lesbian, gay, bisexual and transgender homeless adults. Jazzie’s is operated by Dolores Street Community Services and is an integral part of our strategy to meet the needs of our diverse community.

In March 2015, the City expanded the Women’s Winter Shelter from part of the Interfaith Winter Shelter to a year-round women’s shelter. The **Bethel Women’s Shelter** now offers 30 beds year-round for women experiencing homelessness.

In 2015, San Francisco opened the first Navigation Center. Navigation Centers provide temporary room and board to San Francisco’s highly vulnerable and chronically homeless residents who are often unable to access traditional shelter and services. Navigation Centers are different from traditional shelters in that they have few barriers to entry and intensive support services. Unlike traditional shelters, people with partners, pets, and possessions are welcome at Navigation Centers. The purpose of a Navigation Center is not just to provide a safe place to stay and a warm meal, but to support a person in changing their life by making lasting connections to housing and social services.

Between January 2015 and January 2017, San Francisco opened two Navigation Centers with a combined capacity of **168 beds**. As of April 2017, the Navigation Centers have helped over 1,300 highly vulnerable people get off of the streets, and 68% of these guests have exited to housing.

Figure 58. EXPANSION OF TEMPORARY SHELTERS BETWEEN 2015 AND 2017

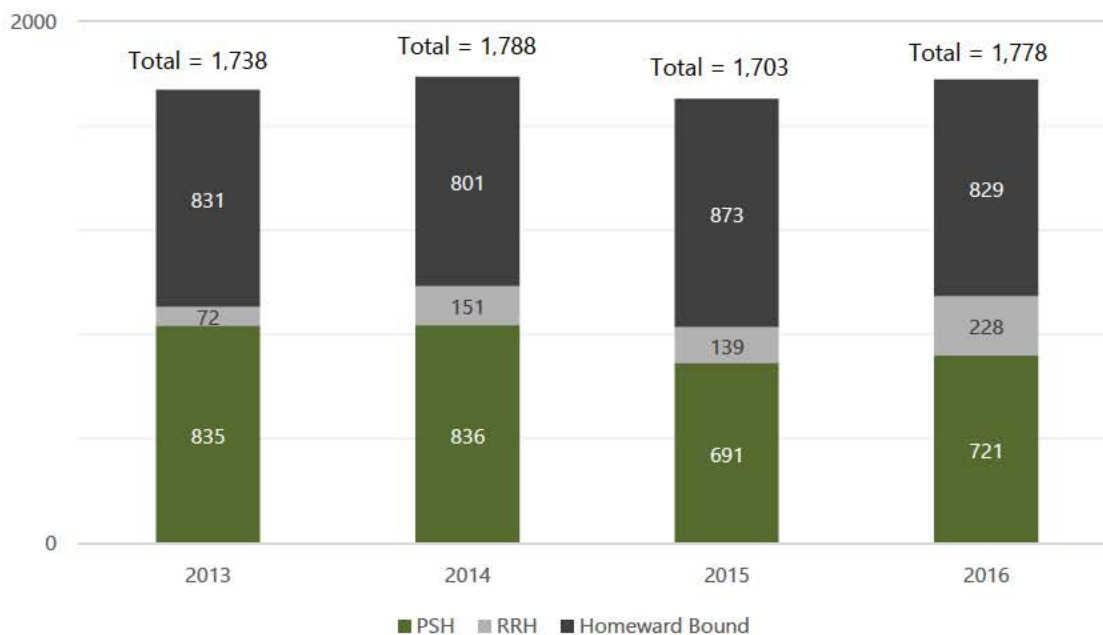


NEW HOUSING & HOUSING PLACEMENTS

Over the past two fiscal years, San Francisco has opened approximately 625 new units of Permanent Supportive Housing (PSH) for families, adults, and transitional-age youth. Between the expansion of housing and turnover in existing PHS units, 1,412 people exited homelessness through placement into PSH between January 2015 and December 2016. During that same time, San Francisco and its partners re-housed 367 families through rapid re-housing. Rapid Re-Housing is a strategy to re-house households experiencing homelessness as quickly as possible in private market housing, with the use of short term rental assistance. Rapid Re-Housing has been highly successful for families, with 93% of the family remaining stably housed at the end of the subsidy. San Francisco is now expanding this approach to transitional age youth and is piloting it for adults.

Additionally, between January 2015 and December 2016, 1,702 people were reunited with family or friends through the Homeward Bound program. Homeward Bound is a program to reconnect people with loved ones in other communities who can house them and help them get back on their feet.

Figure 59. PEOPLE EXITING HOMELESSNESS BETWEEN 2013-2016



TRANSITIONAL AGE YOUTH HOUSING

San Francisco and the youth providers work closely together and offer a range of approaches for addressing youth homelessness that include street outreach, shelter, transitional housing, rental subsidies and permanent housing. Most of the system's resources are focused on transitional programs. While this is aligned with the life stage and needs of some youth, it leaves gaps for youth with both higher and less severe needs, and because transitional programs are long and intensive they limit the number of youth that can be served. A portion of the adult system also currently serves TAY, though that percent is only estimated at less than 10% of the available shelter and housing resources.

San Francisco was recently awarded a two-year demonstration grant from the U.S. Department of Housing and Urban Development (HUD) to plan for a systemic approach to meet the needs of

homeless youth. This grant will provide resources to analyze the current system and identify gaps and develop a detailed plan with articulated vision as goals. It will also allow for the creation of new program models that are more flexible and innovative.

This plan will lay out the specific system improvements, programs and initiatives to effectively reduce homelessness among youth. This will include the design for a coordinated entry process and shared approach to assessment and targeting. Community members, including youth, have called for youth-centered crisis intervention and response services, along with emergency resources for people living outside. Strengthening the system will also include building in more flexibility in program models and allowing youth to move housing programs as their needs change. Potential examples include host home models, engaging networks of extended families and supportive adults; waivers of time limits on rental assistance and transitional programs; extending aftercare and supportive services after rental assistance ends; providing a means for youth to exit from youth-targeted housing assistance into the adult system; and providing youth-targeted mobile case management and support services to better engage individuals in scattered-site rental assistance.

The current system for youth provides a range of temporary and permanent housing, and an additional 69 supportive housing units are already planned and in the development pipeline. It is certain that additional program resources are needed for youth and young adults to effectively end their homelessness.

ADDRESSING FAMILY HOMELESSNESS

The system of programs and services for families experiencing homelessness in San Francisco is robust and includes a range of program types and supports. The providers that serve this population have a strong history of formal and informal collaboration. The family system has had centralized intake for certain shelters for nearly two decades and this has helped to bring the system together and provide data to track need. However, the access process has encouraged many families to wait long periods for shelter before addressing their housing needs and resulted in assistance going often to families that were most persistent, not necessarily those with the greatest needs. The current system also offers little systematic housing problem solving to help families that are doubled up or unstably housed and can avoid becoming unsheltered or entering shelter. And families that do gain shelter tend to remain there for long periods, without resources being immediately identified and connected to hasten the re-housing process. While rapid re-housing is a key intervention with families, it is not available at the scale needed nor routinely offered to every family.

Children should not have to live on the streets of San Francisco or spend months or years in shelter and other temporary places. The US Interagency Council defines ending family homelessness as a state where few families are homeless at any given time and those that cannot be prevented from becoming homeless are quickly rehoused.

During 2016 and 2017, providers, clients, and the City have worked together to design a system for families that will bring all the programs together into a coordinated effort to shelter all families with nowhere to stay and rehouse families quickly. Beginning in fall 2017, the new coordinated entry system for families will be launched. This system will include new Access Points in neighborhoods where families with a housing crisis can go to be assessed and receive problem solving support. These access points will be connected to the mainstream systems that families use such as schools, social services, and employment programs.

To reach a status of no unsheltered families will require using the existing inventory of shelter to ensure that all unsheltered families are immediately sheltered. For temporary housing, there are

currently 99 shelter units available for families and 33 units of transitional housing. The City will add 30 more shelter units for families in the coming year, and will work with transitional housing providers to reduce admission criteria and support more families over time.

Coordinated Entry will be used to prioritize the current stock of 558 supportive housing units and long-term rent subsidies for homeless families and an additional 471 which will come on line in the next four years. New resources for additional rapid re-housing, including 800 opportunities through Heading Home (100 placements have already been made), will form the bulk of the resources to re-housing families, growing rapid re-housing three-fold.

VETERAN'S HOMELESSNESS

San Francisco is committed to functionally ending chronic homelessness for veterans. Between January 2015 and December 2016, San Francisco has housed approximately 335 veterans through HUD-VASH with 91% remaining stably housed. The 2017 Point-in-Time Count enumerated 137 chronically homeless veterans. In January 2017, there were 193 chronically homeless veterans, on San Francisco's By-Name List.

A combination of increased local and federal resources and a systematic approach to matching veterans quickly to programs and resources has reduced chronic homelessness among veterans. Dedicated resources such as the HUD-VASH program which provides supportive housing for veterans and new buildings coming online can assist many these individuals.

STREET HOMELESSNESS & ENCAMPMENTS

The long-term solution to unsheltered or street homelessness is the same as the solution to all homelessness – provide housing exits through a range of interventions tailored to the needs of each individual and offered through a coordinated system. However, in the short-run, the street homelessness crisis requires an immediate response that balances the needs of those with nowhere else to stay with those of their neighbors and the overall health of the city. Therefore, while HSH pursues the long-term solutions, it is also committed to working with other departments to minimize impact on neighborhoods and address health and safety needs of people on the streets.

San Francisco's Homeless Outreach Team (SF HOT) and Encampment Resolution Team (ERT) work in partnership with multiple City departments to respond to street homelessness. The number of complaints related to homelessness has increased dramatically in recent years.

Multiple City agencies are engaged in responding to concerns about street homelessness, with roles ranging from providing health care on the streets, cleaning the streets, and ensuring the safety of our neighborhoods.

Large encampments are too often unsafe places for people experiencing homelessness and for neighborhoods. People living in these encampments often face and create serious public health and life safety hazards. Encampments can be areas of exploitation and violence for people experiencing homelessness. Even at their best, encampments are inadequate and unhealthy places for people to live.

HSH is committed to addressing encampments, not through criminalization, but by connecting people living on the streets with services and housing, partnering with other City departments to address the conditions on the streets. To effectively and compassionately address encampments, the City has created the Encampment Resolution Team (ERT). The ERT is a specialized team of outreach staff. During resolution, ERT collaborates closely with encampment residents, neighbors, property owners and other city departments to close encampments and assist remaining people to connect with places of safety and respite.

In its first nine months of operations, ERT resolved ten encampments. Through this process ERT has engaged over 350 people, 70% of whom were placed into safe residential programs during the resolution. HSH has recently implemented a Re-Encampment Prevention and Response team to ensure that sites addressed by ERT remain clear of tents and structures.

Appendix 1: Methodology

OVERVIEW

The purpose of the 2017 San Francisco Homeless Point-in-Time (PIT) Count & Survey was to produce a point-in-time estimate of people who experience homelessness in San Francisco, a region that covers approximately 47 square miles. The results of the street counts were combined with the results from the shelter and institution count to produce the total estimated number of persons experiencing homelessness in San Francisco on a given night. The subsequent, in-depth qualitative survey was used to gain a more comprehensive understanding of the experiences and demographics of those counted. A more detailed description of the methodology follows.

COMPONENTS OF THE HOMELESS COUNT METHOD

The Point-in-Time count methodology used in 2017 had three primary components:

- The general street count between the hours of 8 PM and midnight – an enumeration of unsheltered homeless individuals
- The youth street count between the hours of 6 PM and midnight – a targeted enumeration of unsheltered homeless youth under the age of 25
- The shelter count on the night of the street count – an enumeration of sheltered homeless individuals

The unsheltered and sheltered homeless counts were coordinated to occur within the same time period in order to minimize potential duplicate counting of homeless persons.

THE PLANNING PROCESS

To ensure the success of the count, many city and community agencies collaborated in community outreach, volunteer recruitment, logistical planning, methodological decision-making, and interagency coordination efforts. Applied Survey Research (ASR), a social research firm, provided technical assistance with these aspects of the planning process. ASR has over 15 years of experience conducting homeless counts and surveys throughout California and across the nation. Their work is featured as a best practice in HUD's publication, *A Guide to Counting Unsheltered Homeless People*, as well as in, *Conducting a Youth Count: A Toolkit*, published by Chapin Hall at the University of Chicago.

COMMUNITY INVOLVEMENT AND INTERAGENCY COORDINATION

Local homeless and housing service providers and advocates have been valued partners in the planning and implementation of this and previous counts. The Local Homeless Coordinating Board (LHCB), the lead entity of San Francisco's Continuum of Care, was invited to comment on the methodology and subsequently endorsed it. The planning team was comprised of staff from the Department of Homelessness and Supportive Housing and consultants from Applied Survey Research. Throughout the planning process, the planning team requested the collaboration,

cooperation, and participation of several government agencies that regularly interact with homeless individuals and possess considerable expertise relevant to the count. Several planning meetings were conducted leading up to the count with individuals, including representatives from the San Francisco Police Department, the Department of Public Health, the Recreation and Park Department, and the Department of Public Works.

STREET COUNT METHODOLOGY

DEFINITION

For the purposes of this study, the HUD definition of unsheltered homeless persons was used:

- An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train stations, airport, or camping ground.

METHODOLOGICAL IMPROVEMENTS

The 2017 street count methodology followed an established, HUD approved methodology used in the 2007, 2009, 2011, 2013, and 2015 counts, with the addition of dedicated youth outreach since 2013. In 2007-2011, all areas of San Francisco were fully canvassed by adult community volunteers and service providers with no additional outreach by youth. In 2013, dedicated youth outreach began to help develop a clearer picture of the extent of youth homelessness. Changes were made to the youth count in 2015 to improve these efforts, and a similar methodology was used in 2017. More details on the youth count methodology can be found in the *San Francisco Homeless Unique Youth Count & Survey: Comprehensive Report 2017*.

In 2017, San Francisco tested the utilization of a mobile application and piloted counting on Muni buses with the intention of improving accuracy and efficiency of the count.

VOLUNTEER RECRUITMENT AND TRAINING

Many individuals who live and/or work in San Francisco turned out to support San Francisco's effort to enumerate the local homeless population. Approximately 750 community volunteers and City staff registered to participate in the 2017 general street count. The Department of Homelessness and Supportive Housing led the volunteer recruitment effort. Extensive outreach efforts were conducted, including outreach to local non-profits and volunteer agencies that serve individuals experiencing homelessness.

The count and volunteer participation was publicized through many avenues. For example, the Local Homeless Coordinating Board (LHCB) promoted community participation at all general meetings and subcommittee meetings for several months leading up to the count, the planning committee sent a press release informing the community about the count and making an appeal for volunteer participation, and a Facebook event detailing information about the count and how to register was set up by the Department of Homelessness and Supportive Housing.

Community volunteers served as enumerators on the night of the count, canvassing San Francisco in teams to visually count individuals experiencing homelessness. City staff supported each of the four dispatch centers, greeting volunteers, distributing instructions, maps, and equipment to enumeration teams, and collecting data sheets from returning teams.

In order to participate in the count, all volunteers were required to attend an hour of training immediately prior to the count on January 26, 2017. The training took place from 7 PM to 8 PM, and

in addition to the presentation given by lead staff at the dispatch center, volunteers received printed instructions detailing how to count unsheltered individuals experiencing homelessness.

SAFETY PRECAUTIONS

Every effort was made to minimize potentially hazardous situations. Parks considered too big or densely wooded to inspect safely and accurately in the dark on the night of the count were enumerated by teams of SF Recreation and Parks staff, Police Officers, and SF HOT staff during the dawn hours on January 27. The majority of parks, however, were deemed safe and counted by volunteers on the night of the count. Police officers and law enforcement districts were notified of pending street count activities in their jurisdictions, and volunteers were given a safety briefing by dispatch center leads during their training. Additional safety measures for volunteers included the deployment of an experienced SF HOT outreach worker with teams enumerating high density areas and the provision of flashlights to walking enumeration teams. No official reports were received in regards to unsafe situations occurring during the street count in any area of San Francisco.

STREET COUNT DISPATCH CENTERS

To achieve complete coverage of San Francisco within the four-hour time frame, the planning team identified four areas for the placement of dispatch centers on the night of the count – the Civic Center, Mission, Sunset, and Bayview districts. Volunteers selected their preferred dispatch center at the time of registration, based on familiarity with the area and/or convenience. To facilitate the timely deployment of enumeration teams into the field, the planning team divided up the enumeration routes and assigned them to the dispatch center closest or most central to the coverage area.

LOGISTICS OF ENUMERATION

Volunteers canvassed routes of approximately 6 to 30 blocks in teams of two to six volunteers. Walking teams canvassed routes in commercial areas and other locations known to include sizable homeless populations, while driving teams counted more sparsely populated and residential areas by a combination of driving and walking. Each team received a map, which demarcated the area to be canvassed and clearly showed the boundaries of the counting area. Two smaller inset maps showed the approximate location of the route within the broader context of San Francisco and pinpointed the location of known hotspots for homelessness. Dispatch center volunteers provided each team with tally sheets to record the number of homeless persons observed and basic demographic and location information. Dispatch center volunteers also verified that at least one person on each team had a cell phone available for their use during the count and recorded the number on the volunteer deployment log sheet.

As in previous years, densely populated areas with known large populations of homeless persons were enumerated by experienced outreach workers from SF HOT, a trained outreach team that works with the local homeless population year-round.

YOUTH STREET COUNT METHODOLOGY

GOAL

The goal of the 2017 dedicated youth count was similar to that of past youth counts in 2013 and 2015, to be more inclusive of unaccompanied children and youth under the age of 25 experiencing homelessness. Many of these children and youth do not use homeless services, are unrecognizable to adult street count volunteers and may be in unsheltered locations that are difficult to find. Therefore, traditional street count efforts are not as effective in reaching youth.

HUD has announced that the youth count in 2017 will be the “baseline” for future years, serving as a barometer to gauge the effectiveness of future efforts to end homelessness amongst children and youth. Recognizing that youth have been underrepresented in the past and need special outreach to make sure it doesn't happen again, ASR worked with San Francisco to develop a localized strategy to better include unaccompanied children and youth under 25 in the count. Just as in past years, the goal was to improve upon the process, not just replicate what was done in past years.

RESEARCH DESIGN

As in 2013 and 2015, planning for the 2017 supplemental youth count included many youth homeless service providers. Local providers identified locations where homeless youth were known to congregate. The youth planning committee identified high density areas that should be enumerated by youth teams. As in past counts, the locations corresponded to areas in the neighborhoods of the Haight, Mission, Tenderloin, Union Square, Castro, SOMA, the Panhandle, Golden Gate Park, the Bayview and the Embarcadero. Service providers familiar with the map areas identified in each neighborhood were asked to recruit currently homeless youth to participate in the count. At the Crossroads, Homeless Youth Alliance, Larkin Street for Youth Services, LYRIC, and the Third Street Youth Center and Clinic recruited more than 75 youth to work as peer enumerators, counting homeless youth in the identified areas of San Francisco on January 26, 2017. Youth workers were paid \$15 per hour for their time, including the training conducted prior to the count. Youth were trained on where and how to identify homeless youth as well as how to record the data. It has been recognized by the Department of Housing and Urban Development as well as the United States Interagency Council on Homelessness that youth do not commonly congregate with homeless adults and are not easily identified by non-youth. For this reason, they have accepted and recommended that communities count youth at times when they can be seen, rather than during general outreach times.

DATA COLLECTION

It was determined that homeless youth would be more prominent on the street during daylight hours, rather than in the evening when the general count was conducted. The youth count was conducted from approximately 6 PM to midnight on January 26, 2017. Youth worked in teams of two to four people, with teams coordinated by youth street outreach workers. Data from the supplemental youth count and general street count were compared and deduplicated by looking at location, gender, and age. In total, 72 persons under the age of 25 were identified as duplicates and removed from the data set.

SHELTER COUNT METHODOLOGY

GOAL

The goal of the shelter and institution count was to gain an accurate count of persons temporarily housed in shelters and other institutions across San Francisco. These data were vital to gaining an accurate overall count of the homeless population and understanding where homeless persons received shelter.

DEFINITION

An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangement (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals).

RESEARCH DESIGN

The homeless occupancy of the following shelters and institutions was collected for the night of January 26, 2017. While HUD does not include counts of homeless individuals in hospitals, residential treatment facilities, and jails in the reportable numbers for the Point-in-Time Count, these facilities are included in San Francisco's sheltered count because these individuals meet San Francisco's local definition of homelessness and the numbers provide important supplemental information for the community and service providers in their planning efforts. The following facilities participated in the count:

- Residential Facilities
- Mental Health Facilities and Substance Abuse Treatment Centers: The Department of Public Health and local agencies assisted in collecting counts of self-identified homeless persons staying in various facilities on the night of January 26, 2017.
- Jail: The San Francisco Sheriff's Department provided a recently conducted survey with a count of the number of homeless persons in the County Jail.
- Hospitals: The San Francisco Department of Public Health assisted with the coordination of obtaining count numbers from the hospitals. Staff from individual hospitals collected the number of persons who were homeless in their facilities on the night of January 26, 2017. The numbers reported for the hospitals did not duplicate the inpatient mental health units.

A designated staff person provided the count for each of these facilities; clients were not interviewed. For the emergency shelters, transitional housing programs, resource centers, and stabilization rooms, all persons in the facility on the night of the count were included in the Point-in-Time Count because these are homeless specific programs. For the hospitals and treatment centers, social workers or appropriate staff counted patients who identified as homeless. The San Francisco County Jail referenced a recently conducted survey about housing status to determine the number of people who were homeless prior to incarceration.

CHALLENGES

There are many challenges in any homeless enumeration, especially when implemented by volunteer enumerators in a community as large and diverse as San Francisco. Point-in-Time Counts are "snapshots" that quantify the size of the homeless population at a given point during the year. Hence, the count may not be representative of fluctuations and compositional changes in the homeless population seasonally or over time.

While the risk of an undercount is much greater, it is also important to recognize that the count is conducted over the span of a few hours and people may be counted twice as they travel from one location of the city to another.

SURVEY METHODOLOGY

PLANNING AND IMPLEMENTATION

The survey of 1,104 homeless persons was conducted in order to yield qualitative data about the homeless community in San Francisco. These data are used for the McKinney-Vento Continuum of Care Homeless Assistance funding application and are important for future program development and planning. The survey elicited information such as gender, family status, military service, length and recurrence of homelessness, usual nighttime accommodations, causes of homelessness, and access to services through open-ended, closed-ended, and multiple response questions. The survey

data bring greater perspective to current issues of homelessness and to the provision and delivery of services.

Surveys were conducted by homeless workers who were trained by Applied Survey Research and HSH. Training sessions led potential interviewers through a comprehensive orientation that included project background information and detailed instruction on respondent eligibility, interviewing protocol, and confidentiality. Homeless workers were compensated at a rate of \$7 per completed survey.

It was determined that survey data would be more easily collected if an incentive gift was offered to respondents in appreciation for their time and participation. Socks were given as an incentive for participating in the 2017 Homeless Survey. The socks were easy to obtain and distribute, were thought to have wide appeal, and could be provided within the project budget. This approach enabled surveys to be conducted at any time during the day. The gift proved to be a great incentive and was widely accepted among survey respondents.

SURVEY ADMINISTRATION DETAILS

- The 2017 San Francisco Homeless Survey was administered by the trained survey team between February 1 and February 21, 2017.
- In all, the survey team collected 1,104 unique surveys

SURVEY SAMPLING

The planning team recommended approximately 1,000 surveys for 2017. Based on a Point-in-Time estimate of 7,499 homeless persons, with a randomized survey sampling process, the 1,104 valid surveys represent a confidence interval of +/- 3% with a 95% confidence level when generalizing the results of the survey to the estimated population of homeless individuals in San Francisco.

The 2007 survey was a service-based approach which focused on surveying individuals in drop-in-centers and free meal sites. The 2009 survey was an entirely street-based approach which focused survey efforts on outdoor and street locations. The 2017 continued the practice from 2013 and 2015 of a survey that was an integration of previous approaches and was administered in both transitional housing facilities and on the street. In order to assure the representation of transitional housing residents, who can be underrepresented in a street-based survey, survey quotas were created to reach individuals and heads of family households living in these programs. Individuals residing in emergency shelters were reached through street surveys during the day when some emergency shelters were closed.

Strategic attempts were made to reach individuals in various geographic locations and of various subset groups such as homeless youth, minority ethnic groups, military veterans, domestic violence victims, and families. One way to increase the participation of these groups was to recruit peer survey workers. Like past surveys, the 2017 survey also prioritized a peer-to-peer approach to data collection by increasing the number of currently homeless surveyors.

In order to increase randomization of sample respondents, survey workers were trained to employ an “every third encounter” survey approach. Survey workers were instructed to approach every third person they encountered whom they considered to be an eligible survey respondent. If the person declined to take the survey, the survey worker could approach the next eligible person they encountered. After completing a survey, the randomized approach was resumed. It is important to recognize that while efforts are made to randomize the respondents, it is not a random sample methodology.

DATA COLLECTION

Care was taken by interviewers to ensure that respondents felt comfortable regardless of the street or shelter location where the survey occurred. During the interviews, respondents were encouraged to be candid in their responses and were informed that these responses would be framed as general findings, would be kept confidential, and would not be traceable to any one individual.

DATA ANALYSIS

To avoid potential duplication of respondents, the survey requested respondents' initials and date of birth, so that duplication could be avoided without compromising the respondents' anonymity. Upon completion of the survey effort, an extensive verification process was conducted to eliminate duplicates. This process examined respondents' date of birth, initials, gender, ethnicity, and length of homelessness, and consistencies in patterns of responses to other questions on the survey.

SURVEY CHALLENGES AND LIMITATIONS

The 2017 San Francisco Homeless Survey did not include an equal representation of all homeless experiences. For example, a greater number of surveys were conducted among transitional housing residents than in previous years. However, this provided an increased number of respondents living in families and provided a more comprehensive understanding of the overall population. There may be some variance in the data that the homeless individuals self-reported. However, using a peer interviewing methodology is believed to allow the respondents to be more candid with their answers and may help reduce the uneasiness of revealing personal information. Further, service providers and City staff members recommended individuals who would be the best to conduct interviews and they received comprehensive training about how to conduct interviews. The service providers and City staff also reviewed the surveys to ensure quality responses. Surveys that were considered incomplete or containing false responses were not accepted.

Appendix 2: General Survey Demographic Comparison

Section A: Demographics		2013	2015	2017
Age	Less than 18 years	1%	1%	2%
	18 - 24 years	15%	17%	19%
	25 - 30 years	10%	13%	11%
	31 - 40 years	29%	16%	17%
	41 - 50 years	26%	23%	19%
	51 - 60 years	14%	22%	21%
	61 years or more	3%	8%	11%
Which of the following best represents how you think of your gender? ²⁰	Male	69%	61%	61%
	Female	27%	33%	33%
	Transgender	3%	1%	5%
	Not Listed	<1%	1%	0%
	Genderqueer/Gender Non-Binary	N/A	N/A	1%
Are you Hispanic or Latino? ²¹	Yes	26%	19%	22%
	No	N/A	77%	75%
	Don't know	N/A	5%	3%

²⁰ This answer choice Genderqueer/Gender Non-Binary was not added to the survey until 2017

²¹ This was asked in the same question as race until 2015

Which racial group do you identify with most?	White	29%	39%	35%
	Black or African American	24%	36%	34%
	Asian	3%	3%	4%
	American Indian or Alaska Native	3%	5%	3%
	Native Hawaiian or Pacific Islander	1%	2%	2%
	Multiracial	10%	19%	22%
If you identify as LGBTQ, which of the following best represents how you think of your sexual orientation? ²²	Bisexual	N/A	34%	41%
	Gay	N/A	22%	25%
	Lesbian	N/A	18%	14%
	Queer	N/A	9%	11%
	Other	N/A	17%	11%
	Transgender	N/A	19%	9%
Have you ever been in foster care?	Yes	18%	21%	19%
	No	82%	79%	81%

²² This question was not asked in a comparable way in 2013. Transgender is an answer choice that was given in the survey, however transgender is a gender identity versus a sexual orientation.

Appendix 3: Definitions and Abbreviations

Chronic homelessness – Defined by the U.S. Department of Housing and Urban Development as an unaccompanied individual or head of a family household with a disabling condition who has either continuously experienced homelessness for a year or more, or has experienced at least four episodes of homelessness in the past three years.

Disabling condition – Defined by the U.S. Department of Housing and Urban Development as a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury that is expected to be long-term and impacts the individual's ability to live independently; a developmental disability; or HIV/AIDS.

Emergency shelter – The provision of a safe alternative to the streets, either in a shelter facility or through the use of stabilization rooms. Emergency shelter is short-term, usually for 90 days or fewer. Domestic violence shelters are typically considered a type of emergency shelter, as they provide safe, immediate housing for survivors and their children.

Family – A household with at least one adult and one child under the age of 18.

Homeless – Under the Category 1 definition of homelessness in the HEARTH Act, includes individuals and families living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, or with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

HUD – Abbreviation for the U.S. Department of Housing and Urban Development.

Sheltered homeless individuals – Individuals who are living in emergency shelters or transitional housing programs.

Single individual – An unaccompanied adult over the age of 18.

Transitional-age youth – Young people between the ages of 18 and 24 years old who are not accompanied by a parent or guardian and are not a parent presenting with or sleeping in the same place as their own child(ren).

Transitional housing – Housing in which homeless individuals may live up to 24 months and receive supportive services that enable them to live more independently. Supportive services – which help promote residential stability, increased skill level or income, and greater self-determination – may be provided by the organization managing the housing, or coordinated by that organization and provided by other public or private agencies. Transitional housing can be provided in one structure or several structures at one site, or in multiple structures at scattered sites.

Unaccompanied children – Children under the age of 18 who are not accompanied by a parent or guardian and are not a parent presenting with or sleeping in the same place as their own child(ren).

Unsheltered homeless individuals – Individuals who are living on the streets, in abandoned buildings, storage structures, vehicles, encampments, or any other place unfit for human habitation.



SAN FRANCISCO

2017 HOMELESS COUNT & SURVEY
COMPREHENSIVE REPORT



SAN FRANCISCO PORT COMMISSION

Kimberly Brandon, President
Willie Adams, Vice President
Gail Gilman, Commissioner
Victor Makras, Commissioner
Doreen Woo Ho, Commissioner

Elaine Forbes, Executive Director
Office: 415-274-0400

Amy Quesada, Commission Affairs Manager
Office: 415-274-0406

AGENDA PORT COMMISSION MEETING

TUESDAY, JUNE 11, 2019
1:45 P.M. CLOSED SESSION
3:15 P.M. OPEN SESSION

PORT COMMISSION HEARING ROOM, SECOND FLOOR
FERRY BUILDING, SAN FRANCISCO, CA 94111

The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Port Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk. If any materials related to an item on this agenda have been distributed to the Port Commission after distribution of the agenda packet, those materials are available for public inspection at the Port Commission Affairs Manager's Office located at Pier 1 during normal office hours.

1. CALL TO ORDER / ROLL CALL

2. APPROVAL OF MINUTES – May 28, 2019

3. PUBLIC COMMENT ON EXECUTIVE SESSION

4. EXECUTIVE SESSION

A. Vote on whether to hold a closed session and invoke the attorney-client privilege.

(1) CONFERENCE WITH LEGAL COUNSEL AND REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. *This session is closed to any non-City/Port representative: (Discussion Items)

a. Property: Seawall lots 323 and 324 and portions of Davis and Vallejo Streets, located at Broadway and The Embarcadero

Person Negotiating: Port: Michael Martin, Deputy Director, Real Estate and Development

*Negotiating Parties: TZK Broadway, LLC: Darius Andersen

Under Negotiations: ___Price ___ Terms of Payment X Both

As authorized under Resolution 15-31, the Port entered into exclusive negotiations with TZK Broadway, LLC for the lease and development of the Property. In this executive session, the Port's negotiator seeks direction from the Port Commission on factors affecting the price and terms of payment for the lease and development of the Property. The executive session discussions will enhance the capacity of the Port Commission during its public deliberations and actions to address the price and payment terms that are most likely to maximize the benefits to the Port, the City and the People of the State of California.

- b. Property: AB 8719, Lot 002, also known as Seawall Lot 337, AB 9900, Lot 62, also known as China Basin Park, and AB 9900, Lot 048 and AB 9900, Lot 048H, also known as Pier 48 (all bounded generally by China Basin, the San Francisco Bay, Mission Rock Street, and Third Street)

Person Negotiating: Port: Michael Martin, Deputy Director, Real Estate & Development

*Negotiating Parties: SWL 337 Associates, LLC: Jack Bair & Carl Shannon

Under Negotiations: ___ Price ___ Terms of Payment X Both

Pursuant to Resolutions No. 18-03 through 18-10, the Port Commission authorized the Executive Director to enter transaction documents including a Development & Disposition Agreement with the Port for the lease and development of the property. In this executive session, the Port's negotiator seeks direction from the Port Commission on fees which affect land value and other factors affecting the form, manner and timing of payment of the consideration in negotiations with the non-Port party for the lease and development of the property. The executive session will enable the Port Commission to develop a negotiating strategy tailored to maximize the City's return based on these factors. In particular, the executive session discussions will enhance the capacity of the Port Commission during its public deliberations and actions to set the price and payment terms that are most likely to maximize the benefits to the Port, the City and the People of the State of California and more effectively negotiate with the non-Port party on price and payment terms.

5. RECONVENE IN OPEN SESSION

- A. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.
- B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

6. PLEDGE OF ALLEGIANCE

7. ANNOUNCEMENTS

- A. Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting: Please be advised that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing of or use of a cell phone, pager, or other similar sound-producing electronic device.
- B. Announcement of Time Allotment for Public Comments: Please be advised that a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Port Commission adopts a shorter period on any item.

8. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during Public Comment Period. A member of the public has up to three minutes to make pertinent public comments. Please fill out a speaker card and hand it to the Manager of Port Commission Affairs. If you have any question regarding the agenda, please contact the Manager of Port Commission Affairs at 415-274-0406. No Commission action can be taken on any matter raised during the public comment period for items not listed on the agenda other than to schedule the matter for a future agenda, refer the matter to staff for investigation or respond briefly to statements made or questions posed by members of the public. (Government Code Section 54954.2(a))

9. EXECUTIVE

- A. Executive Director's Report
 - American Association of Port Authorities Commissioners Conference Boat Tour – June 20, 2019
 - Water Emergency Transit Authority Boat Tour - July 13, 2019

10. REAL ESTATE & DEVELOPMENT

- A. Informational presentation on the Fiscal Year 2019-20 Monthly Rental Rate Schedule, Monthly Parking Stall Rates and Special Events.

11. ENGINEERING

- A. Informational presentation on Mission Bay Ferry Landing Project to be located at 16th Street and Terry Francois Boulevard.

12. MARITIME

- A. Request authorization for the Port to enter into a Memorandum of Understanding and short term lease with the San Francisco Bay Area Water Emergency Transit Authority (“WETA”) and Golden Gate Bridge and Highway District (“Golden Gate”), for the planning, construction, and operational management of the Interim Ferry Landing in Pier 48½ water basin, located generally east of Terry A. Francois Blvd. at Seawall Lot 337. (Resolution No. 19-23)

13. NEW BUSINESS

14. ADJOURNMENT

JULY 9, 2019

	FACILITY/POLICY	ITEM	TITLE
1	Seawall Lot 330 and Piers 30/32	Informational	Presentation on a potential Request for Proposals for Piers 30-32 and Seawall Lot 330
2	Seawall Lot 337 & Pier 48	Informational	Presentation on the Phase Submittal and Phase Budget for Phase 1 of the Mission Rock project at Seawall Lot 337 and Pier 48 between 3rd Street, Mission Rock Street and San Francisco Bay Mission Rock Project
3	Portwide	Informational	Discussion and Possible Action on Port Executive Director Salary Pursuant to Charter Section B3.581(h)
4	Seawall Lot 323 and 324	Informational	Presentation on a proposed Lease Disposition and Development Agreement and a Lease with a term of 50 years with one 16-year extension, with TZK Broadway LLC, a California limited liability company, for the development of a 192-room hotel, a dinner-theater space for Teatro ZinZanni, and a 14,000-square-foot public open space at Seawall Lots 323 and 324 and portions of Vallejo and Davis Street right-of-ways on the west side of The Embarcadero at Vallejo Street
5	Mission Bay Ferry Landing	Action	Authorization to Advertise for CM/GC Prequalification/Request for Proposals for Pre-Construction Contract for the Mission Bay Ferry Landing
6	Portwide	Action	Approval of the 4th bond sale and supplemental appropriation for the final issuance of the 2012 Clean and Safe Neighborhood Parks General Obligation Bond
7	Portwide	Action	Approval of Fiscal Year 2019-20 Monthly Rental Rate Schedule, Monthly Parking Stall Rates, Special Events
8	Portwide	Action	Approval to execute an amendment to the professional services contract with COWI/OLMM Joint Venture for architectural and engineering services for the Mission Bay Ferry Landing Project to increase the contract amount by \$433,465, resulting in an amended contract amount not to exceed \$5,200,000

AUGUST 13, 2019

	FACILITY/POLICY	ITEM	TITLE
1	Mission Rock	Action	Approval of the phase budget for Phase 1 of the Mission Rock project at Seawall Lot 337 and Pier 48 between 3rd Street, Mission Rock Street and San Francisco Bay
2	Seawall Lot 323 and 324	Action	(1) Adoption of environmental findings, including a mitigation monitoring and reporting program; (2) (A) approval of a Lease Disposition and

			Development Agreement and form of Lease for a term of 50 years, with one 16-year extension option, all with TZK Broadway LLC, a California limited liability company, for the development and operation of a 192-room hotel, a dinner-theater space for Teatro ZinZanni, and a 14,000-square-foot public open space (the "Development"); (B) adoption of trust consistency findings for the Development, and (C) approval of Schematic Drawings for the Development, located at Seawall Lots 323 and 324 and portions of Vallejo and Davis Street rights-of-way on the west side of The Embarcadero at Vallejo Street."
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DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation by the City of San Francisco's Office of Economic and Workforce Development (OEWD) on the Southern Bayfront (Mission Bay, Central Waterfront, Bayview Hunters Point, Candlestick areas) interagency coordination to guide community and citywide investment
2	Crane Cove Park	Informational	Update on the Construction Contract 2812, Crane Cove Park: Park Improvements and 19th St Parking Lot Presentation regarding the Crane Cove Park Project
3	South Beach Harbor	Informational	Presentation of Financial and Operational Performance of South Beach Harbor
4	Fisherman's Wharf	Informational	Presentation on the Fisherman's Wharf Community Benefit District's local serving uses to Fisherman's Wharf
5	Portwide	Informational	Presentation on the proposal to increase Port building permit application fees to match the Department of Building Inspection's fee schedule
6	Pier 70 shipyard	Informational	Presentation regarding the Pier 70 shipyard
7	Portwide	Informational	Update on the 2012 Clean and Safe Neighborhood Parks General Obligation Bond and Proposed 4th Sale
8	Portwide	Action	Authorization to award As-Needed Professional Services for Disposal of Hazardous Waste and Abandoned Marine Vessels
9	Portwide	Action	Approval of amendments to Port of San Francisco Tariff No. 5 (Rules, Regulations, Rates, and Charges)

10	Pier 33	Action	Authorization to advertise for competitive bids for Construction Contract No. 2817, Pier 33 New Fire Sprinkler System. (This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code)
11	Pier 40½	Action	Approval of lease extension with Java House, LLC, located at Pier 40½
12	Mission Bay Ferry Landing	Action	Authorization to accept and expend \$25 million from WETA and from private contributions for the Mission Bay Ferry Landing, subject to the Board of Supervisors' approval, and authorization to enter in to a Memorandum of Understanding with WETA governing expenditure of the \$25 million
13	Pier 43½	Action	Approval of the proposed terms of a new 15-year lease with two 5-year options to extend with Golden Gate Scenic Steamship Corporation located at Pier 43½ at Fisherman's Wharf

JULY / AUGUST 2019
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
JULY 9	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room Ferry Building
AUGUST 13	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room Ferry Building

NOTES:

The San Francisco Port Commission meets regularly on the second and fourth Tuesday of the month at 3:15 p.m., unless otherwise noticed. The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com. Contact Amy Quesada at 415-274-0406 or amy.quesada@sfport.com

Full Commission meetings are replayed on San Francisco cable via SFGovTV2 and streamed on the Internet. Broadband service is recommended for access. The Port Commission is generally broadcast on SFGovTV2, cable channel 78 on the 2nd & 4th Thursday of the month at 9 p.m. SFGovTV archives include a recording of each meeting, an agenda with links to the specific portion of the meeting, a file containing all closed captions for the deaf from the meeting and an MP3 recording of the meeting. The Port Commission meetings can be viewed online at http://sanfrancisco.granicus.com/Vie wPublisher.php?view_id=92

The Fisherman's Wharf Waterfront Advisory Group (FWWAG) meets regularly on a bi-monthly basis, on the third Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Rip Malloy @ 415-274-0267 or rip.malloy@sfport.com

The Maritime Commerce Advisory Committee (MCAC) meets every other month, on the third Thursday of the month, from 11:30 a.m. to 1:00 p.m. @ Pier 1. Contact Michael Nerney @ 415-274-0416 or michael.nerney@sfport.com

The Mission Bay Citizens Advisory Committee meets on the second Thursday of the month at 5:00 p.m. in the Creek Room at Mission Creek Senior Building located at 225 Berry Street in San Francisco (along the Promenade just beyond the library.) Contact Hilde Myall @ 415-749-2468 or hilde.myall@sfgov.org.

The Northeast Waterfront Advisory Group (NEWAG) meets regularly on a bi-monthly basis on the first Wednesday of the month from 5:00 p.m. to 7:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Diane Oshima @ 415-274-0545 or diane.oshima@sfport.com

The Central Waterfront Advisory Group (CWAG) meets monthly on an as-needed basis, generally on the third Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 415-705-8674 or mark.paez@sfport.com

The Southern Waterfront Advisory Committee (SWAC) meets at the last Wednesday of the month as needed from 6:00 to 8:00 p.m. Location to be determined. Contact David Beaupre @ 415-274-0539 or david.beaupre@sfport.com

The Waterfront Design Advisory Committee (WDAC) meets, as needed, jointly with the Design Review Board of the Bay Conservation and Development Commission on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. The Committee meets as needed on the fourth Monday of the month at 6:30 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 415-274-0625 or dan.hodapp@sfport.com

ACCESSIBLE MEETING INFORMATION POLICY

FERRY BUILDING:

The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available.

The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots: 3 spaces in the surface lot on the west side of the Embarcadero at Washington Street.

Hourly and valet parking is available in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa. Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington, Folsom & Drumm Streets.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

ACCESSIBLE MEETING INFORMATION:

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DISABILITY ACCOMMODATIONS:

To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact Wendy Proctor, Port's ADA Coordinator at (415) 274-0592 or via email at wendy.proctor@sfport.com or Leah LaCroix at (415) 274-0632 or via email at leah.lacroix@sfport.com at least 72 hours in advance of the hearing. The Port's TTY number is (415) 274-0587.

LANGUAGE ASSISTANCE

311 Free language assistance / 免費語言協助

/ Ayuda gratuita con el idioma / Бесплатная помощь переводчиков / Trợ giúp Thông dịch Miễn phí / Assistance linguistique gratuité / 無料の言語支援 / 무료 언어 지원 / ကာကံ ဘူဒကံ "ဗ" ဝ / Libreng tulong para sa wikang Tagalog

To request an interpreter for a specific item during the hearing, please contact Port's Language Access Liaison, Matthias Giezendanner at (415) 274-0471 or email him at matthias.giezendanner@sfport.com at least 48 hours in advance of the hearing.

SPANISH:

Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame Matthias Giezendanner al 415-274-0471. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE:

規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電Matthias Giezendanner 415-274-0471。
請在聽證會舉行之前的至少48個小時提出要求。

TAGALOG:

Adyenda ng Komisyon ng Pagpapalano. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag kay Matthias Giezendanner sa 415-274-0471. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

RUSSIAN:

Повестка дня Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру Matthias Giezendanner 415-274-0471. Запросы должны делаться минимум за 48 часов до начала слушания.

NOTICES

Know Your Rights Under the Sunshine Ordinance:

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Sections 67.1 et seq. of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at sotf@sfgov.org. Citizens can obtain a free copy of the Sunshine Ordinance by printing Sections 67.1 et seq. of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>.

Prohibition of Ringing of Sound Producing Devices:

The ringing of and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.

Lobbyist Registration and Reporting Requirements:

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission

at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: www.sfgov.org/ethics.

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If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.



February 22, 2019

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Willie Adams, Vice President
Hon. Gail Gilman
Hon. Victor Makras
Hon. Doreen Woo Ho

FROM: Elaine Forbes, Executive Director

SUBJECT: Informational Presentation on Potential Next Steps Regarding Piers 30-32 and Seawall Lot 330

DIRECTOR'S RECOMMENDATION: Information Only; No Action Requested

EXECUTIVE SUMMARY

At its May 8, 2018 and August 14, 2018 meetings, the Port Commission requested a report from Port staff regarding potential next steps for the use and improvement of two sites:

- Piers 30-32
- Seawall Lot 330

This report includes considerations for both sites as the Port Commission deliberates next steps.

At the May 8, 2018 meeting, members of the Port Commission asked why Piers 30-32 was not included in the Request for Interest for Prospective Master and Smaller Tenants for Public Oriented Uses in Historic Piers (the "RFI for Historic Piers," authorized pursuant to Resolution 18-31). Port staff responded that: 1) there is stronger public consensus for rehabilitating the Port's historic finger piers in the Embarcadero Historic District, 2) after unsuccessful past development efforts, the public consensus regarding the future treatment of Piers 30-32 is less clear, 3) the California State Lands Commission ("State Lands") and the San Francisco Bay Conservation and Development Commission ("BCDC") permit greater use flexibility in historic finger pier rehabilitation projects in order to preserve these important historic maritime assets, and 4) the RFI for Historic Piers was designed to elicit feedback to show the kinds of uses that may be responsive to the Port's public trust objectives for these sites.

This Print Covers Calendar Item No. 9B

At its August 14, 2018 meeting, the Port Commission adopted Resolution 18-45, which among other things directed Port staff to prepare draft amendments to the Waterfront Land Use Plan based on the Waterfront Plan Working Group recommendations. During that presentation Port staff made the staff recommendation to the Port Commission that future development proposals for Piers 30-32 should not depend on revenues from developing Seawall Lot 330. While past proposals have used both sites to complement one another, Port staff believes that the decision to apply the value of Seawall Lot 330 towards any particular capital proposal should be intentional and explicit. This would allow for clear consideration of the policy question as to whether the appropriate use of Seawall Lot 330 development revenues would be to support the development of Piers 30-32.

The August 2018 staff recommendation was made due to the significant cost of rehabilitating and developing Piers 30-32. While that cost was not out of scale as compared to the Port's other large master planned projects at Mission Rock and Pier 70, a Piers 30-32 project alone could not generate sufficient revenues to repay the needed private investment. In short, upon completion Mission Rock and Pier 70 will actually increase Port operating revenues from where they are today, while a Piers 30-32 project will decrease Port revenues from where they are today. This staff report provides more detail on the specifics of this analysis.

Because of this need for substantial subsidy, the past three development efforts for Piers 30-32 have incorporated the value of Seawall Lot 330 to improve project feasibility. All of these proposals failed. Based on staff's greater understanding of Port capital needs, staff recommends that the value and development potential of Seawall 330 be considered independently of Piers 30-32. The value realized from this property could fund other, higher-priority Port needs including resilience programs like the Seawall Earthquake Safety program, the Port's historic piers, improvements to the eco-industrial business district, reposition the Pier 70 shipyard, a second shoreside power system for cruise calls, public realm enhancements in the Southern Waterfront, or could be used to enable the redevelopment of Piers 30-32. Port staff also shared the recommendation to consider development of Piers 30-32 and Seawall Lot 330 separately with the public at the Waterfront Land Use Plan Part 3 workshop on Piers 30-32, held on May 2, 2018.

Based on the recommendation to consider the two sites separately at the August 14, 2018 meeting, members of the Port Commission requested potential next steps for development of Seawall Lot 330, which are also discussed in this report. As summarized below, Port staff recommends that the Commission direct staff to formulate and provide to the Commission for its consideration a competitive solicitation strategy that will clearly outline the revenue generation and/or subsidy proposal for each property separately, but still allows for the Port Commission to consider coordinated development of complementary uses at the two sites if there is a proposal that would benefit the Port and the public in doing so.

PIERS 30-32

Site Information

Piers 30-32 is the Port's largest undeveloped pier facility in the South Beach section of the northern waterfront. This pier was altered over time to create the current 13 acre pile-supported platform, which is occupied by only one small structure, Red's Java House; the former historic pier sheds were destroyed in a fire in 1984. Since the 1980s, Piers 30-32 has been proposed in several development projects, along with Seawall Lot 330 across The Embarcadero from the piers. Piers 30-32 is not included in the Embarcadero Historic District. Table 1 provides an overview about site size, condition, and use requirements for Piers 30-32.

Several past Port Commission staff reports and assessments have been presented regarding past development proposals for Piers 30-32 and SWL 330. A summary of these past efforts and findings are presented here with liberal references to these past staff reports, which inform the current analysis and options that Port staff recommend for these two sites in this report.

Table 1 below summarizes information related to potential development of Piers 30-32.

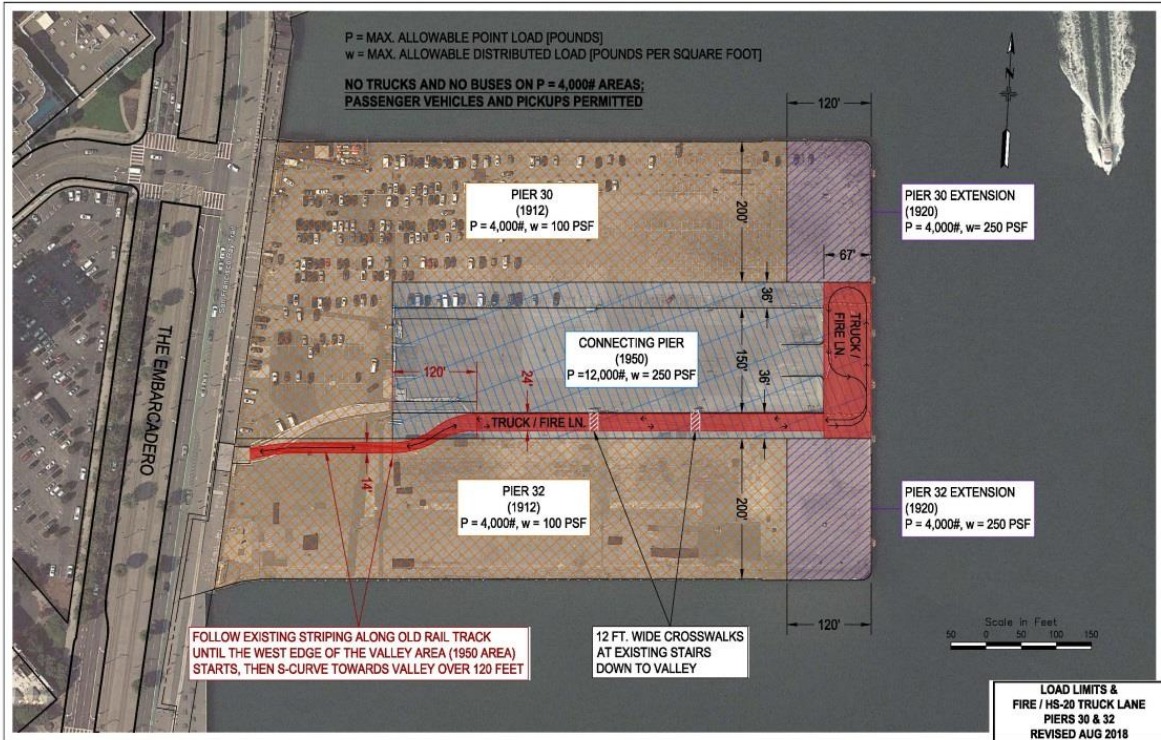
Table 1: Piers 30-32 Site Characteristics

#	Characteristic	Description								
1.	Location	South Beach waterfront, adjacent to The Embarcadero between Bryant and Brannan Streets								
2.	Size	13 acres								
3.	Construction History & Condition	<p>Original Piers 30 and 32 were constructed in 1912. The piers were extended in 1926, and in 1950, the water area between the piers was filled, joining with Piers 30 and 32; in 1984, a fire burned the pier sheds. The only structure that remains is Red's Java House. See the Piers 30-32 site plan in Figure 1.</p> <p>In 2018, the Port's rapid facility assessment rated the overall structural condition of Piers 30-32 as Yellow (load restricted). 1912 piles have minor cracks and spalling; some have more extensive deterioration. 1926 and 1950 piles are in better condition. The 1912 and 1926 decks are typically in good condition, with spalling and corrosion of rebar in some areas. Portions of the depressed 1950 deck that have been frequently exposed to water are in poor condition. Piers 30-32 has not been seismically improved.</p>								
4.	Current Use	Interim commuter parking, layberthing for visiting vessels, and special events								
5.	FY 2017-18 Port Revenue	<table> <tr> <td>Parking:</td> <td>\$1,177,769.93</td> </tr> <tr> <td>Layberthing:</td> <td>\$ 180,000.00</td> </tr> <tr> <td>Special Events:</td> <td><u>\$ 110,528.00</u></td> </tr> <tr> <td>Total:</td> <td>\$1,468,297.93</td> </tr> </table>	Parking:	\$1,177,769.93	Layberthing:	\$ 180,000.00	Special Events:	<u>\$ 110,528.00</u>	Total:	\$1,468,297.93
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Total:	\$1,468,297.93									

#	Characteristic	Description
6.	Maritime	The Port has long considered this location as a potential for cruise berthing due to the 622-foot dock, deep water, and self-scouring berth at its eastern face. Piers 30-32 was last used as a temporary cruise terminal with passenger staging in 2012, prior to the completion of the James R. Herman Cruise Terminal at Pier 27. <u>In its current condition</u> , the capital and operating cost requirements for a permanent cruise terminal are prohibitive compared to Pier 27 and Pier 35.
7.	Open Space Requirement	Under the BCDC Special Area Plan for the San Francisco Waterfront, development of large piers such as Piers 30-32 have a more significant open space requirement. See Exhibit A.
8.	Permitted Uses & Zoning	The Waterfront Land Use Plan permits a broad list of allowable uses for Piers 30-32 which include a variety of maritime uses, public open space, assembly and entertainment, general office, retail, warehousing, wholesale trade, and community facilities. Piers 30-32 is located in Waterfront Special Use District #2 on the San Francisco Zoning map, zoned M2 (heavy industrial), which permits these uses.
9.	Height Limit	Height limit of 40 feet, which may only be increased by a vote of San Francisco's electorate under Proposition B (2014).
10.	Public Trust	<p>Piers 30-32 is not included in the Embarcadero Historic District. Typically, new construction on non-historic properties must be for trust-consistent uses. The Port, State Lands, and BCDC each have authority to determine public trust consistency of a project. The Port has obtained state legislation on two occasions to permit a broader array of uses at Piers 30-32: 1) AB 1389 (2001, Assemblymember Shelley) was enacted by the California Legislature to facilitate the development of Bryant Street Pier Cruise Terminal and Mixed Use Project; and 2) AB 1278 (2014, Assemblymember Ting) to permit the Warrior's Multi-Purpose Pavilion at Piers 30-32 in 2013, which included public open space, layberthing and a fireboat station.</p> <p>The authorization for AB 1278 expires in 2024. It is unclear whether new state legislation would be required for a new use program at Piers 30-32, but based on past history it is likely that either State Lands or BCDC (or both) would request that the Port seek state legislation if the use program includes substantial non-trust uses and/or substantially differs from the program in AB1278. See policy discussion under Piers 30-32 Competitive Bidding & Development Considerations below.</p>
11.	Regulatory Permitting	<p>BCDC: In addition to its public trust determination authority, BCDC will require a Major Permit for a project at Piers 30-32, which will require maximum feasible public access, bay fill analysis and mitigation, and climate change and sea level rise adaptation. Piers 30-32 is listed as a possible fill removal site in prior BCDC Permit #2006.009 issued for the Exploratorium project at Piers 15-17.</p> <p>San Francisco Bay Regional Water Quality Control Board ("Water Board"): A project at Piers 30-32 will require a stormwater management plan for the piers and a permit from the Water Board regulating in-water construction and new Bay fill.</p> <p>U.S. Army Corps of Engineers ("USACE"): USACE may choose to regulate the substantial number of piles needed to support new development at Piers 30-32 as either piles under the U.S. Rivers and Harbors Act or as fill under the U.S. Clean Water Act. If new piles are regulated as "fill", the allowable uses on the pier are restricted to only those which are "water-dependent" with no feasible upland location.</p>

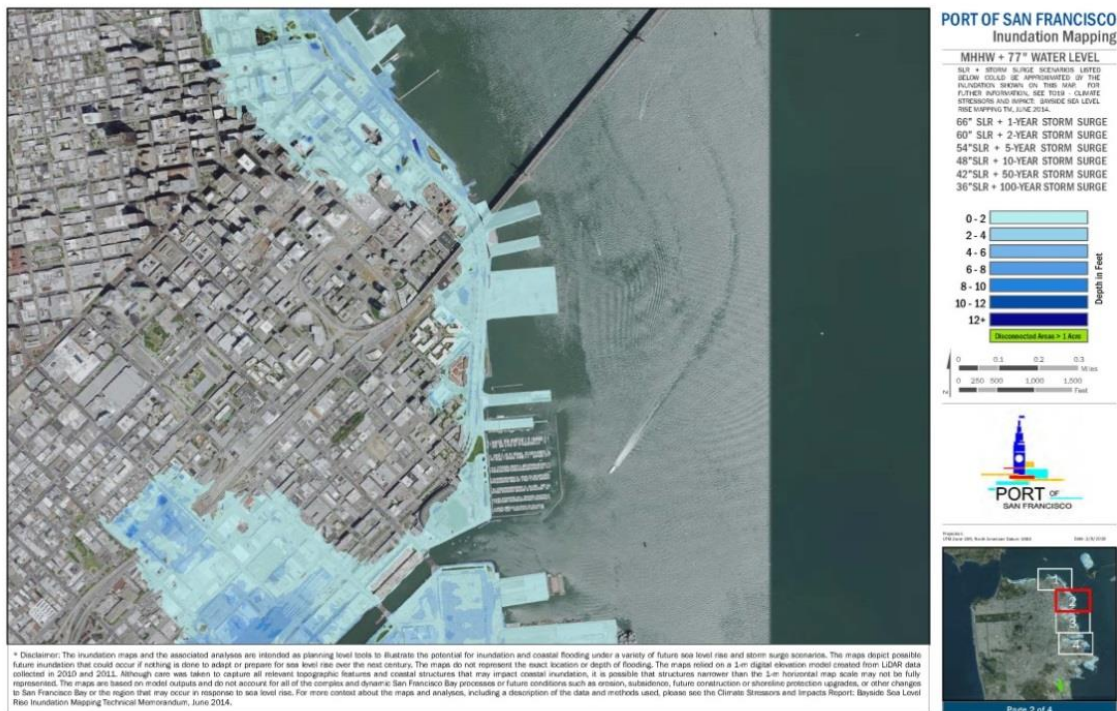
#	Characteristic	Description									
12.	Approvals	<p>In addition to the State Lands Commission, state legislation and regulatory permits described above, a project at Piers 30-32 would be reviewed by the Waterfront Design Advisory Committee and the BCDC Design Review Board.</p> <p>Port Commission and Board of Supervisors approval of a lease.</p> <p>Potential state legislation for a project with nontrust uses.</p>									
13.	Substructure Condition	See Figure 1 below. Most of the original Piers 30-32 footprint cannot support truck traffic and is limited to automobiles only; the 1926 pier extension and the 1950 connector can accommodate truck traffic. Fire access is limited to the area shown in red on Figure 1.									
14.	Estimated Substructure Costs	<table border="1"> <thead> <tr> <th>Port Capital Plan (2019)</th> <th>Last Warrior's Estimate (2013)</th> <th>Port Engineering Estimate (2014)</th> </tr> </thead> <tbody> <tr> <td><u>Substructure</u> \$55 million</td> <td><u>New Pier</u> \$165 million</td> <td><u>Substructure</u> \$44 million</td> </tr> <tr> <td><u>Conditional Seismic</u> \$71 million</td> <td></td> <td><u>Seismic</u> No seismic upgrade cost provided.</td> </tr> </tbody> </table> <p>Seawall: None of these figures includes costs to strengthen the Seawall along the 622' width of Piers 30-32.</p>	Port Capital Plan (2019)	Last Warrior's Estimate (2013)	Port Engineering Estimate (2014)	<u>Substructure</u> \$55 million	<u>New Pier</u> \$165 million	<u>Substructure</u> \$44 million	<u>Conditional Seismic</u> \$71 million		<u>Seismic</u> No seismic upgrade cost provided.
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15.	Embarcadero Historic District	Piers 30-32 is the only major pier in the northern waterfront that is not part of the Embarcadero Historic District. Development at this site is not eligible for federal historic tax credits.									
16.	Sea Level Rise & Flood Risk	<p>Sea Level Rise: See Figure 2 below. Piers 30-32 has a deck elevation of +12.4' above Mean Low Lower Water ("MLLW"). At its current elevation, the piers are on the verge of flooding during the current 100-year storm when considering the influence wind and waves have on the total water level. Under non-storm conditions, the pier is expected to regularly flood with 77 inches of sea level rise, which is currently within the range of potential outcomes for sea level rise by 2100.</p> <p>The Golden State Warriors planned to increase the height of the pier deck by 36" to accommodate sea level rise, essentially by building an entirely new pier over the current pier structure. Earlier development plans did not include an adaptive management strategy.</p> <p>Flood Risk: FEMA has mapped the pier deck as Zone D (meaning possible but undetermined flood hazards). Flood insurance rates are higher in Zone D.</p>									
17.	Seawall Condition	<p>See Figure 3 below. According to the Port's Seawall Vulnerability Study Phase 2 Report (2015), lateral spreading in the vicinity of Piers 30-32 is expected to be up to 1 foot in a magnitude 8.0 seismic event. The Seawall Earthquake Safety Program is conducting further geotechnical analysis along the waterfront to improve the Port's understanding of these risks.</p> <p>Based on the latest cost estimates, currently in the process of being updated by for the Seawall Program, the average costs to repair the 622' length of the Seawall adjacent to Piers 30-32 would be \$79 million. However, with further refinement of the geotechnical analysis and development of innovative solutions, these costs are expected to change as the specific subsurface conditions are taken into consideration. Near Rincon Point at the Pier 30-32 location, the depth to competent soil or rock is quite shallow, potentially driving down the cost of Seawall strengthening.</p>									

Figure 1: Piers 30-32 Site Plan and Load Restrictions



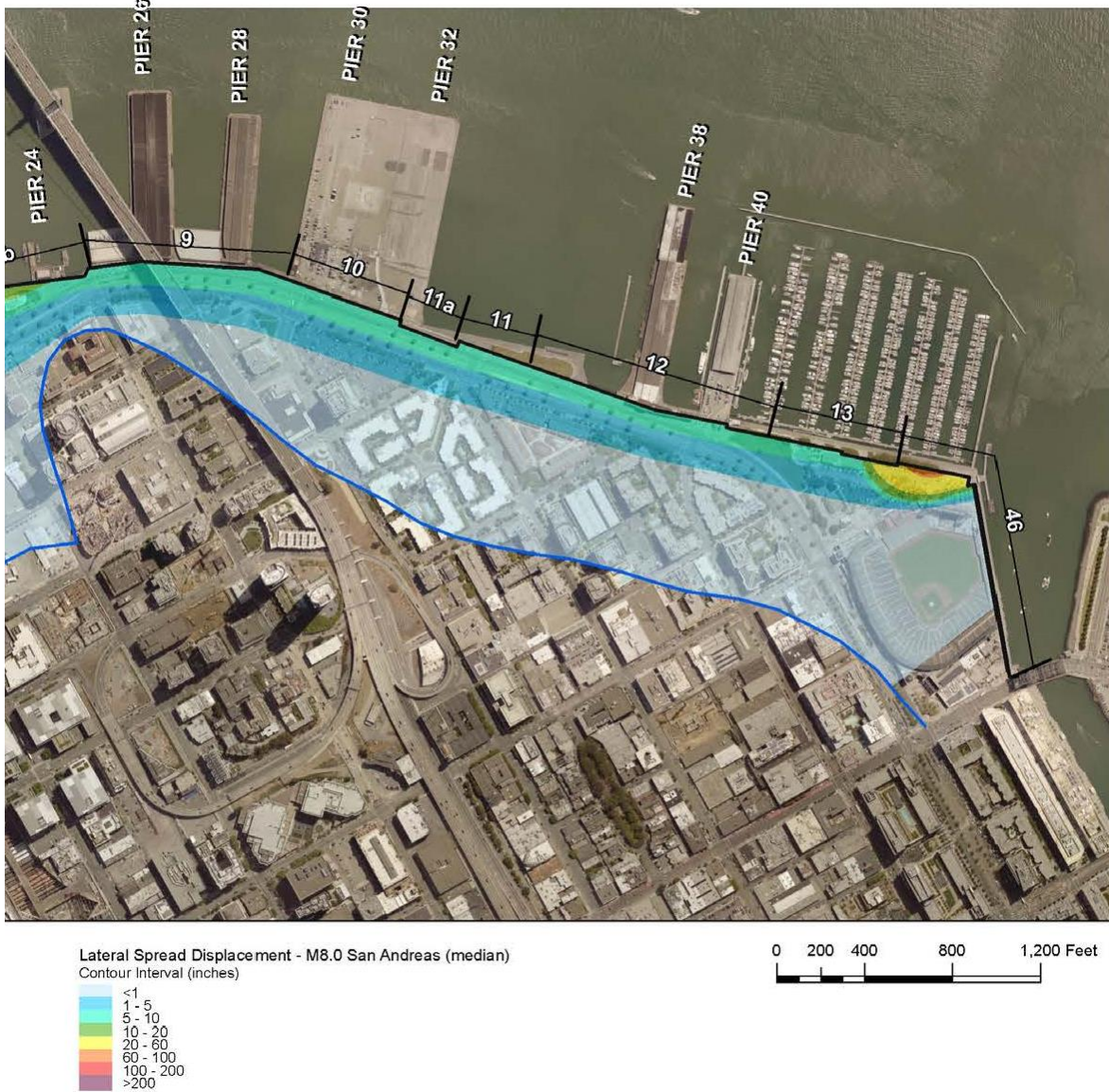
Source: Port of San Francisco Engineering Division.

Figure 2: Piers 30-32 Sea Level Rise Inundation Map (77" Stillwater or 36" + 100 Year Storm Surge)



Source: AECOM, Port of San Francisco Sea Level Rise Inundation Mapping Technical Memo, March 2016

Figure 3: Piers 30-32 Seawall Lateral Spread Risk



Source: GHD-GTC, Earthquake Vulnerability Study for the Seawall Vulnerability Study of the Northern Seawall, July 2016

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Past Piers 30-32 and Seawall Lot 330 Development Proposals & Financial Analysis

Piers 30-32 have been the subject of three major development efforts since adoption of the Waterfront Land Use Plan in 1997, all of which included portions of Seawall Lot 330:

- Bryant Street Pier/James R. Herman Cruise Terminal (2000 – 2006);
- 34th America’s Cup (2010-2012) which included Pier 30-32 and Seawall Lot 330 as proposed long-term development sites; and
- Golden State Warriors (“GSW”) Piers 30-32 Multi-Purpose Pavilion and Seawall Lot 330 Mixed Use Development.

Appendix B includes additional information about prior attempted development of Piers 30-32 published in the 2015 Waterfront Land Use Plan Review. These reports include a description of why these development projects did not proceed, including lessons learned.

On June 14, 2016, Port staff provided a presentation on Piers 30-32, including:

- a site overview,
- pier construction history,
- current use and condition,
- planning context,
- site planning considerations,
- sea level rise,
- financial feasibility analysis, and
- development history.

For members of the public who are not familiar with the history of Piers 30-32, Port staff recommends reading the June 14, 2016 Piers 30-32 staff report, which is attached as Exhibit C.

Port staff’s recommendations on Piers 30-32 are built on its understanding of this past development history. Of the three prior attempts the Port has undertaken to develop Piers 30-32, the only qualified success has been development of the Watermark condominiums on ½ acre of Seawall Lot 330. In that case, the Watermark was meant to generate proceeds to subsidize the Bryant Street Piers project, which was ultimately deemed infeasible by the project sponsor (see discussion under Seawall Lot 330 below for more details).

Prior failures had distinct causes, but all shared a challenge with high substructure and seismic strengthening costs. The remainder of this section describes estimated substructure costs for Piers 30-32 for each development proposal, along with Port and City sources that were negotiated to repay private investment in the Piers 30-32 substructure.

Bryant Street Pier: With the Bryant Street Pier project, the Port agreed to subsidize Piers 30-32, Pier 36 removal, and the Brannan Street Wharf open space with

development of ½ acre of Seawall Lot 330. Had the development of Piers 30-32 proceeded as planned, development of the Watermark condominium project would have contributed \$30 million towards the cost of rehabilitating Piers 30-32, removing Pier 36, and constructing the Brannan Street Wharf. Bovis Lend Lease ultimately determined that this subsidy was insufficient to fulfill these tasks, including Piers 30-32 substructure and seismic upgrade costs estimated at **\$82 million**.

This decision allowed the Port to reinvest the \$30 million in Watermark proceeds in the Pier 27 James R. Herman International Cruise Terminal and the Brannan Street Wharf.

34th America's Cup: Through further analysis of Piers 30-32 accompanying the negotiation of the 34th America's Cup LDDA, the subsidy for strengthening Piers 30-32 increased. The financial structure of this agreement was uniquely complicated, requiring the Port to repay America's Cup Event Authority pre-match expenditures estimated at \$74 million ("Authority Infrastructure Work"), including an estimated \$58.5 million at Piers 30-32, with potential, additional post-match expenditures that the Port estimated at \$31 million, for total Piers 30-32 substructure and seismic investment estimated at **\$89.5 million**.

Under the LDDA, the Port was obligated to repay these pre- and post-match investments, coupled with an 11% annual return, with the following sources:

- a no-rent 66 year lease of Piers 30-32 under a public-trust consistent use program;
- transfer of Seawall Lot 330 (pursuant to AB 418) at no cost;
- Potential leases for Piers 26, 28 and 29 (or another mutually-agreeable pier) at \$6 per square foot;
- Infrastructure Financing District ("IFD") proceeds from Piers 30-32, Seawall Lot 330, and Piers 26, 28 and 29.

Ultimately, the Event Authority rejected this development proposal before the Board of Supervisors considered final action on the agreement.

Golden State Warriors: Under the Conceptual Framework for the proposed Piers 30-32 Multi-Purpose Venue negotiated between the Port and the Golden State Warriors, the Port agreed to reimburse GSW with rent credits for its actual and verifiable costs of seismically retrofitting and rehabilitating Piers 30-32, including public open space and fill removal, up to **\$120 million**, plus a 13% annual return on costs.

Subject to completing an environmental impact report and approval of a Lease Disposition and Development, the Port conceptually agreed to reimburse the pier substructure costs (with 13% annual return) through three sources of funds:

- 1) Rent credits for Piers 30-32 substructure work in the amount of Piers 30-32 appraised annual rent of \$1,970,000, subject to annual increases and periodic market adjustments;
- 2) Rent credits for Piers 30-32 substructure work in the amount of the Seawall Lot appraised purchase price of \$30.4 million; and
- 3) Infrastructure Financing District proceeds from Piers 30-32 and Seawall Lot 330 (projected at \$60 million) to subsidize the remaining Pier 30-32 substructure costs and parks and open space.

Due to the 13% annual return, the Port was not expected to realize rent from Piers 30-32 during the 66-year lease, and the full value of Seawall Lot 330 and the IFD proceeds would also be required to successfully reimburse the GSW investment. The only revenue the Port expected to realize from the transaction were transfer fees of 1% on the second and all subsequent sales of condominiums on Seawall Lot 330.

Piers 30-32 Options

Based on the site and development history summarized above, Port staff has identified four broad strategies for dealing with Piers 30-32:

1. **Continue to lease the piers without a complete substructure seismic upgrade** for parking, layberthing and special events, including new special event proposals received by staff.
2. **Competitively-bid a mixed-use development opportunity** on all or a portion of the piers.
3. **Consider sole-source proposals** for development of Piers 30-32 and Seawall Lot 330, that clearly outlines the revenue generation and/or subsidy proposal for each property separately.
4. **Remove all or part of the piers**, possibly as a mitigation strategy for the Seawall Safety Program.

This portion of this staff report describes strategies and considerations for each option.

Option 1: Lease Piers 30-32 without a Complete Substructure Seismic Upgrade

In FY 2017-18, the Port earned a total of \$1.5 million in revenues from parking, layberthing and special events. Since there are fairly few tenants using this space and there is only one structure on the piers (Red's Java House), this is significant revenue with fairly low overhead costs for the Port. Average annual revenue for the past four years was \$1.2 million.

Recent Piers 30-32 Event Proposals

The Port's approval of the Mission Rock and Pier 70 projects have eliminated two attractive locations for special events (Seawall Lot 337/Lot A and Building 12). Several event operators have reached out to the Port with interest in exploring possible operations at Piers 30-32. While the substructure condition presents an obstacle for many proposals, there may be potential transactions that could target improvements in key locations and allow for code compliance (as was done for the America's Cup team bases), while providing increased revenues to the Port and more opportunities for the public to enjoy the piers. Cirque de Soleil Entertainment Group has proposed to partner with the Port in such an arrangement.

Due to this pending discussion with the Port Commission, staff has not engaged in detailed analysis of these potential projects, but staff does note that these investments could potentially be structured to provide for additional Port benefits such as more durable use of the naturally scouring deep maritime berth on the east face of the piers, while potentially avoiding the lengthy entitlement timeline and cost that a full redevelopment of the site would require.

Piers 30-32 Leasing Considerations

- Substructure conditions and load limitations confine special events uses to short-term uses lasting less than six months.
- Prior event use has included KFOG Kaboom, Fleet Week, and X-Games, among others.
- The lack of activation at Piers 30-32, particularly at night, has made the site an attractive nuisance, with reporting of sideshows (impromptu car shows, with cars that perform "donuts" in parking lots or on streets) which in the Summer and Fall of 2018 resulted in a significant number of complaints from area residents and is a dangerous activity for those attending the gathering. Real Estate and Maintenance staff have worked with the parking operator to install more secure gate facilities, along with speed bumps and other obstructions to limit the attractiveness of the pier for these nuisance activities. The Port has also deployed additional security personnel and San Francisco Police Department 10B coverage which has eliminated these complaints over the last several months.
- In its August 12, 2014 informational presentation to the Port Commission¹, Port Engineering estimated that the remaining useful life of Piers 30-32 is ten years, but the life of the piers could be extended by 50 years with a \$44 million

¹ August 12, 2014 Piers 30-32 Staff Report:

<https://sfport.com/ftp/meetingarchive/commission/38.106.4.220/modules/Item%20%209A%20Pier%2030-32%20Substructure%20Deferred%20Maint%20Cost-documentid=8460.pdf>

investment (with no seismic upgrade). Without further analysis, it is unclear what uses could be expanded on the piers that could potentially justify this investment.

Option 2: Competitively Bid Piers 30-32 for Mixed Use Development

Port staff recommends careful consideration of whether to include Seawall Lot 330 in a future project at Piers 30-32, because the Port Commission may prefer to prioritize the revenues realized from this site for the Port's highest priority capital needs, including resilience programs like the Seawall Earthquake Safety program, the Port's historic piers, improvements to the eco-industrial business district, reposition of the Pier 70 shipyard, a second shoreside power system for cruise calls, and public realm enhancements in the Southern Waterfront.

The following are additional considerations that should inform a future competitive offering:

- Substructure and seismic improvement costs at Piers 30-32 are extraordinarily high. Recent negotiations have resulted in proposed deals requiring the Port to subsidize these costs with rent from the piers, the value of Seawall Lot 330 and tax increment from both sites. The rationale for a subsidy is that substructure costs (including seismic) are the costs of creating a buildable pad, and should be deducted from land value.
- Piers 30-32 is the only undeveloped major pier in the northern waterfront that is not part of the Embarcadero Historic District, permitting distinct architecture at this site.
- State Lands and BCDC have previously permitted nontrust uses at Piers 30-32 only with enabling state legislation. New uses at Piers 30-32 that are not consistent with the public trust for commerce, navigation and fisheries may similarly require state legislation. The time and cost of this effort would be a further obstacle to feasibility.
- The Port has not finalized its planning for the first phase of the Seawall Safety Program. With 622' of pier frontage along the Seawall (roughly three times the length of a typical pier), any plan for development of the site will have to factor in costs and coordination associated with protecting the site from Seawall movement in a major earthquake and/or upgrading the Seawall in this area. Prior development efforts did not have to confront these costs, because the condition of the Seawall was not known at the time.
- If the Port Commission pursues development at this site, some consideration should be given as to whether to remove significant portions of the pier, and focus on a smaller development footprint near the Embarcadero, or removal of the original sections to retain the center section and the naturally scrubbing deep water berth. The last cost to fully remove the pier was \$45 million in 2012.

- Red's Java House on the northern portion of Pier 30, is a popular restaurant in the neighborhood. Future development plans for the piers should evaluate how to treat Red's Java House.
- Development of Piers 30-32 is a complicated undertaking, which has typically required significant staff resources. With two new neighborhoods under construction (or soon to be under construction) at the Port, and the various development efforts underway, the Real Estate and Development Division will need to examine staffing constraints and the best method of delivering a project at this site.
- Consideration should be given to the type of offering for any development at Piers 30-32. Prior efforts have left the Port locked into exclusive negotiating agreements for long periods of time, while developers struggled to develop financially feasible approaches to the piers, or to gain public acceptance or permits for proposed development plans. Other options could include:
 - A non-exclusive due diligence period allowing multiple developers to examine the piers and available reports, including prior seismic analysis, prior to bidding;
 - A bid process with fixed financial terms that establish rent based on appraised value with limited rent credits and tax increment from the piers to pay for substructure upgrades, and
 - Include a schedule of performance, a non-refundable deposit and periodic payments in any agreement to develop the site.
- The Waterfront Plan Working Group recommended the following steps for competitively bidding future development proposals:

Competitive Solicitation

50. Port staff should provide Community Input Process for Competitive Solicitation for:

- Long-term, non-maritime development opportunities for Embarcadero Historic District piers (including bulkhead buildings), Seawall Lots, and other Port properties.
- Intermediate-term master lease opportunities for majority or entire Embarcadero Historic District piers (including bulkhead buildings) except for intermediate-term leases for maritime only businesses in the Embarcadero Historic District and other Port facilities.
- Lease opportunities that would convert maritime/industrial/PDR space to new retail, restaurant or other public-oriented use in bulkhead buildings, piers or other Port facilities. *(Solicitations to re-tenant existing retail/restaurant spaces are not subject to this request)*

Recommended steps for competitive solicitation opportunities should include:

- a. Port Commission meeting and public comments to consider preparation of a competitive lease/development solicitation opportunity after review of Port staff report describing competitive solicitation opportunity, including requirements and key Waterfront Plan and public trust goals and objectives.
- b. Community review and input by Port Advisory Committee, city and regional stakeholders to determine community and public trust values and priorities to be reflected in the lease/development solicitation opportunity.
- c. Port Commission meeting and public comments, and authorization to issue the competitive lease/development solicitation opportunity, and establish a Review Panel process to evaluate and score response submittals consistent with City Contract Monitoring Division rules and standards. Review Panel should include a development expert, Port staff member, a PAC member, and a member providing city or regional stakeholder perspective. PAC representatives and public should attend Port Commission meeting to provide public comments prior to Port Commission authorization of competitive solicitation opportunity.
- d. Evaluation of responding lease/development proposals by Port staff for compliance with minimum qualifications, financial capability, and references; and by Review Panel for scoring developer interviews and responses.
- e. Port Commission informational public meeting to receive presentations from qualified developer respondents, receive Port Commission, PAC and public comments.
- f. Port Commission consideration of developer selection, after review of Port staff report of Review Panel and Port staff scores and recommendation.

Option 3: Consider a Sole-Source Proposal for Piers 30-32 and Seawall Lot 330

From time to time project sponsors have informally approached the Port with proposals for the development of Piers 30-32 and Seawall Lot 330. At the Port Commission’s direction, Port staff could encourage these groups to formally submit a proposal under the procedures recently recommended by the Waterfront Plan Working Group and endorsed by the Port Commission for sole source proposals.

Waterfront Plan Working Group Recommendations for Competitive Bidding and Sole Source Proposals

Only the Board of Supervisors may approve sole source proposals for the use of City property under agreements that the Board of Supervisors approves. The two most recent proposals to develop Piers 30-32 – the 34th America’s Cup and the Golden State Warriors Multi-Purpose Venue – both required sole source approvals from the Board of Supervisors.

The Waterfront Plan Working Group had a lively discussion about sole source proposals. In general, the Working Group favored competitive bidding, strong engagement by Port Advisory Committees in the development process, and sole source projects only for unique development opportunities and after following a four-step process. The following are the recommendations of the Waterfront Plan Working Group related to sole source projects.

<p><u>Sole Source Proposals</u></p> <p>51. Under the San Francisco Administrative Code and the Waterfront Plan, it is City and Port policy to competitively-bid development opportunities. If and when the Port receives unsolicited proposals for unique development opportunities, the Port may only enter a sole source lease for such opportunities if the Board of Supervisors finds that it would be impractical or impossible to follow competitive bidding procedures. These are recommended steps for Port Commission consideration of unsolicited (Sole Source) proposals:</p> <ul style="list-style-type: none">a. <u>Require developer to provide written submittal</u> that describes the proposal, any community outreach completed to date, specific ways in which the project will achieve Waterfront Plan and public trust goals and objectives, and reasons that support waiving the competitive solicitation process.b. <u>Port Advisory Committee meeting(s)</u>, for review and comment on the proposal, if not already completed and described above.c. <u>Port Commission informational meeting</u> and public comments on Sole Source proposal, including review of information in Item a above.d. <u>Board of Supervisors public hearing</u> and consideration of waiving City competitive solicitation leasing policy provisions.

Piers 30-32 Sole Source Considerations

- Port staff notes the expressed policy preference of the City and the waterfront Plan working group for competitive solicitation. Accordingly, staff recommends leaving the policy decision as to whether any proposed project merits a sole source waiver to the Board of Supervisors, since the Board of Supervisors adopted the competitive bidding requirements for leasing and property sales, and the sole source waiver provisions for when bidding is “impractical or infeasible.”
- Aside from the competitive bidding policy, development considerations for Piers 30-32 under a sole source proposal are largely the same as those described above under the competitive bidding option:
 - substructure costs are high;
 - the Port Commission may wish to focus development near The Embarcadero;
 - the site provides for a unique opportunity for creative architecture;
 - the Seawall along the piers needs strengthening and the informal proposal presents an opportunity to leverage private investment with the Seawall program, but also is a significant financial and engineering coordination challenge;
 - new uses should complement the existing Red’s Java House, a popular destination; and
 - state legislation may be required if the proposal includes any nontrust uses.
- Development considerations for Seawall Lot 330 are discussed in the second section of this staff report.

Option 4: Remove all or part of Piers 30-32

The Bryant Street Pier project included a plan to remove approximately 175,000 square feet of Pier 32 (approximately 4 acres), which was a requirement under AB 1389.

In 2009, the Port and the Exploratorium negotiated with BCDC and local stakeholders conditions that were included in the Exploratorium BCDC Permit #2006.009 to allow the Exploratorium project to retain some of the fill between Piers 15 and 17. The permit designated Piers 30-32 as a potential alternative fill removal site, along with other potential alternative fill removal sites at Pier 70, wharves 6, 7 and 8.

In 2012, after the development component of the 34th America’s Cup failed, Port Engineering estimated that the cost to remove Piers 30-32 would be \$45 million.

Under the Golden State Warriors proposal, the plan included significant removal of old piles and portions of the old deck to compensate for installation of new super-piles and a new deck. Negotiation of the exact amount of fill removal was never finalized because permits for that project were never finalized.

There are three agencies that issue permits for fill in San Francisco Bay: the U.S. Army Corps of Engineers, BCDC and the Water Board. Typically, permits for new fill require mitigation in the form of removal of old Bay fill at the same or a different location.

Seawall Safety Program

The team leading the Seawall Safety Program is developing recommended alternatives for strengthening the Seawall. The Port has also undertaken an effort with the U.S. Army Corps of Engineers to study flood control along the Port's waterfront. Both of these efforts are in the planning stage and have not selected preferred alternatives. Alternative will be developed for both projects in 2019.

Depending on the alternatives selected, the Port may need to identify public benefits or mitigation measures including fill removal – particularly for alternatives that involve in-water construction – that will increase public support and/or enable regulatory approvals for the preferred project alternative. Removing all or a part of Piers 30-32 could be a part of the solution. These public and regulatory discussions will occur later in the process, after the selection of a preferred alternative and the commencement of environmental review.

Considerations related to removing all or a part of Piers 30-32

- Removing all or a part of Piers 30-32 can be combined with development of a portion of the site or operation on an interim basis as described above.
- Since Piers 30-32 has negative land value, as described above, a partial removal strategy is likely to be less expensive than repairing and seismically strengthening the entire 13-acre site, but it would also reduce potential development square footage. Therefore the net financial impact of removal on a project will depend on the particular development program.
- Removing all or a part of Piers 30-32 would significantly enhance Bay views in this area of the waterfront (similar to removal of Pier ½ as part of the 34th America's Cup).
- Removing all or a part of Piers 30-32 could be part of an entitlement strategy for the Seawall Safety Program or flood control projects developed with the U.S. Army Corps of Engineers.
- Removing all of Piers 30-32 would deny the Port and the City a naturally deep-water berth that does not require dredging which is a significant operating expense for most other berthing locations.

SEAWALL LOT 330

Site Information

Seawall Lot 330 has been the subject of three major development efforts since adoption of the Waterfront Land Use Plan in 1997, including the Bryant Street Pier/Piers 30-32 James R. Herman Cruise Terminal (2000 – 2006), the 34th America’s Cup, and the Golden State Warriors (“GSW”) Piers 30-32 Multi-Purpose Pavilion and Seawall Lot 330 Mixed Use Development.

Development of the Watermark condominium project on ½ acre of Seawall Lot 330 as part of the Bryant Street Pier project was the only successful development during these prior efforts.

The Watermark is a 22 story, 136 unit condominium building with 16 inclusionary, below-market units constructed in 2004. The project was intended to subsidize the Piers 30-32 cruise terminal, removal of Pier 36, and construction of Brannan Street Wharf. Because the Piers 30-32 cruise terminal did not proceed, the Port ultimately used these proceeds to build the Pier 27 James R. Herman International Cruise Terminal and the Brannan Street Wharf (along with other sources).

After the ½ acre for the Watermark was sold, the remaining area of Seawall Lot 330 is 2.3 acres.

Exhibit D includes the last rendering of a proposed project on Seawall Lot 330, produced by the Golden State Warriors.

Table 2: Seawall Lot 330 Characteristics

#	Consideration	Description
1.	Location	South Beach, bounded by the Embarcadero roadway, Beale and Bryant Streets
2.	Size	101,330 square feet (2.33 acres)
3.	Current Use	Interim commuter parking.
4.	FY 2017-18 Port Revenue	\$831,992.40
5.	Assessor’s Lot	Block 3771, Lot 002 and a portion of Block 3770, Lot 002
6.	Permitted Uses & Zoning	<p>The Waterfront Land Use Plan permits a broad list of allowable uses for Seawall Lot 330, including residential use.</p> <p>Under the Planning Code, the site is zoned SB-DTR: South Beach Downtown Residential Mixed Use District, in the Eastern Neighborhoods Plan Area and Waterfront Special Use District #3. The site is not entitled.</p> <p>There is no designated maximum density for residential uses in this district. Nonresidential uses are permitted up to a ratio of one to six square feet of</p>

#	Consideration	Description
		residential use. Certain non-residential uses are prohibited or require a conditional use. Parking is not required for residential uses, and is permitted up to a maximum of 0.75 stalls per unit. Parking above grade level is not permitted.
7.	Height Limit	The height limit for the subject site is 65/105-R (meaning 65' at locations near the Embarcadero, stepping up to 105'), which may only be increased by a vote of the people under Proposition B (2014).
8.	Yield	Based on the last detailed site analysis, the site has capacity for up to 315 units, with approximately 40,000 square feet of ground floor space for retail and other uses, for a total of 413,400 of above-ground development square footage and a maximum of 325 off-street parking spaces.
9.	Public Trust	<p>The California Legislature has terminated public trust use restrictions on Seawall Lot 330.</p> <p>Under SB 815 (Senator Migden, 2007), the Port may lease the site for nontrust purposes for periods of up to 75 years.</p> <p>Under AB 418, Assemblymember Ammiano, the Port may sell the fee interest in Seawall Lot 330 free of the public trust, the Burton Act trust, and the restrictions of Senate Bill 815, if the consideration received by the Port is equal to or greater than the fair market value of the fee interest conveyed and is used by the Port for trust purposes. If the Port sells Seawall Lot 330, the Port is required to cause the public trust to be impressed upon other lands situated on or adjacent to the San Francisco Bay that have a total area equal to or greater than the area of Seawall Lot 330 and have been determined by the California State Lands Commission to be useful for trust purposes.</p>
10.	Approvals	<p>Design review by the Waterfront Design Advisory Committee.</p> <p>Planning Commission Conditional Use approval required for certain uses or building bulk designs, as specified in the San Francisco Planning Code.</p> <p>Port Commission and Board of Supervisors approval of a lease or sale.</p> <p>State Lands Commission approval of a lease or sale.</p>
11.	Development Impact Fees	<p>Affordable Housing Fees (Planning Code §415)</p> <p>Child Care Fees (Planning Code §414A)</p> <p>Eastern Neighborhoods – Infrastructure Fee – Tier 1 (Planning Code §423.3)</p> <p>School Impact Fees (State Ed. Code Section 17620)</p> <p>Transportation Sustainability Fees (Planning Code §411A)</p>
12.	Sea Level Rise	See Figure 2 on page 6. Seawall Lot 330 is subject to potential future flood risk with 24" of sea level rise and a 100 year storm surge.

Seawall Lot 330 Options

Seawall Lot 330 is a valuable piece of property.

Seawall Lot 330 was last appraised as part of the Golden State Warriors process. The appraised value was \$30,400,000. During the 34th America's Cup, Seawall Lot 330 was appraised at \$33,050,413.

Since these appraisals, many factors that would affect the value of Seawall Lot 330 have changed, including impact fee levels, construction costs, and residential values, including rents. Port staff believes that based on the current market an appraisal of the highest and best use of the site would exceed the prior appraisals, with the magnitude of the increase depending on if it is appraised as a fee simple or ground lease interest.

Development of Seawall Lot 330 could also generate property tax increment that the Port could capture to fund other Port improvements, including the Seawall Safety Program. Based on a notional \$300 million development on Seawall Lot 330 (for reference, the Warriors projected a \$215 million development on the site in 2012), the annual tax increment available for bonding would be approximately \$2 million.

If all or a portion of the site is developed for for-sale condominiums, the Port could require transfer fees equal to 1.5% of the sales value of the second and each subsequent sale, which would provide the Port an ongoing revenue stream for use at other Port properties.

Mixed-Income or Affordable Housing

The Office of Economic and Workforce Development and the Mayor's Office of Housing and Community Development are always looking for publicly-owned sites for potential mixed income and affordable housing.

Subject to consultation with the local community, one potential strategy for Seawall Lot 330 would be to examine the site in consultation with these City agencies for housing development, including a significant amount of affordable housing.

It is important to note that existing state legislation governing nontrust uses of the site requires a fair market value transaction for the use of the site. The Port pursued this approach with Seawall Lot 322-1 for the 88 Broadway affordable housing project.

The Department of Homelessness and Supportive Housing, in consultation with the Department of Public Works, is also examining potential sites for an additional 1,000 beds for homeless individuals. Subject to the same fair market value considerations and a community outreach process, Seawall Lot 330 could be a candidate for this use.

Piers 30-32 Competitive Bidding & Development Considerations

- If the Port Commission wishes to pursue market-rate development of Seawall Lot 330, the Port should follow the competitive bidding procedures vetted by the

Waterfront Plan Working Group (see page 14 above) and endorsed by the Port Commission.

- Another option may be to explore affordable housing, or mixed-income housing development of the site, in consultation with the Office of Economic and Workforce Development and the Mayor's Office of Housing and Community Development.
- Prior development efforts indicate that the approach to massing on the site is critical to gaining broad public support for development.
- If the Port Commission wishes to quickly realize the value of Seawall Lot 330, it could offer the site for sale through a competitive bidding process, which would require a purchaser to pursue project entitlements, largely without the involvement of Port staff. This approach may not realize the full value of the site, because the site is not fully entitled for development, and this approach would not provide for more aggressive approaches to affordable housing development than current code requirements.

Market-rate development of all or a portion of the site could generate significant annual property tax increment (estimated to be \$2 million) to support the Seawall Safety Program or other Port capital needs.

STAFF RECOMMENDATION, PUBLIC OUTREACH AND NEXT STEPS

Based on the information provided in this report, Port staff seeks the Port Commission's direction as to next steps for Piers 30-32 and Seawall Lot 330. A summary of the options for each site is set forth below:

Piers 30-32

Options include:

1. Continue to lease the site for parking, layberthing and special events. Explore other special event options to activate the site. Wait for the Seawall Safety Program to identify a recommended approach for the first \$500 million phase of the Program, including preferred options for addressing Seawall movement due to lateral spreading risk before deciding on next steps for the piers. This is expected to occur by late 2019.
2. Competitively offer all or part of the site for development, with subsidies limited to rent credits against Piers 30-32 rent and tax increment generated from development of the piers.

3. Invite sole source proposers for Piers 30-32 and Seawall Lot 330 to formally submit their ideas for consideration by the Public, the Port Commission and Board of Supervisors.
4. Wait for the Seawall Safety Program and evaluate whether removal of all or a part of the piers is a potentially useful public benefit or regulatory strategy for the Program, which may take 1-2 years.

Seawall Lot 330

Options include:

1. Combine the site with Piers 30-32 as described above, either in association with a competitive offering or in pursuit of the a sole source proposal.
2. Competitively offer the site for market rate development under a lease or sale option. Sale of the site will require the Port to identify other nontrust property along the waterfront which could be impressed with the public trust.
3. Consult with the Office of Economic and Workforce Development and the Mayor's Office of Housing and Community Development regarding potential uses of the site.
4. Form an Infrastructure Financing District over the site to capture growth in tax increment, if any, from future development of the site.

Based on the considerations set forth above, Port staff recommends that the Commission direct staff to formulate and provide to the Commission for its consideration a competitive solicitation strategy that will clearly outline the revenue generation and/or subsidy proposal for each property separately, but still allows for the Port Commission to consider coordinated development of complementary uses at the two sites if there is a proposal that would benefit the Port and the public in doing so. Port staff further recommends vetting these options with the Central Waterfront Advisory Group and conducting further outreach in the South Beach area and incorporating that feedback into the strategy that is brought back for consideration.

Staff looks forward to feedback from the public and direction from the Port Commission regarding these options.

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- Exhibit A: Excerpts from the Waterfront Land Use Plan and the BCDC Special Area Plan Related to Piers 30-32 and Seawall Lot 330
- Exhibit B: Summary of Prior Piers 30-32 Development Efforts
- Exhibit C: Item 12A Piers 30-32 Port Commission Staff Report, June 2016
- Exhibit D: Golden State Warriors Code Compliant Design for Seawall Lot 330

Exhibit A: Excerpts from the Waterfront Land Use Plan and the BCDC Special Area Plan Related to Piers 30-32 and Seawall Lot 330

Piers 30-32

Waterfront Plan

Piers 30-32 Acceptable Uses:

Maritime Uses; Public Open Space and Public Access; Commercial Uses (Assembly & Entertainment, General Office; Museums, Accessory Parking, Retail and Restaurants, Recreational Enterprises, Visitor Services, Warehouse/storage, Wholesale Trade/Promotion Center); Other Uses (Community Facilities)

The Bryant Street Pier Mixed Use Opportunity Area:

The 13-acre pier and three-acre Seawall Lot 330 together represent the Port's largest potential development site. Unlike many of the Port's piers, Pier 30-32 is supported by concrete piles and is in good structural condition. In contrast, adjacent Pier 34 is condemned and should be removed as part of new development on Pier 30-32. The vast size of Pier 30-32, which can berth 800 foot long ships on two sides, offers untold possibilities for providing public entertainment and attractions with a highly visible maritime element. In addition, Pier 30-32 should be a highlight on the PortWalk which would extend the pedestrian path along The Embarcadero onto the pier. Because the site is both prominent and yet somewhat isolated from an architectural standpoint, new development here could become a signature piece in this neighborhood, and should set a standard for other architectural improvements along the shoreline. This site has been proposed as a possible location for a modern cruise terminal, if market conditions and changes in regulations lift the constraints that have limited the number of ships calling in San Francisco. Support services such as parking and neighborhood-serving businesses can be incorporated into development on the seawall lot which also would provide a buffer zone for residents of Bayside Village.

Bryant Street Pier Development Standards for Piers 30-32:

- Provide activities on Pier 30-32 which attract residents of the City and region, but also include businesses which cater to nearby residents and employees.
- Due to the extraordinary size of Pier 30-32, provide significant maritime and public access uses together with a multi-faceted mix of commercial activities, all oriented around a common theme (such as family-oriented entertainment, or a trade and promotion center for California food and agricultural products), rather than a singular commercial attraction.
- Encourage new activities that do not generate peak traffic volumes during commute periods, to minimize congestion on roadway and public transit systems.

- Require a high standard of architectural design which is appropriate to the prominence of the site and establishes a new architectural identity and standard for waterside development in the South Beach area.
- Incorporate expansive public access on the piers that builds upon and enhances the PortWalk through the South Beach area.
- Apply “Good Neighbor” standards to bars, restaurants which sell alcohol, large fast food restaurants, and assembly and entertainment uses on Piers 30-32 and SWL 330, unless the Port Commission makes a specific finding that a particular condition is unnecessary or infeasible (see Waterfront Plan, p.5 for description of 5 Good Neighbor standards).
- The design of any new development on Piers 30-32 should provide appropriate buffers, setbacks or other design solutions for open air bars, restaurants, and nighttime entertainment activities that front The Embarcadero as necessary to mitigate noise impacts from such uses on residential neighbors.”

BCDC Special Area Plan for the San Francisco Waterfront

“6. Public Access for Major Projects on Piers.

b. Large Piers (Piers 30-32, and Piers 27-29 if redeveloped as a Large Pier):

- i) Large Piers should have a higher proportion of their area devoted to public access and open space than Finger Piers;
- ii) Public access provided should consist of:
 - Perimeter access
 - Significant park(s)/plaza(s) on the pier perimeter
 - Additional areas, e.g., small parks or plazas integrated into the perimeter access
 - Significant view corridors to the Bay from points on the pier which by their location have more of a relationship to the water than to the project
- iii) Public open spaces within the interior of large piers that do not provide physical or visual proximity to the Bay should not be included in the determination of maximum feasible public access to be provided on the pier.”

Seawall Lot 330

Waterfront Plan

Seawall Lot 330 Acceptable Uses:

Residential and Commercial Uses (Assembly & Entertainment, Hotel, Parking, Retail & Restaurants)

The Bryant Street Pier Mixed Use Opportunity Area Development Standards for SWL 330:

- On Seawall Lot 330, freestanding bars and restaurants which sell alcohol and which are within 100 feet of a residential dwelling on adjoining blocks shall close no later than 12 midnight Sunday through Thursday, and 2 am on Friday, Saturday, and evenings before a holiday, unless such uses are established inside a hotel. Outdoor seating and service along Beale Street shall close and the establishment shall stop service in those areas between the hours of 10:00 pm and 6:00 am. New patrons shall not be seated in such outdoor seating and service areas later than 45 minutes before closing time. In the outdoor service and seating areas, lighting shall be appropriately screened and diffused.

**Exhibit B: Summary of Prior Piers 30-32 Development Efforts
from the 2014 Waterfront Plan Review**

14 - 34th Americas Cup

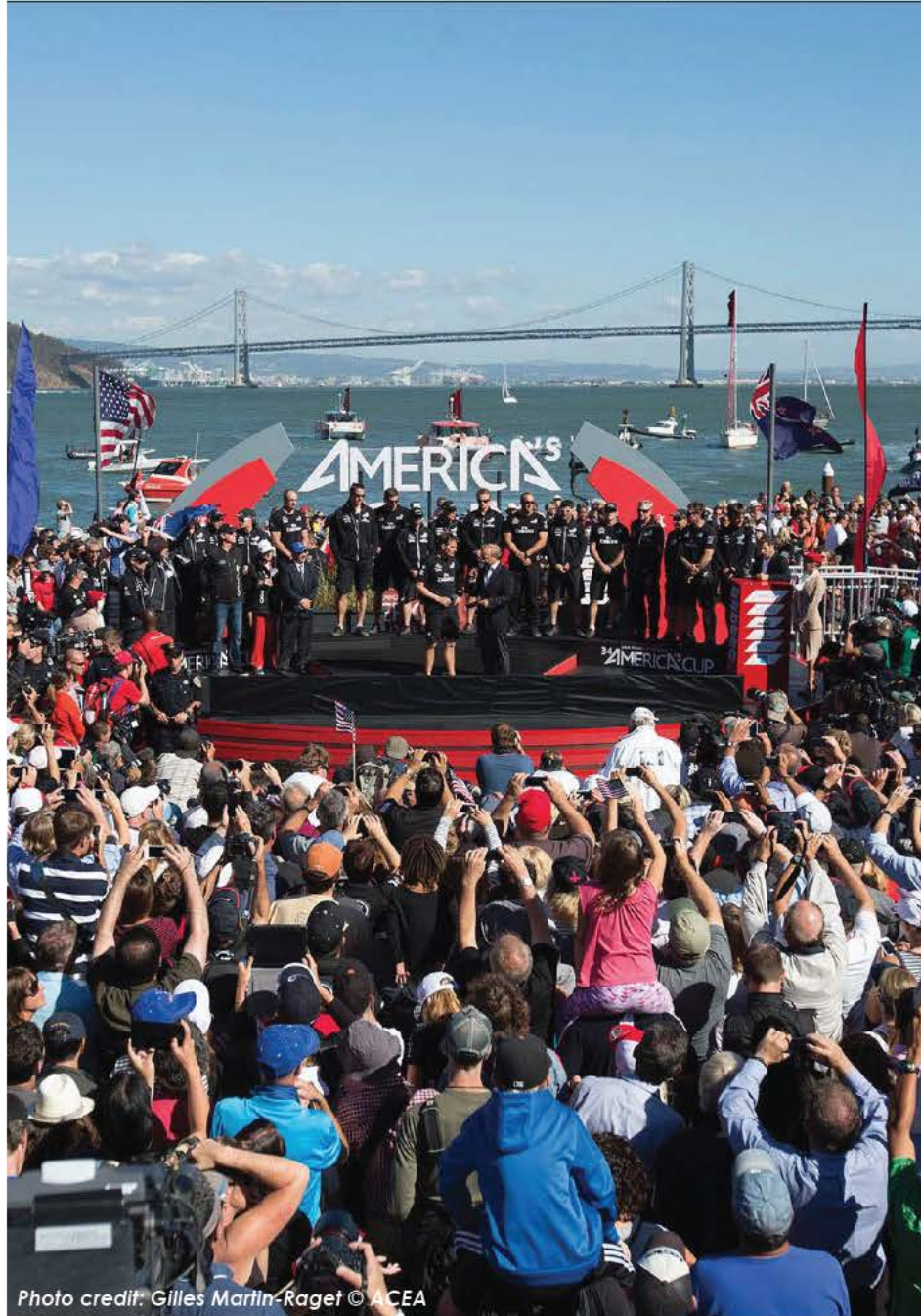


Photo credit: Gilles Martin-Raget © ACEA

In February 2010, BMW Oracle Racing, sailing for the Golden Gate Yacht Club (“GGYC” and together, the “Team”), won the 33rd America’s Cup in Valencia, Spain and, as Defender of the America’s Cup, organized the 34th America’s Cup and related activities. The team created the America’s Cup Event Authority, LLC (the “Event Authority”) for purposes of organizing the event and the America’s Cup Race Management (“Race Management”) to adjudicate the event.

The Event Authority conducted a bidding process to host the event, which largely centered on negotiations with the City to hold races in San Francisco Bay, but later included discussions with Newport, Rhode Island. Newport hosted America’s Cup races from 1930 to 1983.

City negotiations, led by the Office of Economic and Workforce Development, but later including the Port, focused on an offer of development rights as a means to reimburse the Event Authority for improvements required and services the City would provide to enable the event in exchange for commitments to hold preliminary AC World Series races, Louis Vuitton Cup races (to determine the Challenger to Oracle Racing), and the 34th America’s Cup in San Francisco.

From late 2010 until the Event Authority’s recent decision not to host the 35th America’s Cup, negotiations and preparations for the event have consumed much of the Port’s attention. In the end, Oracle’s come-from-behind win over Team Emirates New Zealand on September 25, 2013 to capture the 34th America’s Cup was among the great comebacks in sports history. The event justified the hard work and effort of so many Port and City staff.

Given how much has been written about the America’s Cup, this report is not intended to be an exhaustive analysis of the City’s planning for the event, nor is it intended to draw conclusions about whether the City should seek to host international sporting events and under what circumstances the City should spend money as host to such events. Those decisions belong to the Mayor and the Board of Supervisors. Instead, this analysis is intended to briefly examine the impact of the proposed development deal (which did not go forward) and the event itself on the Port. It is clear that the event helped produce or accelerate major changes along the Port’s waterfront.

HOST AND VENUE AGREEMENT NEGOTIATIONS

The City and the Event Authority initially agreed on a plan to offer Pier 28, Piers 30-32, Seawall Lot 330, and Pier 50 as sites to host the event, with a grant of long-term development rights at Piers 30-32, Seawall Lot 330, and Pier 50 with no base rent or option consideration as a means of repaying an estimated \$150 million in waterfront improvements required to prepare the waterfront for the event. The Board of Supervisors endorsed a Term Sheet based on this plan in October 2010.

City analysis of the Term Sheet proposal indicated significant financial impacts of this plan to the Port, as well as a need to relocate numerous Port tenants, including major maritime tenants and the Port's maintenance facility at Pier 50. The City developed another plan focused in the northern waterfront – the location of most existing foot traffic on The Embarcadero, and ultimately closer to planned racing – which located the America's Cup Village at Piers 27-29 and accommodated the Port's plan to build the James R. Herman Cruise Terminal prior to the event. The publication of the City's northern waterfront plan almost caused event organizers to move the event to Newport, but ultimately became the basis of the Host and Venue Agreement ("Host Agreement") signed by the Event Authority and Mayor Gavin Newsom, and approved by the Board of Supervisors in December 2010.

The Host Agreement also provided for use of Piers 30-32 for team bases and other event-related uses at Piers 19, 19½, 23, 29½ and portions of Pier 80. The Host Agreement assumed that the Event Authority would spend at least \$55 million on waterfront improvements, and provided a formula for long-term development rights at Piers 30-32, Seawall Lot 330, Piers 26 and 28, depending on final Event Authority investment, and marina rights in open water basins next to Rincon Park and the future Brannan Street Wharf park. In late stages of negotiation to secure

the event, the City agreed to offer additional long-term development rights if needed to repay Event Authority investment, including Pier 29 and potentially Piers 19, 19½ and 23.

The final negotiated Lease Disposition and Development Agreement ("LDDA") concluded in early 2012, provided long-term development rights at Piers 30-32 and Seawall Lot 330 rent free in exchange for the Event Authority's initial \$55 million investment. If investment exceeded that amount, the LDDA allowed rent credits against 10 year lease rights to Piers 26 and 28 and a long-term development right to Pier 29, along with potential marina rights. The LDDA included a City pledge to form an infrastructure financing district to fund public improvements associated with future development at long-term development sites. There was no proposed development program for these sites articulated in the LDDA.

Pursuant to the Host Agreement, the City was responsible for managing and securing all regulatory approvals. The land and water improvements triggered required permits from numerous federal, state and local regulatory and policy agencies. The required environmental review of the 34th America's Cup races and the James R. Herman Cruise Terminal at Pier 27 had to be completed in an amazingly short time frame. The level of collaboration, strategic alignment and regulatory solutions that emerged from the public agency review of the project was itself an extraordinary accomplishment. The interagency coordination efforts would not have been possible without the work of additional dedicated staff loaned by the SFPUC and Planning Department. All project permitting, including federal environmental review necessary to support permitting by the U.S. Army Corps of Engineers and the U.S. Coast Guard, as well as use of Golden Gate National Recreational Area lands were completed on time. BCDC approved permits and a Special Area Plan amendment for the event requiring a broad range of improvements to the waterfront. City staff prepared a range of plans for the event



Photo credit: Gilles Martin-Raget © ACEA

including the People Plan (the transportation plan for the event), the Security Plan, the Zero Waste Plan, the Youth Involvement Plan, the Workforce Development Plan, the Ambush Marketing Plan, the Water and Air Traffic Plan, and the Sustainability Plan. There was significant public involvement in all of the project planning and entitlement efforts.

After extremely challenging negotiations yielded one positive vote at the Board of Supervisors, the Event Authority announced its withdrawal from LDDA negotiations, giving up on the proposition of long-term development as a means of financing waterfront improvements. The Port and OEWD subsequently negotiated a plan with the Event Authority whereby the City would fund all necessary waterfront improvements for the event and provide venues rent-free, without long-term development rights. The Port Commission and the Board of Supervisors approved this plan, which the Event Authority executed, and the focus shifted to preparations for the event and racing on San Francisco Bay.

The following improvements were made to Port property or the immediate vicinity:

- The Port and the Department of Public Works managed construction of the cruise terminal on an accelerated basis, including removing the Pier 27 shed and finishing core and shell improvements in time to allow the Event Authority to use the space in early 2013
- The Port and America's Cup Race Management oversaw minor, marginal wharf upgrades to Piers 30-32 to enable strategic placement of tent structures for team industrial bases and cranes to lift AC72 vessels out of the water
- The Event Authority and Race Management designed, and Port staff permitted, the America's Cup Village at Piers 27-29 – including pop-up retail along The Embarcadero, a 9,000 seat venue for concerts and a unique mix of uses open to the public in Pier 29, including the America's Cup museum and a café in the open end of Pier 29 facing the Bay
- Port Real Estate staff relocated 75 Port tenants to other locations (primarily) on Port property, to enable use of northern waterfront venues
- Port Finance staff negotiated a quick insurance settlement and Port Engineering oversaw an emergency rebuild of the Pier 29 Bulkhead building consistent with original building plans after a fire destroyed the bulkhead; the project met Secretary of the Interior Standards and received an historic rehabilitation award
- The Army Corps of Engineers removed Pier 36 utilizing federal and Port funding

- Port Engineering staff oversaw timely construction of the Pier 43 Bay Trail Promenade and the Brannan Street Wharf public open space projects
- Port Maintenance staff prepared the northern waterfront sheds for occupancy by the Event Authority and Race Management, including shed repairs, ADA improvements, exiting, asbestos and lead remediation, painting and new lighting
- Port Maintenance staff rebuilt the Pier 19 south apron as BCDC permitted public access
- The Port managed dredging south of Piers 30-32 to facilitate mooring of AC72s
- The Department of Public Works improved Jefferson Street, between Hyde and Jones Streets to transform it in advance of the event to create expand pedestrian sidewalks and incorporate new bicycle access through Fisherman's Wharf
- Port staff negotiated a funding plan and lease amendments with the Port's ship repair operator to install shoreside power at Pier 70 to enable ships in drydock to turn off their engines while undergoing repair; environmental analysis showed this action fully offset all event-related air emissions
- Port Engineering staff oversaw the removal of Pier ½ consistent with BCDC requirements
- Port Planning staff oversaw the development of pocket parks along The Embarcadero
- San Francisco Municipal Transportation Agency staff oversaw implementation of the People Plan, which afforded excellent public access to the waterfront
- Port and Department of Public Works staff kept the waterfront clean during the event
- Port environmental staff drafted a Port Commission-approved Zero Waste Event Policy for large events on Port property prohibiting the use of single use plastic water bottles and balloons and promoting the use of compostable food ware; Recology helped the Event Authority recycle and compost in accordance with the Zero Waste Event Policy
- The Port and City spent a total of \$31.6 million on capital improvements in advance of the racing; all of this preparation enabled the public to watch the amazing AC72 catamarans racing on San Francisco Bay, hydrofoiling above the waves in the final match

LESSONS LEARNED AND RECOMMENDATIONS

Port staff offers the following high level lessons learned and recommendations based on the Port's experience with the 34th America's Cup.

- Race preparations, including building the James R. Herman Cruise Terminal, constructing several Port parks and new public access areas, rebuilding the Pier 29 Bulkhead building, and removal of Pier ½ and the remnants of Pier 64 (currently underway) substantially improved the Port.
- The acceleration of the James R. Herman Cruise Terminal through the CEQA process, BCDC permitting and associated Special Area Plan amendments and construction allowed the Port to bid the project in 2011 — early in the economic recovery and at a time when the Port received a very favorable bid for the project. As a normal public works project, CEQA and BCDC permitting could have collectively taken several years longer than it did, resulting in added project costs.
- BCDC permit requirements for the James R. Herman Cruise Terminal created substantial new — and costly — public access requirements at Piers 19, 23 and 29 that the Port is required to complete within 5-10 years. For the first time, BCDC included more flexible time lines to allow the Port to develop funding sources to pay for these improvements.
- In hindsight, undefined long-term development rights did not seem like the correct way to fund improvements needed to ready the waterfront for racing, and the public was relieved when the long-term development rights were eliminated from the arrangement. It is also conceivable that without the initial offer of development rights, the City would not have been selected to host the event.
- The Port's offer of marina rights in the Rincon Point Open Water Basin and the Brannan Street Wharf Open Water Basin in the Host Agreement was a major conflict with the BCDC Special Area Plan. The Port struggled to correct this problem in negotiations with the Event Authority over the subsequent 13 months.
- For future waterfront events, the City should consider hiring independent firms to produce independent analysis of required event-related improvements and associated costs.
- Working in advance with the community stakeholders, the appropriate city and regional agencies and with strategic marketing has proven, through the People Plan example, that the transportation needs for large special events can be accommodated effectively, with results that meet or exceed the sustainability targets set by the Port.
- The San Francisco Planning Department and the Port's regulatory partners, including State Lands, BCDC, the San Francisco Bay Regional Water Quality Control Board, the U.S. Coast Guard, the U.S. Army Corps of Engineers, and the National Marine Fisheries Service collectively stepped up to deliver needed project approvals on time — exceeding everyone's expectations.

15 - Golden State Warriors Piers 30-32 Multi-Purpose Pavilion



Photo credit: Golden State Warriors

In 2012, the City and the Golden State Warriors (GSW) partnered on a proposal to develop and build a premiere sports and entertainment pavilion on the waterfront pursuant to sole source negotiations authorized unanimously by the Board of Supervisors and the Port Commission. The project was proposed at Piers 30-32, south of the Bay Bridge, between the Ferry Building and AT&T Park. GSW proposed to repair and seismically upgrade 13 acres of deteriorating piers to build a multi-purpose venue with private funds and develop Seawall Lot 330 with a mix of residential, hotel and retail uses. The project included open space for public access, while also providing enhanced amenities and maritime facilities for the San Francisco Bay. Total project costs were estimated at over \$1 billion.

The facility was designed to host the Bay Area's NBA basketball team, as well as provide a new venue for concerts, cultural events and conventions, and other prominent events that the City currently cannot accommodate with

existing facilities. The cost of repairing and seismically upgrading Piers 30-32 for these uses was estimated at \$165 million. The City's contribution to project pier substructure costs was capped at \$120 million, with funding to come from project-generated Infrastructure Financing District (IFD) tax increment proceeds, rent credits against the fair market value rent of Piers 30-32 and the fair market land value of Seawall Lot 330. In response to permitting challenges and the expected need for voter approval of the project, in Spring 2014 GSW dropped plans to build at Piers 30-32 and purchased the Salesforce.com site in Mission Bay for their new facility.

Concurrent with the unanimous approval of sole source negotiations, the Board of Supervisors and the Port Commission initiated a public Piers 30-32 Citizen Advisory Committee ("CAC") at the outset to vet the project and make recommendations, which held many full committee and subcommittee meetings and heard from a broad cross-section of the public.

ANALYSIS

Land Use

In the wake of terminated negotiations with the America's Cup Event Authority over development of Piers 30-32, and given the success of AT&T Ballpark, Port staff welcomed the proposed use as a publicly-oriented use and believed that the project could afford to tackle the high substructure costs at Piers 30-32 – the principal cause of failure of the Bryant Street Piers Project at the site in 2006.

The design of the facility by Snøhetta was generally recognized as being world class and responded to virtually all comments from Port, Planning Department and BCDC staff. The proposed facility's maritime program included a new fire station to house the San Francisco Fire Department's marine unit, currently housed at Pier 22½ and would have preserved the deep water vessel berth at the east end of the pier. The public nature of the project, with its emphasis on

entertainment and public open space would have enlivened this area of the waterfront. Many residents, however, see the neighborhood as a predominantly residential neighborhood that could not handle the twin pressures of baseball games at AT&T Park and events hosted at GSW's proposed pavilion. Many members of the public viewed the project – which would have required rezoning from 40 feet to approximately 128 feet – as inappropriate for the site, and not in keeping with an established consensus for waterfront heights. Others made a distinction between an open air baseball park with Bay views, and a closed basketball arena, and concluded that a basketball arena could not be a public trust use.

Site due diligence revealed that Piers 30-32 substructure costs exceeded the City's sources to repay the private investment in that public infrastructure. As a result, the project dealt with a clear capital need for the Port, but generated no future base rent.

The GSW proposal responded proactively to projected sea level rise by elevating the pier to deal with projected sea level rise of 55 inches. The GSW planned a LEED Gold facility that sought to comply with the Port's aggressive Zero Waste Event Policy.

There was controversy about the proposal to build mixed use development on Seawall Lot 330 higher than existing heights. In response, the GSW began developing a code compliant project within existing height limits.

The San Francisco Municipal Transportation Agency coordinated a Waterfront Transportation Assessment with the Transportation Subcommittee of the CAC to address transit and related improvements necessary to get people to and from the facility and to avoid seriously exacerbating traffic conditions along The Embarcadero.

The Quality of Life subcommittee of the CAC collaborated with City staff to identify a range of potential services (street cleaning, graffiti removal) and potential funding mechanisms to address impacts of crowds on the South Beach neighborhood.

Process

GSW's initial public announcement of the move to San Francisco, and to Piers 30-32 specifically, surprised members of the South Beach neighborhood.

The CAC and members of the public who attended were frustrated at their inability to discuss other potential sites for the multi-purpose venue. The CAC operated under Brown Act and Sunshine Act public meeting rules that limited CAC interaction with the public and public comment time allocations, and created a stilted format for a project planning forum. By contrast, most Port advisory committees are advisory to Port staff, and allow for an exchange of ideas between CAC members, staff and the public that is more casual and conversational.

GSW committed significant resources and time engaging the public and the Port's regulatory partners. Despite this significant investment, there was a strong sense that the project was being rushed due to the need to open a facility by 2017.

Regulatory Approvals

Early outreach by City staff to State Lands and BCDC staff indicated the need for state legislation to address the consistency of the proposal with the public trust for commerce, navigation and fisheries. The California Legislature adopted AB 1273 setting standards for the facility and making findings of project trust consistency after lengthy negotiations with both State Lands staff and BCDC. The legislative approval of AB

1273 and BCDC hearings on the topic generated significant controversy.

The project required approvals from BCDC and the Army Corps of Engineers. BCDC staff determined that its Special Area Plan would need to be amended to address the height and scale issues raised by the proposed pavilion. The Army Corps of Engineers suggested a 3 to 5 year timeline for permitting new pile installation for the pier substructure. In both cases the approach was different than anticipated based on past projects and added years to the schedule – a fundamental conflict with the project sponsor’s timeline.

LESSONS LEARNED & RECOMMENDATIONS

Port staff offers the following high level lessons learned and recommendations based on the Port’s experience with the GSW Piers 30-32 Multi-Purpose Pavilion project.

- For high profile projects such as major sports facilities, a public site selection process with clear selection criteria such as cost, availability, transportation access, infrastructure requirements & cost and compatibility with surrounding uses can help build consensus for a selected site, which can then be authorized for sole source negotiations.
- The Waterfront Plan and other adopted Port policies do not include a formal policy articulating how unique development opportunities that are not the product of a development RFP process should be handled through the public process. To address this shortcoming, the Port Commission should consider adoption of a policy articulating how the public process for such unique opportunities should be evaluated, and incorporating it into the Waterfront Plan.
- The Port and the San Francisco Municipal Transportation Agency should

continue to collaborate on the Waterfront Transportation Assessment and related efforts to address current congestion along The Embarcadero. The Port and the Department of Public Works should continue to work with the South Beach and Mission Bay neighborhoods to address quality of life concerns arising from crowds coming to and from AT&T Ballpark.

- Port staff, the public and the Port Commission should evaluate whether the Piers 30-32 designation in the Waterfront Plan as a mixed use development opportunity site is still appropriate. Development may be possible on a portion of the site near The Embarcadero, but is likely financially infeasible for the whole 13 acre site.
- Early consultation with State Lands, BCDC and the Army Corps of Engineers is a key to project success. The Port should consult with State Lands, BCDC and the Army Corps of Engineers about a project proposal before the City authorizes negotiations between the Port and a specific developer for a particular Port site. As the Port learned with the Exploratorium project, amendments to the BCDC Special Area Plan developed through a public planning process are better received than those that arise through planning for specific projects.

Exhibit C: Item 12A Piers 30-32 Port Commission Staff Report, June 2016

MEMORANDUM

June 9, 2016

TO: MEMBERS, PORT COMMISSION
Hon. Willie Adams, President
Hon. Kimberly Brandon, Vice President
Hon. Leslie Katz
Hon. Eleni Kounalakis
Hon. Doreen Woo Ho

FROM: Elaine Forbes
Interim Executive Director

SUBJECT: Informational presentation on site conditions and assessment of trust use options for Piers 30-32, located adjacent to The Embarcadero between Bryant and Brannan Streets

DIRECTOR'S RECOMMENDATION: Information Only; No Action Requested

EXECUTIVE SUMMARY

This staff report provides an overview of Piers 30-32, including land use context, prior development efforts, permitting challenges, and financial feasibility analysis of public-trust consistent uses on the piers. The report responds to the Port Commission's request for an update about Piers 30-32 and is also intended as a resource to support the Waterfront Plan Working Group's process to recommend updates to the Port's Waterfront Land Use Plan.

OVERVIEW

As one of the Port's largest piers on the northern waterfront, Piers 30-32, a 13 acre open site, was designated in the 1997 Waterfront Land Use Plan as a mixed use development site. At the August 12, 2014 Port Commission meeting, Port Engineering staff gave a report on Piers 30-32 facility condition¹. This report describes the regulatory environment, and key site concepts to analyze development feasibility, as well as the attempts to develop the site since 1997. These concepts are overlaid with recent findings and approaches for addressing a rising sea level in the Bay. This report

THIS PRINT COVERS CALENDAR ITEM NO. 12A

¹ Item 9A Staff Report:
<http://sfport.com/ftp/meetingarchive/commission/38.106.4.220/index.aspx-page=2483.html>

presents a few preliminary options for how the Pier 30-32 site could be used given the regulatory framework.

Piers 30-32 is a challenging development site. As discussed further in this report, a combination of factors – preliminary Federal Emergency Management Agency (“FEMA”) flood hazard designations, projected sea level rise and the cost of substructure and seismic improvements – suggests that new development options will be costly and that uses will be constrained by the public trust doctrine and may be further limited by federal rules.

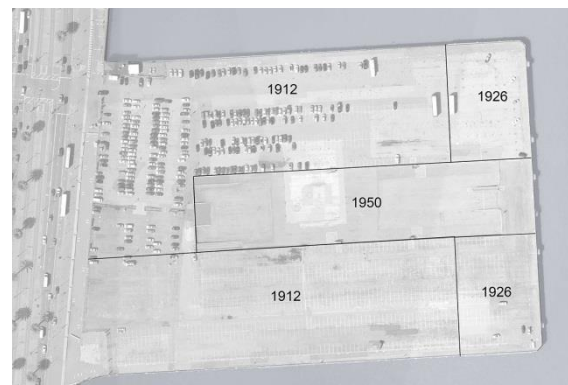


The current Waterfront Land Use Plan Update process will examine potential uses of this site when Port staff engages waterfront stakeholders in a focused look at uses of undeveloped sites in the South Beach area in order to develop public recommendations for Port Commission consideration. This report’s examination of Piers 30-32 is intended to inform and support that forthcoming public process.

Given the costs of developing the Piers, Port staff’s preliminary analysis focuses on trust consistent uses such as parks and maritime activities, and recognizes that any financially-feasible development may be limited to a different, as yet unknown “big idea” – where location matters much more than cost – with a development partner who is willing to obtain state legislation authorizing their project and has the patience to navigate a complicated State and City regulatory process. Although Piers 30-32 is a challenging development site, it is a one of a kind location with sweeping Bay views in the vibrant South Beach neighborhood.

CONSTRUCTION HISTORY OF PIERS 30-32

Located just south of the Bay Bridge in the South Beach area, Piers 30-32 is a 13 acre pier that was originally built as two separate pile supported finger piers. Prior to building the piers, the Port constructed the seawall in this area from 1910 to 1912, which extended the City out to its current location at the Embarcadero.



The wharf at Piers 30-32 is the pile supported portion of the structure adjacent to the seawall and was built at about the same time as the seawall. Immediately thereafter, Piers 30-32 were constructed as two piers extending approximately 750 feet into the bay to

facilitate shipping of sugar. In 1926 the piers were extended 124 feet further into the bay, and in 1950 the space between the two Piers was filled for its entire length with a pile supported section built at a lower loading dock height. In 1984 a fire broke out destroying the Piers' timber warehouse shed buildings. Soon after the remains of those buildings were removed leaving the concrete substructure similar to how it exists today. In preparation for the 34th America's Cup in 2013, the Port spent approximately \$1.9 million to repair isolated sections of the Piers 30-32 wharf adjacent to the seawall. Prior to the 2013 repairs, the Port had made no significant structural repairs or improvements to the Piers substructure since the 1950 addition.

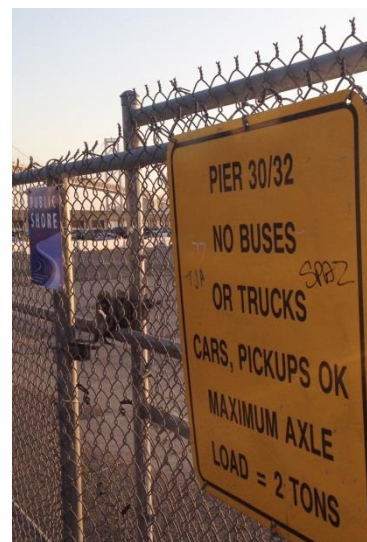
LEASING AND DEVELOPMENT EFFORTS

During the past 15 years, Piers 30-32 has seen grand development proposals, spectacular special events, and daily life as commuter parking. Proposals have included a new cruise terminal in the early 2000s that included a mix of office and commercial uses, and more recently a proposal for a major sports arena/event center. Proponents abandoned major development projects for a combination of reasons including the high cost of renovating the Piers and the uncertainty of being able to receive project entitlements. A summary of those projects is provided in Exhibit 1. Detailed discussion of past Piers 30-32 development efforts was included in a comprehensive review of changes under the Waterfront Land Use Plan Review from 1997- 2014².

Since 2000 the Piers have been the site of various temporary uses such as the 'X Games', the annual Fleet Week celebration, a backup cruise terminal for the Port, commissioning of the USS America, and berthing of many visiting ships. Between events, the east berth frequently is used for lay-berthing. On a daily basis the Piers are a commuter parking lot during the day and are closed in the evening. More recently, special events and parking have been scaled back due to deteriorating substructure conditions resulting in weight limits on the Piers.

CURRENT USE AND CONDITION

Piers 30-32 are currently used for lay-berthing, auto parking, limited special events, and back-up cruise terminal berthing. In 2011 the Port's engineering consultant recommended repairs to the structural concrete slab, concrete girders and beams, and concrete piles that have deteriorated due to the presence of salt water and the porous nature of concrete. The Piers have long since survived beyond their anticipated design life, which at the time of construction was a 50 year expected lifespan. Given the unpredictable nature of deterioration, in 2014 the Port's Engineering Division estimated the remaining useful life of



² Waterfront Land Use Plan Review: http://sfport.com/sites/default/files/FileCenter/Documents/9896-WLUP_Review_Chapter4_June2015_part2.pdf

the Piers at about 10 years. During this period and beyond, the Piers are expected to suffer localized failures at random points throughout the 13 acres. When such failures occur, Port engineers will reassess the Piers and likely barricade the failed areas, taking them out of use. The Piers may also suffer serious damage during a moderate to major earthquake. As a result of a recent Port structural assessment load restrictions now limit vehicle access to parts of the Piers.

PLANNING CONTEXT

Historic District

The Embarcadero Historic District runs adjacent to Piers 30-32 and includes Pier 28 and the Embarcadero seawall. Piers 30-32 is not a contributing resource to the District because the Pier bulkheads and sheds burned down in the 1980's. Red's Java House, located on the northwest edge of Pier 30 near the Embarcadero, is not a contributing historic resource to the Embarcadero Historic District, but is a valued community resource.

State Lands

Piers 30-32 and most all property under the jurisdiction of the Port of San Francisco are subject to use limitations described in the Burton Act (which granted the Port to the City) and the common law public trust (together, the Public Trust). Uses allowed under the Public Trust include maritime, environmental preservation and recreation and ancillary or incidental uses that promote Trust uses or that facilitate the public's use and enjoyment of the waterfront. Common revenue generating uses such as private office and neighborhood serving retail (dry cleaners, barber and beauty shops) are not consistent with the Public Trust, except in the context of historic rehabilitation projects when combined with other Public Trust uses. Uses such as ship berthing, recreational marinas, public open space, and visitor serving retail are typically found to be consistent with the Public Trust.

Any proposed use of Piers 30-32 that includes significant uses that are not consistent with the Public Trust will likely require state legislation with California State Lands Commission (State Lands) and the Bay Conservation and Development Commission (BCDC) review and comment, similar to the legislation for the Bryant Street Pier and Golden State Warriors Multi-Purpose Arena projects (see Exhibit 1 for more detail).

Waterfront Land Use Plan

On August 11, 2014 the Port of San Francisco released the *Draft – Port of San Francisco Waterfront Land Use Plan 1997 – 2014 Review* (WLUP Review). The WLUP Review looked back at the Port's Land Use Plan and cited how the Port has implemented the Plan in the 17 years since its adoption. The WLUP Review also provided high level policy recommendations for Port Commission consideration and specific recommendations for Port properties including those in the South Beach area and Piers 30-32.

Addressing Piers 30-32, the WLUP Review stated:

“Given the current understanding about the extraordinary expense of pile-supported pier repairs and new utilities and infrastructure, the Port and the local community should evaluate next steps for Piers 30-32. Until the Port Commission makes a decision about the disposition of this site, Piers 30-32 should continue to generate revenue from daily parking and provide periodic lay berthing access, including Fleet Week and other dignitary, scientific or visiting vessels.”

While development plans have not succeeded at Piers 30-32, the WLUP Review states that “The Port Commission has directed Port staff to take stock of the challenge and return with a proposed strategy for Piers 30-32.” The WLUP Review acknowledges the extent of deterioration that limits use opportunities and that more intense levels of use would trigger seismic upgrades, and that parking, layberthing on the east end, and interim special events will continue until the Port Commission decides on a more permanent use.

Currently the Waterfront Land Use Plan states a broad list of allowable uses for Piers 30-32 which include a variety of maritime uses, public open space, assembly and entertainment, general office, retail, warehousing, wholesale trade, and community facilities.

San Francisco Planning Code

Piers 30-32 is located in Waterfront Special Use District #2 on the San Francisco Zoning map, zoned M2 with a height limit of 40 feet.

Bay Conservation and Development Commission (BCDC)

BCDC has jurisdiction of land within 100 feet of the shoreline band and also is obligated to find a project consistent with the Public Trust principles when granting a permit. For example, BCDC policies require that any development proposal achieve “maximum feasible public access” within 100 feet of the edge, and that a project should not include new fill or bay cover. The BCDC *Special Area Plan for the San Francisco Waterfront* assumes Piers 30-32 is a development site, but also calls it out as a potential *fill removal* site.

Army Corps of Engineers (ACOE)

Piers 30-32 are subject to ACOE permitting for work in the Bay that involve installing piles or placing or removing fill. As described above, the ACOE may choose to regulate a substantial number of piles that have the effect of impeding water flow as fill under the Clean Water Act.

Federal Emergency Management Agency (FEMA)

FEMA's recently released draft flood insurance rate maps show that Piers 30-32 are in a Coastal High Hazard area (VE Zone). The current Base Flood Elevation (BFE) of Piers 30-32 with respect to North Atlantic Vertical Datum (NAVD) is 14.0 feet, which is about 1.3 feet higher than the existing Piers 30-32 deck. Subject to further direction from the Port Commission, Port staff is planning to appeal the BFE for Piers 30-32 and nearby piers to FEMA based on it being substantially higher than that of piers to the north and south.

In a Coastal High Hazard Zone, FEMA regulations prohibit construction of new buildings seaward of the mean high tide, with exceptions for water dependent uses. If a new project were to include construction of buildings that are not for water dependent uses, the proposal would need to address the current and future flooding associated with sea level rise and a remap of the Piers from the Coastal High Hazard Zone to a less hazardous flood zone.

SITE PLANNING CONSIDERATIONS

The following are key concepts when the future of Piers 30-32 is considered. These concepts express the values of the Port's Public Trust mission, compatibility with the Embarcadero Historic District, desires by many City and waterfront visitors, and the natural environment of the Bay.

A Berth for Large Ships

Piers 30-32 has one of the Port's best deep water berths due to the tidal flushing action of the Bay. Reuse or reconstruction of the Piers should maintain the eastern edge in approximately its current location.



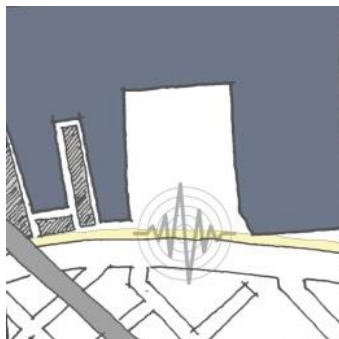
Views from and through the Piers

The South Beach waterfront features expansive views of the Bay Bridge, Yerba Buena Island and the East Bay hills. New structures should be positioned to maintain or frame significant views from Brannan Street Wharf, the Embarcadero and Spear Street. Development on the Piers could also provide new view opportunities across the Bay.



Reinforce the Waterfront Pattern of Buildings at the Embarcadero

Bulkhead buildings located at the seawall are one of the strongest and most defining features of the Embarcadero Historic District. Development on Piers 30-32 could consider reinforcing this built form with new structures.

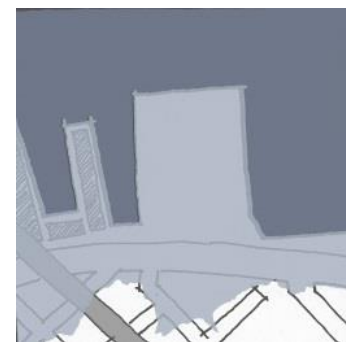


Seismically Reinforce the Seawall and the Piers

To improve safety and the City's resilience in a major earthquake, strengthen the seawall and the Piers.

Plan for Sea Level Rise

The Port with the City continues to study sea-level-rise and its potential impacts on the San Francisco waterfront. As described in greater detail below, redevelopment of Piers 30-32 should accommodate the anticipated rise and consider the Piers' role in protecting the City.



SEA LEVEL RISE

As per most of the buildings within the Embarcadero Historic District, Piers 30-32 were built adjacent to the seawall when it was constructed from about 1910 to 1912. The deck elevation was set to provide adequate protection from tides and wave surge, while being at a height to allow loading and unloading of ships. Most piers are not currently prone to flooding even in the highest tide and storm conditions, however, sea levels are expected to rise in the coming years.

The City is in the process of determining the extent of impacts of sea level rise and is exploring options to adapt to a higher water level. At this time the City is planning for a sea level rise of about 16 inches by 2050, and 36 to 66 inches by 2100. By 2050 many of the Port's historic piers will experience regular flooding. A rise of 16 inches at Piers 30-32 could impact Piers 30-32 several times per year. When the Port's piers begin to experience flooding, so will the Embarcadero Roadway. The Mayor's Sea Level Rise Coordinating Committee has initiated long-range planning to examine possible solutions to the problem of coastal flooding due to sea level rise, including a planned design competition called Resiliency by Design. The City's sea level rise planning will examine options to protect the Port.

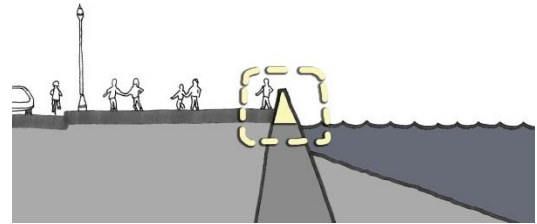
Sea level rise will likely create difficulties with pier maintenance and accelerate damage to piers. With rising sea levels, the available time windows to work under the piers to

perform inspection, repair, and maintenance of pier substructure deck and piles, will slowly be reduced, thus incrementally increasing time and expense for conducting these activities. Also, due to increased exposure to the corrosive marine environment, concrete degradation is expected to accelerate.

Several approaches are explored here for how Piers 30-32, or the area now occupied by Piers 30-32, could be changed to accommodate the anticipated sea level rise in 2050 or possibly 2100.

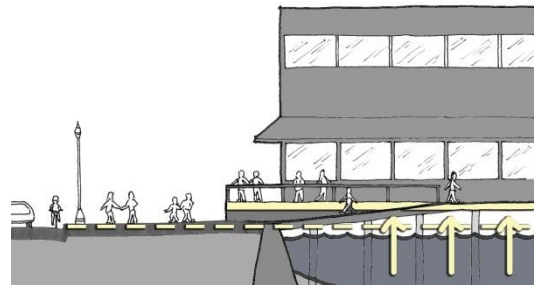
Raise the Seawall

Construct or modify the seawall, now located at the edge of the Embarcadero Promenade, to a higher elevation to limit City flooding. Raising the seawall could be part of a larger seismic strengthening project along the waterfront.



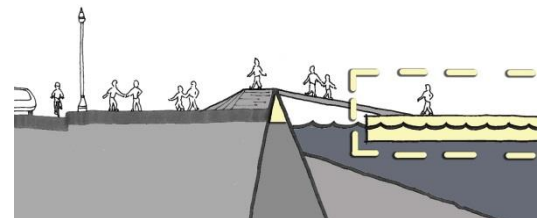
Build a Higher Wharf

The wharf, the pile supported area immediately adjacent to the seawall could be reconstructed at a higher elevation in conjunction with a raised seawall. A new adjoining pier could also be reconstructed at a higher elevation.



Floating Pier

Remove the existing Piers 30-32, raise the seawall as described above, and provide a new floating pier. The float could be sized for its intended use, whether as a simple walkway to provide access to a ship berth, or as a larger surface to accommodate a building or open uses.



FINANCIAL FEASIBILITY ANALYSIS OF PRELIMINARY TRUST-CONSISTENT OPTIONS

There are many ways that Piers 30-32 could be configured that would meet the suggestions described in Site Planning Considerations while also improved for projected sea level rise.

This section of the staff report enumerates several site options which would be consistent with the Public Trust and therefore would not require state legislation. Staff developed these options in response to the Port Commission's request, and to further

inform planning for Piers 30-32 as part of the Waterfront Plan Update process. Port Engineering and Finance staff provided assistance in the development of conceptual design, construction cost estimates, and revenue projections for each alternative. Not examined in this report is a mixed-use program (with significant non-trust uses) that in order to proceed would require state legislation.

Port staff expects that the Port Commission and the public will have further ideas about the future of Piers 30-32. The concepts discussed in this report are illustrative, based in part on ideas that members of the public have previously mentioned. The purpose of this analysis is to demonstrate an approach to site planning and financial feasibility analysis that can inform future land use recommendations in the subarea planning process planned for South Beach in 2017, and the Port Commission's future land use decisions for Piers 30-32 as it considers updates to the Waterfront Land Use Plan.

Based on staff's preliminary analysis, most of the preliminary options presented in this report are financially infeasible without significant public subsidy. Given the need to address the Port's seawall and steward the Port's historic resources, there are very important competing needs along the Port that also require public subsidy. The Port's 10 Year Capital Plan FY 2016-2025 identifies \$1.1 billion of unmet need of which Piers 30-32 represents \$102 million for substructure and seismic improvements. These estimates do not include costs for sea level rise adaptation improvements.

The following diagrams are concepts that respect the general framework of the current regulatory environment. None are intended to be a design for a project, but are rather intended as a springboard for Port Commission and public discussion about the future of Piers 30-32.

Each diagram presents a program of uses that would be consistent with the Port's Public Trust requirements. Each scenario would provide significant public space and access along the Pier's edges, and often in larger areas or in combination with other uses. Each scenario is configured to remain within the footprint of the existing Piers. In addition, most scenarios meet the following criteria:

- Provide an opportunity for a ship berth at the deep, east end of the Piers
- Continue an Embarcadero built edge
- Consider views, and
- Provide an approach to accommodate a rising sea level

An approach for dealing with the deteriorated condition of Piers 30-32 is addressed in each of the options except in Option A, which would continue to use the Piers in their current condition. The analysis for each is based on a conceptual layout of uses. If a more complete understanding of project costs is desired the land use concepts would need to be developed into a design and analyzed further. Port staff has developed a planning level feasibility analysis that includes 2015 construction costs (without escalation), revenue estimates, operating cost estimates and financial assumptions which are summarized at a high level in this report.

Several use programs were tested, assuming a seismic upgrade of the existing Piers, or new construction. New construction is explored through both pile supported piers and floating piers. The concepts presented here are a starting point to assist others in imagining reuse possibilities.

Importantly, the analysis below does not assume that public subsidies are available to underwrite the costs of Piers 30-32. In the past, the Port has offered development of a portion of Seawall Lot 330 for mixed use development as a source of subsidy for Piers 30-32. Recent efforts have demonstrated that even with this subsidy, the costs associated with Piers 30-32 yield a *negative land value*. The Port's capital needs associated with its historic resources and the Seawall are so significant that staff recommends that the value of Seawall Lot 330, and associated tax increment, be reserved for high priority Port capital needs that will score well under the Port Commission's adopted capital planning criteria.

Option A **Continue Existing Uses**

Option A Assumptions:

Continue to use for commuter parking

- Evaluate condition every 5 to 10 years
- Periodic structural repairs
- Cordon off unsafe areas
- Functional life likely will end in 20-30 years
- Red's Java House remains



The existing 13 acre Piers would continue with their present uses: special events, parking for Giants games and commuters on a daily basis; periodic ship berthing for cruise and other visiting ships; and special events about six times per year. Parking generates almost all of the \$750,000 in annual revenue. The Piers would not be upgraded for assembly uses, but could continue with occasional special events. Red's Java House is located on the north edge of Piers 30-32 adjacent to The Embarcadero Promenade and would continue in operation as long as this section of the pier is safe.

The pier structure should be evaluated every 5 to 10 years to determine the viability of continuing existing uses. It may be determined that the Piers are no longer able to be used and would need to be removed from service. The financial analysis assumes that the Port would perform \$1M in repairs to the substructure every five years to extend the useful life. Because of the limited amount of investment and not addressing sea level rise, portions of the Piers could fail as soon as 5 or 10 years, and it is unlikely that the Piers could continue to be used beyond 20 to 30 years from this time.

Option A Financial Summary (Years 1-30)

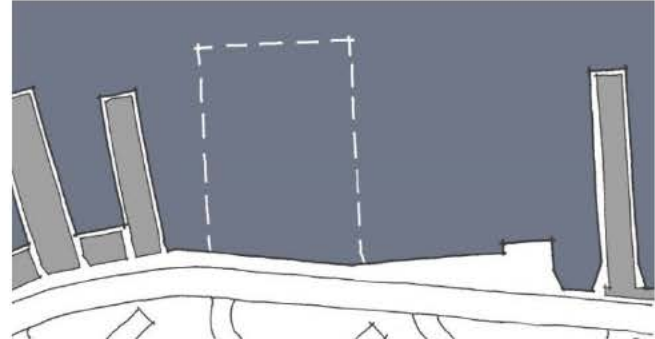
NPV (Sum of Cash Flow PV)	\$9,999,377
Net Income	\$21,000,833
Total Capital Costs	\$6,000,000
ROI	350%

Option B

Remove Existing Piers

Option B Assumptions:

- Demolish existing piers and wharf
- New 13 acres of open water between Pier 28 and Brannan Street Wharf



The entire pier would be demolished to create a substantial new open water area. Because this option does not include any revenue producing uses the cost of removal likely would need to be publicly funded. Removal would require substantial public investment and the Port would need to absorb the loss of current revenue, which is not considered in the total capital cost assumption.

Option B Financial Summary

Total Capital Costs	\$40,180,000
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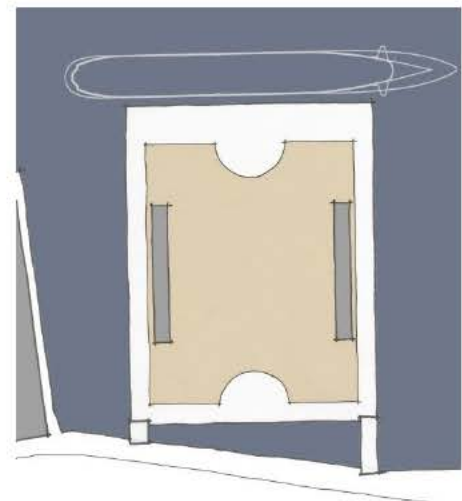
Option C

Removal with Floating Open Space

Option C Assumptions:

- Remove existing pier and wharf
- Raise seawall for flood protection and improve for earthquake safety
- Construct new 11 acre float for public open space
- New ship berth
- New event building

The entire pier would be demolished and the historic seawall would be strengthened for earthquake safety and raised for sea level rise protection. A new 480,000 square foot (11 acres) float would be constructed for use as a premier public open space. A 30,000 square foot multi-use event building is included at the ship berth.



Revenue from the event building and ship berth would not be enough to significantly offset the project cost. Construction would require substantial public investment.

Option C Financial Summary	
NPV (Sum of Cash Flow PV)	(\$504,184,025)
Total Construction Cost	\$453,830,000
Total Capital Cost (1)	\$722,222,641
ROI	-96%

(1) Capital cost is projected to be higher than construction cost due to ongoing capital costs to maintain a floating pier over its lifespan.

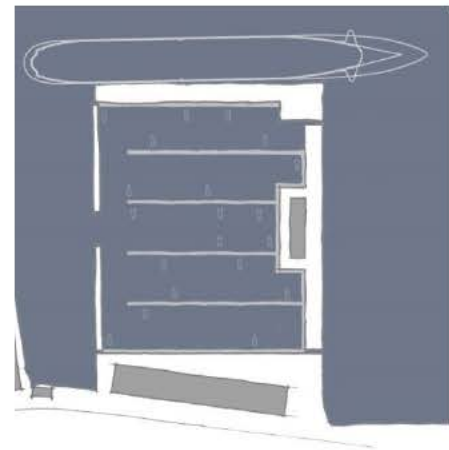
Option D

Pier Removal and New Marina

Option D Assumptions:

Remove existing pier and wharf

- Raise seawall for flood protection and improve for earthquake safety
- Construct new wharf for commercial uses and public access
- Construct a new floating walkway and ship dock
- New recreational marina and ship berth



The entire pier would be demolished, and the historic seawall would be strengthened for earthquake safety and raised for sea level rise protection. A new 130,000 square foot wharf would be constructed at a higher elevation with bulkhead buildings that would reinforce the built pattern along the Embarcadero seawall. The buildings assume a mix of retail uses. A new 220 berth recreational marina and ship berth would be built and accessed via large floats. Marina users would drop-off passengers and supplies on the pier, and parking would need to be supplied off pier. As part of pier demolition dredging would be required for the marina. Construction would require substantial public investment.

Option D Financial Summary	
NPV (Sum of Cash Flow PV)	(\$266,062,128)
Total Construction Cost	\$256,415,000
Total Capital Cost (2)	\$446,524,454
ROI	-85%

(2) Capital cost is projected to be higher than construction cost due to ongoing capital costs to maintain a new wharf, marina and berth over its lifespan.

CONCLUSIONS AND NEXT STEPS

Staff has prepared this preliminary site analysis to assist the Port Commission and the public in forthcoming discussions regarding potential uses of this unique site. Staff welcomes feedback on the analysis from the Port Commission.

Prior proposals for Piers 30-32 required state legislation – developed with input from State Lands and BCDC – to authorize non-trust uses contemplated to make the developments financially feasible. Those development use programs were much more intensive than the options examined in this report. With the exception of continued use of the piers for parking, the public trust-consistent uses analyzed in this report require public subsidy ranging from \$40 million for pier removal to hundreds of millions of dollars for marina or floating park uses. There are likely more financially feasible locations for such uses along the waterfront.

Port staff did not examine costs and financial feasibility for the next “big idea” that may be proposed for Piers 30-32. For such a use to be successful at the site, location must matter more than cost, and patience will be required to obtain public support and to navigate the very challenging regulatory process for this unique site. New state legislation developed in consultation with State Lands and BCDC may very well be required for such an effort. In the view of Port staff, the Port’s other capital needs, including the Seawall, will preclude Port subsidy of such a redevelopment effort,

The Port Commission has already directed staff to engage the public in a focused discussion of land use in South Beach, including the Piers 30-32 site; staff expects that this subarea planning effort will commence in 2017 after the Waterfront Plan Working Group completes its 2016 analysis of waterfront-wide land use policies. Staff will report back to the Port Commission with Piers 30-32 discussions as they unfold in this process.

Prepared by: Dan Hodapp,
Senior Waterfront Planner

Brad Benson,
Director of Special Projects

For: Byron Rhett,
Deputy Director of Planning
and Development

Exhibit 1: Major Piers 30-32 Development Efforts

Exhibit 1: Major Piers 30-32 Development Efforts

Bryant Street Pier/ Piers 30-32 James R. Herman Cruise Terminal (2000 – 2006)

Following a 1998 Port report that found that both Piers 27-29 and Piers 30-32 were strong candidates for a new cruise terminal, the Port Commission authorized a request for proposals for a mixed- use development at Piers 30-32 and Seawall Lot 330 in which the Port's primary objective was to develop a state-of-the art James R. Herman cruise terminal facility, with a hotel on Seawall Lot 330. In May 1999, the Port issued a request for proposals and in January 2000, the Port Commission approved the recommendation by Port staff to enter into exclusive negotiations with San Francisco Cruise Terminal, Inc. ("SFCT"), a subsidiary of Bovis Lend Lease.

Port staff and SFCT negotiated a three-phase, \$347 million, 16-acre project at Piers 30-32 and Seawall Lot 330 featuring:

- a 22-story condominium tower known as the Watermark with 136 units (16 of which are below market rate units) on Seawall Lot 330, intended to generate proceeds to fund later project phases;
- demolition of Pier 36 and construction of the Brannan Street Wharf, utilizing funds generated from the Watermark and development of Piers 30-32;
- a 100,000 square foot, state-of-the-art international cruise terminal served by an 850 foot long berth along the pier's northern edge and a 1,000 foot long berth along the eastern edge, approximately 325,000 square feet of office space and 195,000 square feet of retail space, and 425 parking spaces, with 35% of Piers 30-32 dedicated to public access.



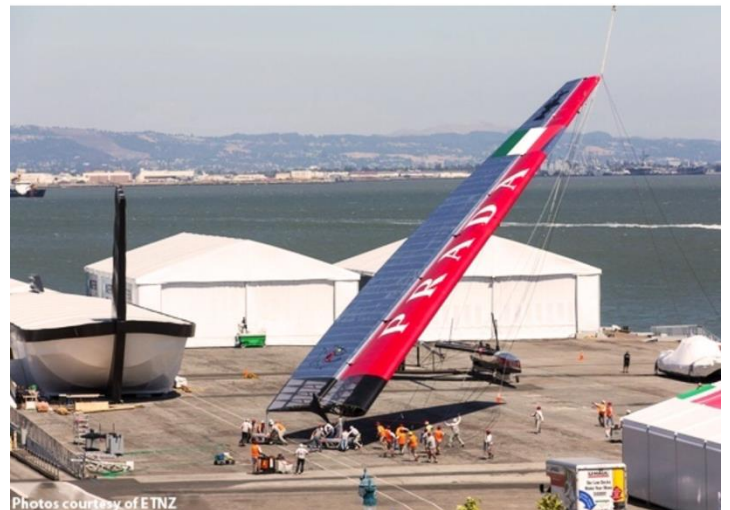
In attempting to become an economically viable project, the Port and SFCT pursued and obtained State Legislation (AB 1389) to allow a greater amount of office space to support the Trust consistent maritime uses. The project received environmental clearance, but did not receive all permits required for in-water construction. The Watermark was constructed and opened in 2006. Despite better than expected revenues from condominium sales, SFCT determined that the cost of the piers and the cruise terminal had escalated by 45% and 24%, respectively, and that the pier project was not financially feasible - a finding later confirmed by DeBartolo Development. Port revenues from the Watermark were used to fund construction of the Brannan Street Wharf and the James R. Herman International Cruise Terminal at Pier 27.

34th America's Cup (2010-13)

In December 2010, the BMW Oracle Racing, sailing for the Golden Gate Yacht Club selected San Francisco as the host city for the 34th America's Cup and created the America's Cup Event Authority, LLC (the "Event Authority") for purposes of organizing the event and the America's Cup Race Management ("Race Management") to adjudicate the event.

The City and the Event Authority concluded negotiations on a Lease Disposition and Development Agreement ("LDDA") in early 2012, which provided long-term development rights at Piers 30-32 and Seawall Lot 330 rent free in exchange for the Event Authority's initial \$55 million investment for improvements to support the America's Cup race events, and provisions for lease and development rights affecting Piers 26, 28 and 29 if investment exceeded \$55 million. The LDDA included a City pledge to form an infrastructure financing district to fund public improvements associated with future development at long-term development sites. There was no proposed development program for these sites articulated in the LDDA. Negotiations and the entitlement process sought to define the details of temporary improvements required for the America's Cup race events, and lease and development parameters for the other piers.

The Event Authority expended considerable effort analyzing Piers 30-32 and the costs to seismically strengthen and improve the piers – first to host team bases for competitors in the event – and then as a platform for future development. Costs to improve Piers 30-32 rose throughout the negotiations. While the City managed to permit the America's Cup race improvements in time, City staff had real concerns about the ability to construct Piers 30-32 improvements in time for the event.



The rising cost estimates for long-term development and Board of Supervisors and community stakeholder concerns made the negotiations challenging. There was controversy regarding Port and City expenditures to support the event compared to the tax and economic benefits of the event which were originally forecast. Ultimately, the Event Authority's withdrew from the LDDA negotiations and gave up on the proposition of long-term development as a means of financing waterfront improvements.

The Port and Office of Economic and Workforce Development subsequently negotiated a plan with the Event Authority whereby the City would fund all necessary waterfront improvements for the event and provide venues rent-free, without long-term development rights. The Port implemented strategic repairs and improvements to serve

the race events and ongoing uses thereafter, which were financed primarily through Port sources. This included \$1.9 M spent on Piers 30-32 to repair a portion of the marginal wharf and pier to support industrial truck access and permit team bases to occupy the Piers. The Port Commission and the Board of Supervisors approved this plan, which City staff executed, and the focus shifted to the 34th America's Cup sailboat racing events on San Francisco Bay.

Golden State Warriors Piers 30-32 Multi-Purpose Pavilion and Seawall Lot 330 Mixed Use Development



In 2012, the City and the Golden State Warriors (GSW) partnered on a proposal to develop and build a premiere sports and entertainment pavilion at Piers 30-32 pursuant to sole source negotiations which the Board of Supervisors and Port Commission authorized unanimously. GSW proposed to repair and seismically upgrade 13 acres of deteriorating piers to build a multi-purpose venue with private funds and develop Seawall Lot 330 with a mix of residential, hotel and retail uses. The project included open space for public access, while also providing enhanced amenities and maritime facilities for the San Francisco Bay. Total project costs were estimated at over \$1 billion.

The facility was designed to host the Bay Area's NBA basketball team, as well as provide a new venue for concerts, cultural events and conventions, and other prominent events that the City currently cannot accommodate with existing facilities. The cost of repairing and seismically upgrading Piers 30-32 for these uses eventually rose to \$165 million. The City's contribution to project pier substructure costs was capped at \$120 million, with funding to come from project-generated Infrastructure Financing District (IFD) tax increment proceeds, rent credits against the fair market value rent of Piers 30-32 and the fair market land value of Seawall Lot 330.

The design of the facility by Snøhetta was generally recognized as being world class and responded to virtually all comments from Port, Planning Department and San Francisco Bay Conservation and Development Commission (“BCDC”) staff. The proposed facility’s maritime program included a new fire station to house the San Francisco Fire Department’s marine unit, currently housed at Pier 22½ and would have preserved the deep water vessel berth at the east end of the pier. The public nature of the project, with its emphasis on entertainment and public open space would have enlivened this area of the waterfront. Many residents, however, see the neighborhood as a predominantly residential neighborhood that could not handle the twin pressures of baseball games at AT&T Park and events hosted at GSW’s proposed pavilion. Some members of the public made a distinction between an open air baseball park with Bay views, and a closed basketball arena, and concluded that a basketball arena could not be a public trust use. Others viewed the project – which would have required rezoning from 40 feet to approximately 128 feet – as inappropriate for the site, and not in keeping with an established consensus for waterfront heights. In June, 2014, voters approved Proposition B – a measure requiring voter approval of height increases on Port property

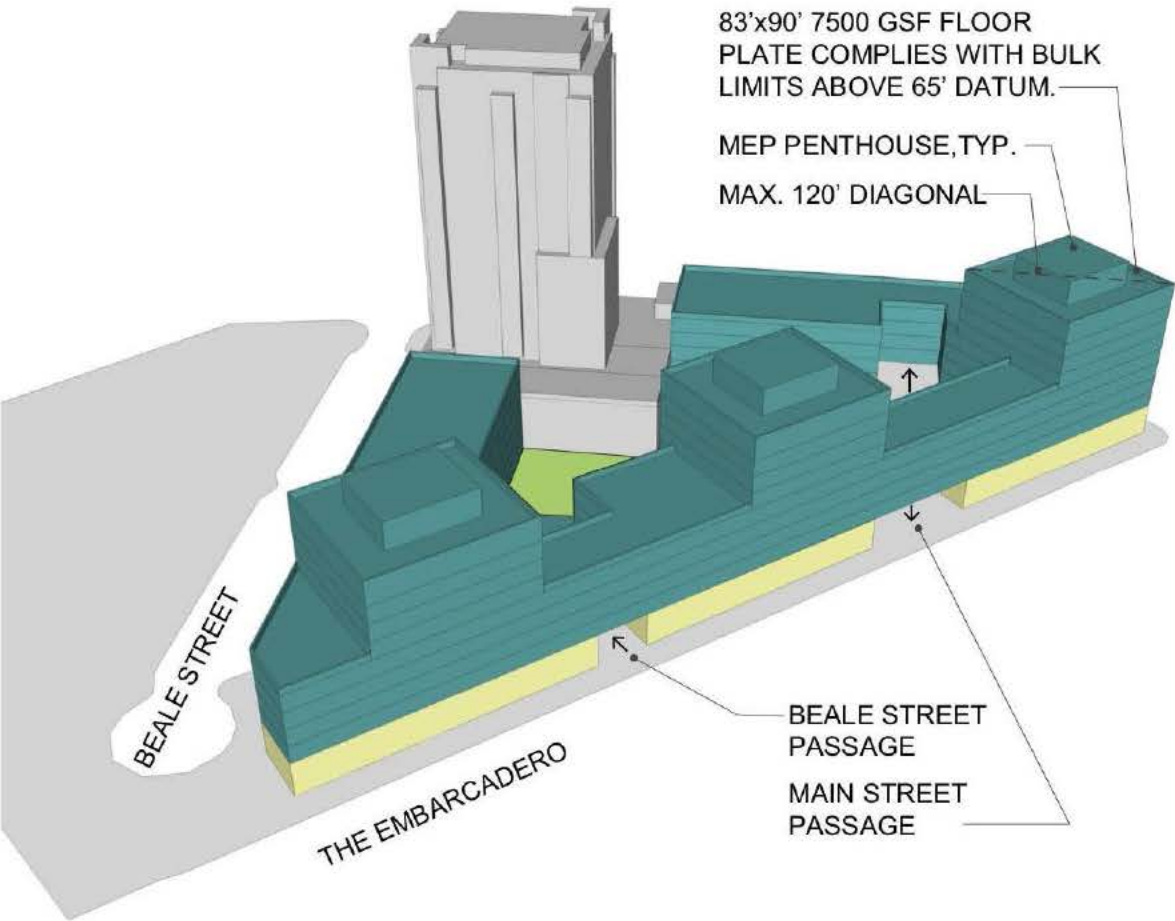
Site due diligence revealed that Piers 30-32 substructure costs exceeded the City’s sources to repay the private investment in that public infrastructure. As a result, the project dealt with a clear capital need for the Port, but generated no future base rent. Early outreach by City staff to California State Lands Commission (“State Lands”) and BCDC staff indicated the need for state legislation to address the consistency of the proposal with the public trust for commerce, navigation and fisheries. The California Legislature adopted AB 1273 setting standards for the facility and making findings of project trust consistency after lengthy negotiations with both State Lands and BCDC staff. The legislative approval of AB 1273 and BCDC hearings on the topic generated significant controversy.

The project required approvals from BCDC and the Army Corps of Engineers. BCDC staff determined that its Special Area Plan would need to be amended to address the height and scale issues raised by the proposed pavilion – a very lengthy process that requires the BCDC Commission to find that plan amendments are "necessary to the health, safety or welfare of the public in the entire Bay Area." Staff of the Army Corps of Engineers suggested a 3 to 5 year timeline for permitting new pile installation for the pier substructure, and also suggested that due to the number of piles proposed, the Corps retained the discretion to regulate the project as fill under the Clean Water Act. Placement of fill under the Clean Water Act requires three important findings:

- The fill is required for flood control purposes or to support a water-dependent use;
- There is no feasible upland location for the project; and
- The project is the least damaging practicable alternative.

In response to permitting challenges and the expected need for voter approval of the project, in Spring 2014 GSW changed plans to build at Piers 30-32 and purchased a site in Mission Bay for their new facility.

Exhibit D: Golden State Warriors Code Compliant Design for Seawall Lot 330



GOLDEN STATE WARRIORS
SEAWALL LOT 330 - CODE COMPLIANT ALTERNATE
VIEW FROM SOUTH
NTS

SNØHETTA BARARCHITECTS
CEQA SUBMITTAL
12/17/13 - CEQA NEEDS REF. DF

Heckel, Hank (MYR)

From: Forbes, Elaine (PRT)
Sent: Wednesday, May 08, 2019 1:56 PM
To: Quesada, Amy (PRT)
Subject: Fw: Working Group Agenda

From: Marc Dragun <[REDACTED]>
Sent: Sunday, April 14, 2019 5:14 PM
To: Cohen, Emily (DPH); Ritika puri
Cc: Wallace Lee; Elsbernd, Sean (MYR); Sunny Schwartz; Katy Liddell <[REDACTED]>
[SouthBeachRinconMissionBayNeighAssn]; Rogers Alice; Rick Dickerson; [REDACTED] Mahesh Khatwani; Stephanie Muller; hidive@sbcglobal.net; Robinson Andrew; Quezada, Randolph (PRT); Forbes, Elaine (PRT); Kilstrom, Kari (PRT); Mcdonald, Courtney (BOS)
Subject: Re: Working Group Agenda

Hi Emily,

I am fully in support of the comments by Wallace, Mahesh and Ritika. Specifically, any City announcement at the Monday evening SBRMBNA meeting should not, in any way, imply that our Working Group approved or even influenced any proposed plan. This entire process has been rushed with little, if any, acknowledgement of the concerns raised by our Working Group. To be safe, I recommend that our Working Group not be mentioned at the SBRMBNA meeting less an incorrect inference be made by the audience.
Marcamy

On Saturday, April 13, 2019, 10:39:41 AM PDT, Ritika puri <[REDACTED]> wrote:

Emily,

I'm sorry but I've started to question the purpose of this working group meetings. I strongly feel the voices and concerns of the South Beach neighborhood (Watermark, Brannan, Portside and Delancey), directly being impacted are not being heard and addressed. I'm happy to represent Watermark, but as long as I can take some constructive feedback from these meetings, back to the residents to assure City, Port and Community are working together on solving Homelessness problem. I've been repetitively asking for meeting minutes to keep a track of what has been discussed, action items for next meeting so all the group members are fully aware of the discussions and are well prepared when they come for the next.

I completely agree with Wallace's statement - **"It would be disingenuous to present any proposal as a "compromise" that came from this working group. If your office continues to plow ahead at the current pace, it will be to community opposition, not support"**

Regards,

Ritika

On Sat, Apr 13, 2019 at 9:23 AM Mahesh Khatwani [REDACTED] wrote:
Emily,

I agree with Wallace, the City is moving too fast on this without giving the working group information requested at several meetings, we have had no time to discuss the details with the community and our presence at these meetings should not be used as a confirmation of acceptance of any proposals which we still have not had a lot of questions answered. I hope this group will get sometime beyond the 23rd to review and discuss the plans that are being presented.

Thanks

Mahesh Khatwani
President
MK Capital Groups
433, Airport Blvd, Suite 224,
Burlingame, CA 94010
Tel: 650-344-4767

On Fri, Apr 12, 2019 at 11:44 PM Wallace Lee [REDACTED] wrote:
Emily and Sean,

I note that the working group meeting time is set for just before the SBRMBNA meeting at 6 P.M. I can only assume that you plan to present the updates at the NA meeting and want to be able to say that you have run it by the working group. Please realize that two hours is not sufficient to evaluate any proposal in a meaningful way, particularly to the extent that members of the working group represent other constituencies beyond their individual capacities. While I, along with others, plan to attend the 4 P.M. meeting, I hope you will refrain from using our attendance to suggest that we have had the opportunity to review the renewed proposal.

On a related note, I have heard that you and others have been calling the renewed proposal a "compromise" with the working group. If what I've heard is accurate, I want to make it clear that the ideas thrown out at our meetings are just that--ideas. They do not represent buy-in from the community at large, or even the person with the idea. We've all heard Marc's favorite phrase--that he is "making this up on the fly." That kind of approach is not ideal, but has been necessitated by the lack of information that the working group has repeatedly asked for but not received.

Just as you say that you have to go through a process to commit to anything, so do we. Until then, any ideas you hear are at most the opinions of an individual. More likely, it is a poorly informed and preliminary opinion because there is a dearth of information available to us. In particular, the idea for a pilot program starting with 64 beds in a facility built for 200+ beds falls into this category. It does not have buy-in from the community. Please do not represent it as a compromise plan because it isn't. It would be disingenuous to present any proposal as a "compromise" when it is really a continuation of an old proposal, created in secrecy, updated by cherry-picking one or two off-the-cuff remarks while all but ignoring the concerns raised in weeks of working group meetings and countless community meetings.

To get to a true compromise, you would first need to make sure that all members of the working group know about the plan. As at least five members were not able to make the last meeting (in fact, it was the one with the lowest attendance I can recall) and as minutes are not circulated, many don't even know what was discussed. Second, the members would need to check with the constituencies they represent as to any proposal. Third, a lot of other details would need to be worked out as I mentioned in my last email.

All of this takes time, which is why I will now repeat my request (which has been echoed by most of the working group) that this process be slowed down past April 23 to allow for real community engagement. If your office continues to plow ahead at the current pace, it will be to community opposition, not support.

Best,
Wallace

On Fri, Apr 12, 2019 at 6:29 PM Cohen, Emily (DPH) <emily.cohen@sfgov.org> wrote:
Good Afternoon Everyone,

Thank you all for a very productive meeting on Wednesday. I appreciate everyone's openness, ideas and recommendations. These discussions have given us a lot to think about. I'd like to schedule a time to meet with everyone on Monday to check in on some updates to the plan.

Can we meet on Monday from at 4pm? The Port has agreed to host us again at Pier 1, Embarcadero Room.

I understand that this is short notice and I will set up a conference call line if people are not able to meet in person.

Thank you and have a good weekend,
Emily

From: Ritika puri [mailto: [REDACTED]]
Sent: Thursday, April 11, 2019 8:25 PM
To: Sunny Schwartz < [REDACTED]>
Cc: Katy Liddell [REDACTED] [SouthBeachRinconMissionBayNeighAssn] < [REDACTED]>; Rogers Alice [REDACTED]; Wallace Lee [REDACTED]; Rick Dickerson [REDACTED]; Quezada, Randolph (PRT) <randolph.quezada@sfport.com>; Cohen, Emily (DPH) <emily.cohen@sfgov.org>; Mahesh Khatwani [REDACTED]; Stephanie Muller [REDACTED] <hidive@sbcglobal.net>; Robinson Andrew <arobinson@theeastcut.org>; [REDACTED] Dragun Marc [REDACTED]; DelCarlo, Ed (POL) <Ed.DelCarlo@sfgov.org>; Forbes, Elaine (PRT) <elaine.forbes@sfport.com>; Kilstrom, Kari (PRT) <kari.kilstrom@sfport.com>; Lazar, David (POL) <David.Lazar@sfgov.org>; Leung, Sally (POL) <sally.leung@sfgov.org>; Mcdonald, Courtney (BOS) <courtney.mcdonald@sfgov.org>
Subject: Re: Working Group Agenda

Emily,

Missed yesterday's meeting but I agree with all the comments made below. I too think we need more time to flesh out details and clearly define "measures of success" of these navigation centers before city experiments with one at this large scale in a residential neighborhood.

Best,
Ritika

On Apr 11, 2019, at 7:07 PM, Sunny Schwartz [REDACTED] wrote:

Hi All:

I am very sorry I have yet to be able to make a meeting, I sure would like to attend and roll up my sleeves with you should there be future meetings.

That said, next weds I will be traveling back east to be with family for our Passover holiday—

Please advise if I can assist in between these meetings-

I hope to meet you in the near future-

Thank you for looking out for both our community and those in need.

All the best,

Sunny

Sunny Schwartz
Consultant
Founder of SF Sheriff's Department's
Resolve to Stop the Violence Project and
Five Keys Charter School

<https://vimeopro.com/onyxash/five-keys/>

2004 (RSVP) and 2015 (Five Keys)
Recipients of Harvard University, Kennedy School of Governance, Innovations in American Government Award

2015, California Attorney General, Kamala Harris' Smart on Crime Award (Five Keys)

sunnyschwartz.com

On Apr 11, 2019, at 4:19 PM, Katy Liddell <[REDACTED]> wrote:

As do I.

Katy

On Apr 11, 2019, at 4:16 PM, Alice Rogers <[REDACTED]>
wrote:

I do also support Rick and Wallace's comments!

Alice

On Apr 11, 2019, at 3:51 PM, Wallace Lee
<[REDACTED]> wrote:

Some great ideas were exchanged yesterday, but there is still a long way to go. We heard that there are many inter-related moving pieces. For example, Kaki mentioned that measures like funding two new SFPD positions 24/7 only make fiscal sense for the city if the Navigation Center is a certain size. There are also open questions on things like whether we can get a commitment from the DA to support strict enforcement in the safety zone. I also know that some working group members who want to bring up other mitigation measures have not had the chance to do so yet because of the lack of time.

All that is to say that one more meeting is not enough to accomplish all that needs to be done given the complexity of the issues. Now that progress is being

made. I certainly think it makes a lot of sense to delay the April 23 Port Commission vote.

Wallace

On Thu, Apr 11, 2019 at 3:03 PM Rick Dickerson
[REDACTED] wrote:

Emily,

Sorry that I had to leave the meeting a bit early yesterday to get to the townhall meeting with Supervisor Haney at 72 Townsend Street. I am not sure how the discussion on size/occupancy went, or if there was any indication of when we might get further feedback and have further discussion on the points raised and others which there may not have been time to raise yesterday.

While I did not feel the first couple of committee meetings were really productive in airing out the issues at hand, I do believe the past two meetings have yielded productive discussion from both sides of the issue, and yet we are still in the beginning phases and facing a deadline of April 23rd for a Port Commission meeting and vote. This would provide us only one more meeting to work through everything, which I do not believe is reasonable or doable. I strongly urge your office and the port to push off the date that the navigation center comes back before the Port Commission, by at least another month, to provide time for progress to continue to be made on working through areas of disagreement, and determining and structuring mitigations to the anticipated neighborhood issues associated with a SAFE Navigation Center on Seawall Lot 330.

Rick Dickerson

From: Quezada, Randolph (PRT)
<randolph.quezada@sfport.com>
Sent: Wednesday, April 10, 2019 12:33:26 PM
To: Cohen, Emily (DPH); Rick Dickerson;

[REDACTED]
[REDACTED] Wallace Lee; Katy Liddell
Cc: DelCarlo, Ed (POL); Forbes, Elaine (PRT);
Kilstrom, Kari (PRT); Lazar, David (POL); Leung, Sally
(POL); Mcdonald, Courtney (BOS)
Subject: RE: Working Group Agenda

Hi all,

We will be in the Embarcadero Room at Pier 1.

RQ

From: Cohen, Emily (DPH)
Sent: Wednesday, April 10, 2019 12:06 PM
To: Rick Dickerson; [REDACTED]

[REDACTED]
[REDACTED] Wallace Lee; Katy Liddell
Cc: DelCarlo, Ed (POL); Forbes, Elaine (PRT);
Kilstrom, Kari (PRT); Lazar, David (POL); Leung,
Sally (POL); Quezada, Randolph (PRT); Mcdonald,
Courtney (BOS)
Subject: RE: Working Group Agenda

Yes we are confirmed for 4:30pm at the Port
Offices. Randy, can you please confirm which room
we will be meeting in?

Thank you all!
Emily

From: Rick Dickerson [mailto:[REDACTED]]
Sent: Wednesday, April 10, 2019 11:55 AM
To: Cohen, Emily (DPH) <emily.cohen@sfgov.org>;

[REDACTED]
[REDACTED] Wallace Lee
[REDACTED] Katy Liddell

[REDACTED]
Cc: DelCarlo, Ed (POL) <Ed.DelCarlo@sfgov.org>;
Forbes, Elaine (PRT) <elaine.forbes@sfport.com>;
Kilstrom, Kari (PRT) <kari.kilstrom@sfport.com>;
Lazar, David (POL) <David.Lazar@sfgov.org>; Leung,
Sally (POL) <sally.leung@sfgov.org>; Quezada,
Randolph (PRT) <randolph.quezada@sfport.com>;
Mcdonald, Courtney (BOS)
<courtney.mcdonald@sfgov.org>
Subject: Re: Working Group Agenda

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Emily,

Just checking in to confirm the time and location of our
committee meeting today. Is it back to 4:30pm at the
Port offices again? Thanks.

Rick Dickerson

From: Cohen, Emily (DPH)

<emily.cohen@sfgov.org>

Sent: Tuesday, April 2, 2019 6:04:32 PM

To: [REDACTED]

Wallace Lee; Katy Ludden

Cc: DelCarlo, Ed (POL); Forbes, Elaine (PRT);
Kilstrom, Kari (PRT); Lazar, David (POL); Leung, Sally
(POL); Quezada, Randolph (PRT); Mcdonald,
Courtney (BOS)

Subject: Working Group Agenda

Hi All,

Looking forward to our working group meeting tomorrow afternoon. Reminder that we will be meeting at the Delancey Street Restaurant in the private dining room from 4:00pm -5:30pm.

Tomorrow's meeting will be focused on safety and we will have Commander Lazar and Captain Del Carlo join us to discuss safety related to the SAFE Navigation Center.

Thank you all,
Emily

Emily Cohen | Policy Advisor, Homelessness
Office of Mayor London N. Breed
City and County of San Francisco
415-554-5179

Heckel, Hank (MYR)

From: Beal, Kimberley (PRT)
Sent: Tuesday, April 16, 2019 2:12 PM
To: Quezada, Randolph (PRT) (randolph.quezada@sfport.com); MATHAI, ANNETTE (CAT); Haddix, Lindsay (HOM); Alonso, Rachel (DPW); Anderson, Raven (MYR); Whitley, Gigi (HOM)
Subject: Rental Rate Calculations
Attachments: SWL 330 revenue 7-2016 to 6-2019.xlsx

In addition to base rent, the parking lot operator pays percentage rent during each calendar month where the gross receipts exceed base rent. The current base rent paid is \$.46 psf and the percentage rent Port receives is equal to 66% of the gross receipts after parking taxes.

I have attached a spreadsheet which shows the gross receipts reported for fiscal years 16/17, 17/18 and YTD 18/19. This sheet also breaks down the base rent paid per month, any percentage rent paid and summarizes the total rent paid to Port.

In asking the parking lot operator about Port's share of projected revenue for 18/19 based on half the lot, I was given a figure of \$495,000 per year which would be equivalent to \$.81 psf/mo. based on 50,665 sq. ft. (the total square footage of the lease area is approximately 101,330 sq. ft.). I then looked at the rent paid to Port for 16/17 vs 17/18 which showed a 17% increase. I then compared YTD 18/19 to 17/18 for the same period which thus far is an 18% increase over prior year. Increasing the prior year's rent by 17% equals \$.79 psf which is slightly less than the projected revenue given by the parking lot operator. This was concluded to be a fair rent and the figure is supported by the actual amounts received.

Please let me know if you have any additional questions.



Kimberley Beal
Property Manager

Pier 1, The Embarcadero
San Francisco, CA 94111
Direct: (415) 274-0523
Fax: (415) 544-1795

Month	Reported Sales	Base rent	Perc Rent	Total rent
FY 16-17				
Jul-16	104,773.95	44,064.13	25,086.68	69,150.81
Aug-16	109,620.01	44,064.13	28,285.08	72,349.21
Sep-16	83,971.45	44,064.13	11,357.03	55,421.16
Oct-16	70,034.05	45,409.53	813.00	46,222.53
Nov-16	34,696.95	45,409.53	0.00	45,409.53
Dec-16	32,334.55	45,409.53	0.00	45,409.53
Jan-17	43,173.83	45,409.53	0.00	45,409.53
Feb-17	44,754.84	45,409.53	0.00	45,409.53
Mar-17	56,320.84	45,409.53	0.00	45,409.53
Apr-17	121,131.65	45,409.53	34,537.36	79,946.89
May-17	117,876.04	45,409.53	32,388.66	77,798.19
Jun-17	105,719.48	45,409.53	24,365.33	69,774.86
Up to date	924,407.64	540,878.16	156,833.14	697,711.30

FY 17-18

Jul-17	109,782.43	45,409.53	27,046.87	72,456.40
Aug-17	122,711.60	45,409.53	35,580.13	80,989.66
Sep-17	111,565.45	45,409.53	28,223.67	73,633.20
Oct-17	87,833.72	46,772.56	11,197.70	57,970.26
Nov-17	65,709.04	46,772.56	0.00	46,772.56
Dec-17	60,837.11	46,772.56	0.00	46,772.56
Jan-18	68,673.92	46,772.56	0.00	46,772.56
Feb-18	71,520.04	46,772.56	430.67	47,203.23
Mar-18	87,085.39	46,772.56	10,703.80	57,476.36
Apr-18	156,825.23	46,772.56	56,732.09	103,504.65
May-18	123,831.86	46,772.56	34,956.47	81,729.03
Jun-18	154,854.73	46,772.56	55,431.56	102,204.12
Up to date	1,221,230.52	557,181.63	260,302.96	817,484.59

FY 18-19

Jul-18	159,974.23	46,772.56	58,810.43	105,582.99
Aug-18	142,477.86	46,772.56	47,262.83	94,035.39
Sep-18	134,361.91	46,772.56	41,906.30	88,678.86
Oct-18	93,106.64	46,772.56	14,677.82	61,450.38
Nov-18	68,473.75	46,772.56	0.00	46,772.56
Dec-18	62,572.08	46,772.56	0.00	46,772.56
Jan-19	69,572.62	46,772.56	0.00	46,772.56
Feb-19	68,063.03	46,772.56	0.00	46,772.56
Mar-19	N/A	46,772.56	N/A	46,772.56

Apr-19	N/A	46,772.56	N/A	46,772.56
May-19	N/A	N/A	N/A	-
Jun-19	N/A	N/A	N/A	-
Up to date	798,602.12	467,725.60	162,657.38	630,382.98

SWL 330

Imperial Parking

4.9.2019

Month	Reported Sales	Base rent	Perc Rent	Total rent	YTD Running	Y-o-Y
16-Jul	104,773.95	44,064.13	25,086.68	69,150.81	69,150.81	
16-Aug	109,620.01	44,064.13	28,285.08	72,349.21	141,500.02	
16-Sep	83,971.45	44,064.13	11,357.03	55,421.16	196,921.18	
16-Oct	70,034.05	45,409.53	813	46,222.53	243,143.71	
16-Nov	34,696.95	45,409.53	0	45,409.53	288,553.24	
16-Dec	32,334.55	45,409.53	0	45,409.53	333,962.77	
17-Jan	43,173.83	45,409.53	0	45,409.53	379,372.30	
17-Feb	44,754.84	45,409.53	0	45,409.53	424,781.83	
17-Mar	56,320.84	45,409.53	0	45,409.53	470,191.36	
17-Apr	121,131.65	45,409.53	34,537.36	79,946.89	550,138.25	
17-May	117,876.04	45,409.53	32,388.66	77,798.19	627,936.44	
17-Jun	105,719.48	45,409.53	24,365.33	69,774.86	697,711.30	
Up to date	924,407.64	540,878.16	156833.14	697,711.30		
FY 17-18						
17-Jul	109,782.43	45,409.53	27,046.87	72,456.40	72,456.40	104.78%
17-Aug	122,711.60	45,409.53	35,580.13	80,989.66	153,446.06	108.44%
17-Sep	111,565.45	45,409.53	28,223.67	73,633.20	227,079.26	115.31%
17-Oct	87,833.72	46,772.56	11,197.70	57,970.26	285,049.52	117.23%
17-Nov	65,709.04	46,772.56	0	46,772.56	331,822.08	115.00%
17-Dec	60,837.11	46,772.56	0	46,772.56	378,594.64	113.36%
18-Jan	68,673.92	46,772.56	0	46,772.56	425,367.20	112.12%
18-Feb	71,520.04	46,772.56	430.67	47,203.23	472,570.43	111.25%
18-Mar	87,085.39	46,772.56	10,703.80	57,476.36	530,046.79	112.73%
18-Apr	156,825.23	46,772.56	56,732.09	103,504.65	633,551.44	115.16%
18-May	123,831.86	46,772.56	34,956.47	81,729.03	715,280.47	113.91%
18-Jun	154,854.73	46,772.56	55,431.56	102,204.12	817,484.59	117.17%
Up to date	1,221,230.52	557,181.63	260,302.96	817,484.59		
FY 18-19						
18-Jul	159,974.23	46,772.56	58,810.43	105,582.99	105,582.99	145.72%
18-Aug	142,477.86	46,772.56	47,262.83	94,035.39	199,618.38	130.09%
18-Sep	134,361.91	46,772.56	41,906.30	88,678.86	288,297.24	126.96%
18-Oct	93,106.64	46,772.56	14,677.82	61,450.38	349,747.62	122.70%
18-Nov	68,473.75	46,772.56	0	46,772.56	396,520.18	119.50%
18-Dec	62,572.08	46,772.56	0	46,772.56	443,292.74	117.09%
19-Jan	69,572.62	46,772.56	0	46,772.56	490,065.30	115.21%
19-Feb	68,063.03	46,772.56	0	46,772.56	536,837.86	113.60%
19-Mar	N/A	46,772.56	N/A	46,772.56	583,610.42	110.11%
19-Apr	N/A	46,772.56	N/A	46,772.56	630,382.98	99.50%
19-May						

19-Jun

