



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In Reply Refer To:
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Memorandum

To: Program Manager, San Joaquin River Restoration Program,
U.S. Bureau of Reclamation, Sacramento, California

From: *Peter A. Goss*
Ad Assistant Field Supervisor,
Sacramento Fish and Wildlife Office, Sacramento, California

Subject: Concurrence for Blunt-Nosed Leopard Lizard San Joaquin River Restoration
Program's Water Year 2010 Interim Flows Project Kern, Kings, Mariposa,
Stanislaus, San Joaquin, Alameda, Contra Costa, Fresno, Madera, and Merced
Counties, California

This memorandum supplements a memorandum sent on July 15, 2009, from the U.S. Fish and Wildlife Service (Service) to Jason Phillips, Program Manager for the U.S. Bureau of Reclamation's (Reclamation) San Joaquin River Restoration Program. In that memorandum (provided as Attachment A), the Service issued concurrence on may affect, but not likely to adversely affect determinations for the following federally-listed species:

- California tiger salamander (*Ambystoma coliforniense*) and critical habitat
- Conservancy fairy shrimp (*Branchinecta conservation*) and critical habitat
- Colusa grass (*Neostapfia colusana*) and critical habitat
- Delta smelt (*Hypomesus transpacificus*) and critical habitat
- Fresno kangaroo rat (*Dipodomys nitratoide exilis*)
- Hairy orcutt grass (*Orcuttia pilosa*) and critical habitat
- Giant garter snake (*Thamnophis gigas*)
- Greenes tuctoria (*Tuctoria greenei*) and critical habitat
- Hoover's spurge (*Chamaesyce hooveri*) and critical habitat
- Least Bell's vireo (*Vireo bellii pusillus*)
- Longhorn fairy shrimp (*Branchinecta longiantenna*) and critical habitat
- Palmate-bracted bird's-beak (*Cordylanthus palmatus*)
- Riparian brush rabbit (*Sylvilagus bachmani riparius*)
- San Joaquin kit fox (*Vulpes macrotis mutica*)

- San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*) and critical habitat
- San Joaquin (riparian) woodrat (*Neotoma fuscipes riparia*)
- Succulent owl's clover (*Castilleja campestris* spp. *succulenta*) and critical habitat
- Vernal pool fairy shrimp (*Branchinecta lynchi*) and critical habitat
- Vernal pool tadpole shrimp (*Lepidurus packardii*) and critical habitat
- Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*)
- Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*)

The July 15, 2009 memorandum went on to identify that concurrence for blunt-nosed leopard lizard (BNLL) (*Gambelia sila*) would not be completed until sufficient information was provided from surveys that were being conducted along the project limits and the Service had reviewed the subsequent survey report (provided as Attachment B). Adult surveys were conducted through California State University (CSU), Stanislaus' Endangered Species Recovery Program and were completed in July 2009. Juvenile surveys were completed in September 2009. Overall, site conditions were ranked utilizing a habitat suitability index, from 1 being the least suitable for BNLLs to 10 being the most suitable. Properties within the survey area were generally ranked between 2 and 6 for habitat suitability. Twenty-eight of the 61 properties surveyed scored higher than a 5. The report summarizes that the overall low to moderate habitat values along the corridor are generally not conducive to the occurrence of BNLLs. It was also noted by CSU observers that there was a surprising lack of reptile sightings, with only 14 sightings of various common reptiles throughout 53 days of surveys, with 3 surveyors per day.

The majority of property owners along the Eastside Bypass (bypass) granted access to their lands for surveys through temporary entry permits (TEPs). A limiting factor of the analysis is that not all property owners along the bypass signed TEPs for studies on their property. However, based on all appropriate available data and by reasonably applying information from known site conditions and land use on neighboring surveyed parcels, it can be extrapolated that the few remaining parcels adjacent to the bypass have similar habitat characteristics, with very low to moderate habitat suitability throughout. The flows from the action are also scheduled to stay within the existing low-flow channel, as evidenced in the Environmental Assessment/Initial Study and the Biological Assessment for the action. Existing conditions within the low-flow channel generally consist of inadequate habitat conditions for BNLL and are generally seasonally saturated or inundated by existing pools of water. Thus, it is a reasonable assessment that BNLLs will not be jeopardized by the release of Water Year (WY) 2010 interim flows. The lack of suitable habitat conditions along the bypass in combination with the fact that the WY2010 Interim Flows Project will stay within the existing low-flow channel, means that this action may affect, but is not likely to adversely affect BNLLs.

This memorandum satisfies Reclamation's request for consultation under Section 7(c) of the Endangered Species Act. Reclamation should continue to be aware of any change in status of species outlined in this document, and be prepared to reevaluate impacts of the proposed action, if necessary, during implementation of the project.

If you have any questions regarding the San Joaquin River Restoration Program's WY 2010 Interim Flows Project, please contact Mark Littlefield or Susan Jones, Chief, San Joaquin Valley Branch at (916) 414-6600.

cc:

John Battistoni, Department of Fish and Game, Fresno, California

Kevin Faulkenberry, Department of Water Resources, Fresno, California

Leslie Mirise, National Marine Fisheries Service, Sacramento, California

Michelle Banonis, Reclamation, Sacramento, California