



# United States Department of the Interior

BUREAU OF RECLAMATION

Lower Colorado Regional Office

P.O. Box 61470

Boulder City, NV 89006-1470

OCT 06 2003

IN REPLY REFER TO:

LC-2620  
ENV-4.00

## MEMORANDUM

To: Field Supervisor, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service,  
6010 Hidden Valley Road, Carlsbad, CA 92009

From: Deanna J. Miller, Director  
Resources Management Office

Subject: Proposed Designation of Critical Habitat for Astagalus magdalenae var. peirsonii  
(Peirson's milk-vetch) Straddling the All-American Canal (50 CFR Part 17,  
RIN 1018-AI77)

The Bureau of Reclamation would like to comment on the Proposed Designation of Critical Habitat for the Peirson's milk-vetch straddling the All-American Canal (Canal) in Imperial County, California. The Canal and adjacent lands are managed by Reclamation, and our agency has entered into a contract with the Imperial Irrigation District for the Canal's operation, maintenance, and replacement. Approximately one mile of the Canal is surrounded by Unit D of the proposed Algodones Dunes Critical Habitat Unit for Peirson's milk-vetch (see attachment). In 1988, Public Law 100-675 authorized the Secretary of the Interior, in part, to line the Canal to reduce water loss through seepage, by constructing a new lined canal or to line the previously unlined portions of the Canal from the vicinity of Pilot Knob to Drop 4. Reclamation selected the Parallel Canal Alternative as its Preferred Alternative in its Final Environmental Impact Statement and Record of Decision for the Canal Lining Project (Project). The Project is now in the design phase and Reclamation will need an area 1,000 feet wide from centerline on either side of the existing Canal for construction needs as well as future operation, maintenance, and replacement activities.

As mitigation for the Project, Reclamation agreed to the acquisition of lands to replace lost habitat for Peirson's milk-vetch and other sensitive dune species that might be listed during project implementation, to streamline compliance with the Endangered Species Act. Designation of critical habitat within 1,000 feet from center line on either side of the Canal needed for the Project and operation, maintenance, and replacement activities will significantly increase time and costs related to reconsultation and any additional mitigation measures that may be required. This (1 mile by 1,000 feet) on either side of the existing canal is about 245 acres, which is well within the amount cited below. However, we will not know what habitat will be disturbed until construction plans are reviewed and approved, and the project is completed.

It is Reclamation's position that the area in question should be excluded from critical habitat designation because of 1) significant increases in time and costs related to reconciliation, 2) significant costs for additional mitigation measures, and 3) the belief that the exclusion of these lands will not adversely affect the continued existence of this species in this region, nor persist in this disjunct, divided, and varied dune habitat. *reconciliation*

On page 15 of your February 9, 1996, Biological and Conference Opinion for the All-American Canal Lining Project (CFO#1-6-96-F-12/VFO#1-8-94-F-44), you stated:

"The Peirson's milk-vetch occurs throughout the Algodones Dunes. Although the proposed action would result in the loss of 916 acres of sand dune habitat, the Peirson's milk-vetch occupies only a very limited area. The proposed project would not compromise the ability of the Peirson's milk-vetch to persist in the remaining habitat because of morphology of the dunes, and consequently the microhabitats required by the Peirson's milk-vetch, would not be altered by the proposed project."

If you have any questions or comments, please contact Mr. Eric Watkins by phone at 702-293-8675 or by e-mail at [ewatkins@lc.usbr.gov](mailto:ewatkins@lc.usbr.gov).

Attachment

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