



# United States Department of the Interior



BUREAU OF RECLAMATION  
Lower Colorado Regional Office  
P.O. Box 61470  
Boulder City, NV 89006-1470

IN REPLY REFER TO:

LC-2012  
ENV-7.00

SEP 09 2004

Field Supervisor  
U.S. Fish and Wildlife Service  
Attention: Ms. Carol Roberts  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, CA 92009

Subject: Request Confirmation of Conference Opinion as a Biological Opinion (BO)  
(CFO# 1-6-96-F-12) for Pierson's Milk-Vetch (PMV) (*Astragalus magdalenae* var.  
*piersonii*) for the All-American Canal Lining Project (Project), Imperial County,  
California

Dear Field Supervisor:

PMV is no longer a proposed species but is now listed as a threatened species under the Endangered Species Act (ESA). Therefore, PMV is now under the protection of Section 7 of the ESA. The Bureau of Reclamation pursued a Conference Opinion on the proposed listing of PMV from the U. S. Fish and Wildlife Service, prior to its official listing (as indicated in the above referenced BO).

Reclamation hereby requests the Conference Opinion of February 8, 1996 (CFO# 1-6-96-F-12), for PMV be confirmed as a formal consultation, per instructions found in the referenced BO. The BO states the following on page 22:

"You may ask the Service to confirm the conference as a formal consultation if the Pierson's milk vetch or the flat-tailed horned lizard becomes listed."

The Project has not changed, during the Conference Opinion period. The preferred alternative is to construct a new parallel canal on the north side of the existing canal through the dunes and then transition to the south side in the area of drop 1 to drop 3. The Service was also requested to consider critical habitat for the flat-tailed horned lizard and PMV in the referenced BO. Therefore, all of the actions and the affects to the habitat for PMV were considered for the entire Algodones sand dunes area along the All-American Canal.

Proposed critical habitat for PMV was published in the Federal Register on August 5, 2003, some 7 years after the referenced BO. On August 4, 2004, critical habitat for the PMV was designated in a Final Rule (50 FR 47330). One proposed area of critical habitat, Subunit D,

straddled the Project but was not designated in the Final Rule for PMV. No critical habitat for PMV will be impacted by the Project. Prior to the Final Rule making, Reclamation under an agreement with the Bureau of Land Management, completed plant surveys of Subunit D and a report entitled, "Survey of Pierson's Milk-Vetch and Other Sensitive Plant Species" (April 2004). This survey found no PMV plants, a finding consistent with McCalvin's (1993) survey that did not identify any PMV in this area. Enclosed is the BLM report for the Service's records.

The Environmental Commitment Plan prepared by Reclamation has mitigation measures in place to assure protection and/or replacement of PMV habitat. These measures, listed below, were proposed and enacted in the referenced BO.

1. Special status species shall be compensated by acquisition and management of replacement lands on an acre-per-acre basis.
2. Prior to disturbance, abundance and habitat characterization studies will be conducted for PMV.
3. Previously disturbed areas will be used as much as possible for construction staging, concrete batch plant, access roads, borrow, and disposal activities. Where it is not possible to use disturbed areas, a qualified biologist would survey the area to minimize effects to special status species and/or habitats.
4. Vegetation will be crushed rather than bladed wherever possible.

Reclamation believes the mitigation measures presented to the Service and incorporated into the referenced BO by the Service, provide all of the necessary mitigation to protect or replace PMV habitat.

We hereby request your concurrence with our conclusions. Reclamation appreciates the Service's consideration of our information in their decision-making processes. If you have any questions, please contact Mr. James Green at 702-293-8519.

Sincerely,

ACTING FOR   
Robert W. Johnson  
Regional Director

Enclosure

cc: Mr. Charles F. Keene  
Environmental Program Manager  
Department of Water Resources  
770 Fairmont Avenue  
Glendale, CA 91203

Mr. Kirk Dimmitt  
Executive Director, AACLP and CCLP  
Imperial Irrigation District  
P.O. Box 937  
Imperial, CA 92251

Mr. Mike King  
Project Director  
Imperial Irrigation District  
33 East Barioni Boulevard  
Imperial, CA 92251

Ms. Maureen Stapleton  
General Manager  
San Diego County Water Authority  
Attention: Mr. Dan Fogerson  
4677 Overland Avenue  
San Diego, CA 92123-1233  
(w/encl to ea)

bc: YAO-2000 (w/encl)

2012

2623

(w/encl to ea)

2001

Daily

WBR:JGreen:nr:08/24/04:293-8620

(Usr\COMM2000\COM2600\James P. Green:&PeirsonMV381704.doc)

## Literature Cited

Knauf, Christopher R. and Katie D. Jones. 2004. Survey of Pierson's Milk Vetch and Other Sensitive Plant Species. US Bureau of Land Management, El Centro Field Office, California.

McCalvin, Catherine. 1993. Surveys for Seven Rare Plant Species, the Flat-Tailed Horned Lizard, and the Colorado Desert Fringed-Toed Lizard. US Fish and Wildlife Service, Ventura Field Office, California.



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

El Centro Resource Area  
1661 South 4th Street  
El Centro, California 92243-4561

1150  
(CA-670.32)

June 22, 2004

James Gacey/Wildlife Biologist  
Compliance  
Bureau of Reclamation  
LCR  
P.O. Box 61470  
Boulder City, NV 89006-1470

Dear Mr. Gacey,

The enclosed report, "Survey of Peirson's Milk-Vetch and Other Sensitive Plant Species" fulfills the requirements of memorandum of understanding #04MU00009. We would like to thank the BOR for their patience in preparing this report. If you have any questions, please feel free to contact Chris Knauf, at 760-337-4457, or Lynnette Elser, at 760-337-4420.

Sincerely,

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Greg Thomsen  
Field Manager

## Survey of Peirsons Milk-Vetch and Other Sensitive Plant Species:

Sensitive Plant Report For The Bureau Of Reclamation Right Of Way, All American Canal 05/2004: Prepared For The Bureau Of Reclamation (BOR) By The Bureau Of Land Management (BOR), El Centro Field Office, El Centro California.

**This report was prepared with reference to Memorandum of Understanding (MOU) # 04MU00009.**

**Preparers:** Christopher R. Knauf (Project manager, BLM El Centro CA)  
Katie D. Jones (Biological Intern, BLM El Centro CA)

**Objective:** To obtain a 100% survey and report of the proposed area for Pierson's milk-vetch and five other sensitive species. The survey site is approximately 100 acres, within the All American Canal right-of-way, north of the existing canal and within the proposed critical habitat unit D. The survey is to be completed by May 31, 2004.

**Background:** Proposed critical habitat for Pierson's milk vetch (*Astragalus magdalenae* var: *personii*) was published in the Federal Register August 5, 2003. Part of the proposed critical habitat straddled the All American Canal in Imperial County, California.

In a memorandum dated October 6, 2003, Reclamation requested a 1,000 foot exclusion on both sides of the All American canal. The exclusion area is located within the area proposed as critical habitat. Further communication with FWS is pending on this issue. The area of exclusion requested by USBR, contains the survey area for the above referenced report.

A new parallel, concrete lined canal, will be constructed along 23 miles adjacent to the existing All American Canal. The lining project will only replace the original unlined canal segments and tie back into the existing drop structures. Part of the 23 miles lies within an area proposed as critical habitat for Pierson's milk vetch. The Lower Colorado Region of the US Bureau of Reclamation (USBR) entered an agreement (MOU) with Imperial Irrigation District (IID) and the El Centro office of the US Bureau of Land Management (BLM), to conduct a presence/absence survey along the All American Canal for Pierson's milk vetch. One hundred acres were surveyed by the BLM as part of the MOU agreement. The survey was funded by IID.

Transect	Coordinate Start	Coordinate End	Distance
1	E704320 N3623144	E703025 N3623837	1.5Km
2	E704340 N3623171	E704315 N3623168	1.5Km
3	E704319 N3623197	E703023 N3623897	1.5Km
4	E704320 N3623228	E703074 N3623896	1.4Km
5	E704320 N3623254	E703126 N3623894	1.4Km
6	E704320 N3623283	E703178 N3623894	1.3Km
7	E704351 N3623294	E703221 N3623900	1.3Km
8	E704404 N3623294	E703220 N3623927	1.4Km
9	E704423 N3623313	E703217 N3623953	1.4Km
10	E704423 N3623341	E703221 N3623984	1.4Km
11	E704420 N3623368	E703253 N3623992	1.3Km
12	E704426 N3623394	E703304 N3623995	1.3Km

Table 2 Sensitive Species Observed:

Specie	State Status	Federal Status	Location	% of Observations	Total Observations
<i>Astragalus lentiginosus</i> var. <i>borreganus</i>	Endangered	BLM Sensitive	Transect 2	.005%	1.0
<i>Pholisma sonorae</i>	Species of Concern	BLM Sensitive	Transects 4-12	5.0%	1,182.0
<i>Palafoxia arida</i> var. <i>gigantea</i>	None	BLM Sensitive	Transects 2-4, 7,11,12	0.20%	44.0

Table 3 Species Percentage of Total Plants Counted:

<i>Abronia billosa</i>	0.028%
<i>Ambrosia dumosa</i>	0.005%
<i>Ambrosia sp.</i>	0.226%
<i>Astragalus lentiginosus</i>	0.005%
<i>Dicoria canescens</i>	0.009%
<i>Ephedra trifurca</i>	0.033%
<i>Eriogonum deserticola</i>	15.414%
<i>Eriopholum sp.</i>	15.447%
<i>Geraea canescens</i>	0.014%

survey. *T. plicata* occurred on three transects; only one of which also contained *P. sonorae*. In all cases it occurred in relatively low abundance. No significant correlation between these two species is demonstrated by this survey.

*Palafoxia arida* var. *gigantea* accounted for 0.24% of the total plants observed during the survey. *Palafoxia arida* var. *gigantea* was found on 5 transects with densities too low to glean significance from.

Total observations for all plant species during the survey were 17,970.0. The high density of *Pholisma sonorae* (1,182) is most likely explained by the presence, in large numbers, of host plants *Tequilia plicata*, and *Eriogonum deserticola*. *Eriogonum* made up for 18.2% of the total plant observations.

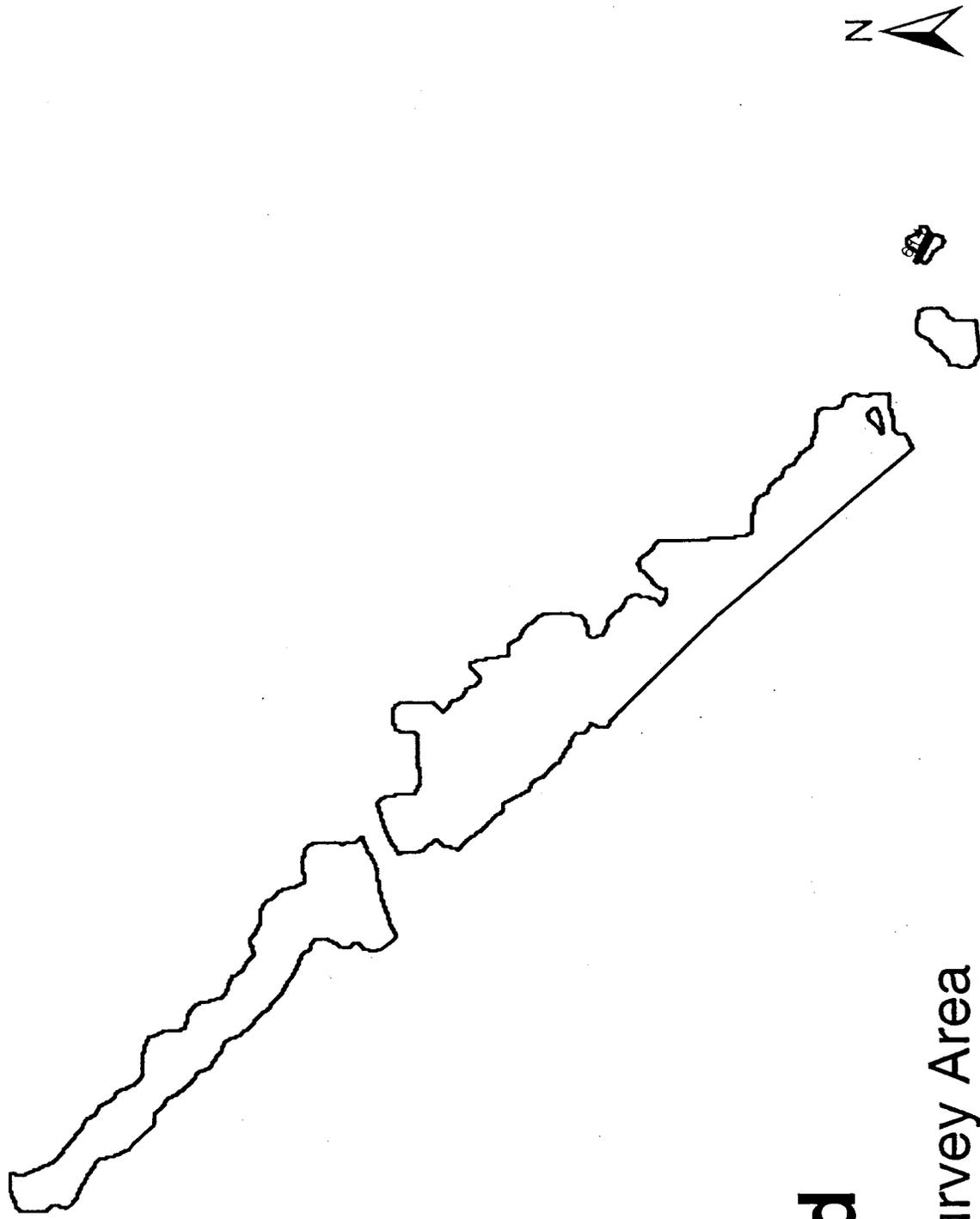
The absence of *Astragalus magdalenae* var. *peirsonii* in the survey area may indicate that, although the area is potential habitat, and historical records indicate presence, the habitat may not be ideal for this species. Recorded rainfall at Buttercup (remote areas weather station) between December 2003 and June 2004, was approximately 2.10 inches, which, presumably, would be enough precipitation to stimulate germination. One possibility for the lack of presence may be that rainfall in the specific survey area was inadequate, due to the sporadic nature of desert rainfall patterns. Another possibility is that *Astragalus magdalenae* var. *peirsonii* may not have occurred at the site due to aspect. Recent surveys, Willoughby & Knauf 2004, may indicate that an aspect (azimuth) between approximately 260 and 10 degrees is necessary for this plant to survive the extreme temperatures in the Colorado Desert. The aspect of the survey area was approximately 90 to 120 degrees, an aspect not consistent with recent survey data from the BLM. Additionally, McCalven, 1993, also indicates that no *Astragalus* was found in the survey area, with the nearest population approximately 6 miles from the 2004 survey site.

**Conclusion:** The data collected and analyzed indicates that most of the ROW surveyed is typical psammophytic scrub, consistent with the majority of the Imperial Sand Dunes. Vegetation found on transects 1-5 are also typical of that found in a heavily used corridor areas associated with the Imperial Sand Dunes Recreation Area, such as roads, power lines, and other thoroughfares that may not be utilized on a daily basis.

The absence of *Astragalus magdalenae* var. *peirsonii* in the survey area most likely indicates that, although the area is potential habitat, and historical records indicate presence, rainfall was not a limiting factor for absence, and was most likely adequate for germination in the area. Although we cannot assume that *Astragalus magdalenae* var. *peirsonii* would remain absent from the survey area, it is unlikely that, assuming adequate rainfall reached the survey area, this species occurs within the area surveyed.

## Literature Cited

Figure #1: Critical Habitat & Survey Area/Astragalus magdalenae var. peirsonii 2004

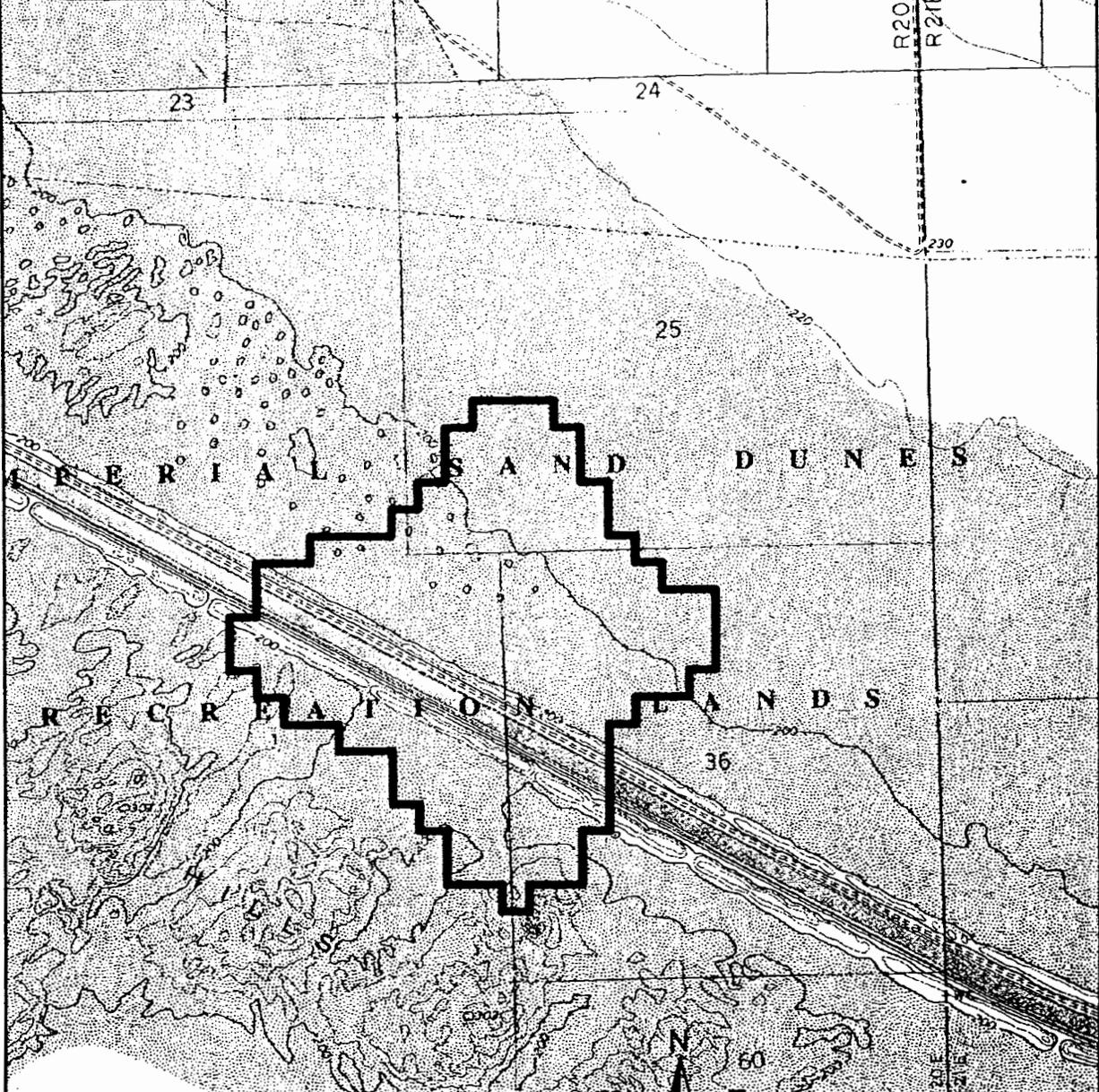


## Legend

— Survey Area

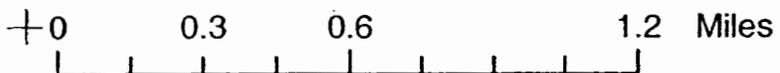
Proposed Critical Habitat

# Proposed Critical Habitat Peirson's Milk-Vetch Unit D



**Legend**

 milk\_vetch polygon



Scale  
1:24,000