



# United States Department of the Interior



BUREAU OF RECLAMATION  
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IN REPLY REFER TO:

MP-750  
ENV-4.00

OCT 8 1992

To: Interested Parties

From: Regional Director, Sacramento CA

Subject: Central Valley Project Water Users Compliance With Endangered Species Act (Endangered Species)

The enclosed is provided for informational purposes to ensure that Central Valley Project (CVP) water is used in a manner consistent with provisions of the Endangered Species Act (Act). In addition, the enclosure provides information on the responsibilities of both the Bureau of Reclamation (Reclamation) and the water users under the Act. There is no intent on the part of Reclamation to limit or curtail water utilization, or prohibit any change in type or area of use.

There are a number of endangered and threatened species that occur throughout the CVP service areas. Based upon Reclamation's, and the water users' responsibilities under the Act, we recommend that prior to any changes in land use or other related actions, a determination be made and concurred in by the Fish and Wildlife Service that the intended actions will not affect listed species.

If you have any questions, please contact Mr. Frank Michny, Regional Endangered Species Coordinator, at (916) 978-5120.

Enclosure

General Information Regarding the Endangered Species Act  
August 1992

Certain lands within the areas to which Central Valley Project (CVP) water is delivered, and other areas within the Central Valley may provide habitat for and/or support endangered and threatened species listed under the Endangered Species Act (ACT). To ensure protection of threatened and endangered species, Reclamation recommends that CVP water not be used to support any activities which adversely affect these species. Examples of the types of activities that may do so include tilling of native habitat and tilling of lands that have been left fallow long enough to develop habitat that supports listed species. Also included would be land use changes detrimental to endangered and threatened species, such as conversion of agricultural or native land to municipal or industrial uses.

The Act was enacted in 1973 to prevent the extinction of species and to preserve the ecosystems on which they depend. The major provisions of the Act applicable to land use activities involving CVP water are contained in Sections 7, 9, and 10 of the Act and are briefly explained as follows:

Section 7. Directs Federal agencies, including the Bureau of Reclamation (Reclamation), "to further the purposes of the Act" through conservation measures and to consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) 1/ to ensure that any proposed actions taken by Reclamation do not jeopardize the existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat of such species. Actions are broadly defined as any discretionary act. The consultation may result in a Biological Opinion that may require certain alternatives or measures to be taken to avoid jeopardizing a species.

Section 9. Prohibits the "taking" of a listed fish or wildlife species. "Take" is broadly defined and includes activities interfering with normal life cycles of listed species. Federal agency compliance with Section 7 can lead to authorization for an "incidental take" (described below).

Section 10. Provides a mechanism to allow for incidental take by non-Federal entities. Under this section, the affecting entity must develop an approved Habitat Conservation Plan (HCP) that addresses impacts to listed species, the type and funding of mitigation measures, and the alternatives evaluated. An HCP can apply to a single activity or to local governments or other organizations to cover activities extending over larger areas within habitat of a listed species.

1/ Under the Act, the NMFS has responsibility for marine species such as salmon. The FWS has responsibility for all other listed species. We do not envision that there will be much need to consult with NMFS on land use changes, because it is unlikely that land use changes would affect marine species. Thus, for changes in land use and other activities that affect terrestrial species, coordination and consultation would generally be with the FWS.

For your information a general list of species known to occur in the Central Valley whose ranges may have included portions of CVP water service areas is provided below:

Threatened and endangered species known to occur in the Central Valley whose present or historic range may include portions of CVP water service areas.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Area 1/</u>
<b>Mammals</b>		
Giant kangaroo rat	<u>Dipodomys ingens</u>	SJV
Fresno kangaroo rat	<u>Dipodomys nitratoides exilis</u>	SJV
Tipton kangaroo rat	<u>Dipodomys nitratoides nitratoides</u>	SJV
San Joaquin kit fox	<u>Vulpes macrotis mutica</u>	SJV
<b>Birds</b>		
American peregrine falcon	<u>Falco peregrinus anatum</u>	CV
Bald eagle	<u>Haliaeetus leucocephalus</u>	CV
Aleutian Canada goose	<u>Branta canadensis leucopareia</u>	CV
Least Bell's vireo	<u>Vireo bellii pusillus</u>	SJV
<b>Reptiles</b>		
Blunt-nosed leopard lizard	<u>Gambelia silus</u>	SJV
<b>Fish</b>		
Winter-run chinook salmon	<u>Oncorhynchus tshawytscha</u>	D/SV
<b>Invertebrates</b>		
Valley elderberry longhorn beetle	<u>Desmocerus californicus dimorphus</u>	CV
<b>Plants</b>		
Large-flowered fiddleneck	<u>Amsinka grandiflora</u>	SJV
San Joaquin woolly-threads	<u>Lembertia congdonii</u>	SJV
California jewelflower	<u>Caulanthus californicus</u>	SJV
Kern mallow	<u>Eremalche kernensis</u>	SJV
Palmate-bracted bird's beak	<u>Cordylanthus palmatus</u>	SJV
Hoover's woolly star	<u>Eriastrum hooveri</u>	SJV
Bakersfield cactus	<u>Opuntia treleasei</u>	SJV

1/ Areas are denoted as follows: CV - throughout Central Valley, D - Delta, SJV - San Joaquin Valley, SV - Sacramento Valley