

RECLAMATION

Managing Water in the West

Finding Of No Significant Impact

Continuation of Controlled Propagation, Reintroduction, and
Monitoring of Riparian Brush Rabbit on the San Joaquin River
National Wildlife Refuge and Adjacent Lands Through 2013

FONSI 13-02-MP

Recommended:

Douglas Kleinsmith

Date: March 13, 2013

Douglas Kleinsmith
Natural Resource Specialist
Mid-Pacific Regional Office

Concurred by:

Daniel Strait

Date: March 13, 2013

Daniel Strait
Manager, Central Valley
Project Conservation Program
Mid-Pacific Regional Office

Approved:

Anastasia Leigh

Date: 3/28/2013

Anastasia Leigh
Chief, Division of Environmental Affairs
Mid-Pacific Regional Office



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region

Background

The Bureau of Reclamation (Reclamation) proposes to provide \$390,673 from the Central Valley Project Conservation Program (CVPCP) to the California State University Stanislaus Endangered Species Recovery Program (ESRP) to continue the controlled propagation, reintroduction, and monitoring of riparian brush rabbits (*Sylvilagus bachmani riparius*) (RBR) on the San Joaquin River National Wildlife Refuge (SJRNWR) and adjacent lands. This project would be located along the San Joaquin, Tuolumne, and Stanislaus rivers in Stanislaus and San Joaquin counties as well as the California Department of Water Resources' (DWR) Pond 6 in San Joaquin County, which is the location of the RBR breeding pens.

Since 2002, with financial support from Reclamation, the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (USFWS), the CalFed Bay-Delta Program, and private land owners and individuals, endangered RBR, bred in captivity, have been reintroduced to historical habitat on the SJRNWR (Williams et al. 2002, Williams et al. 2008). Reintroductions were also initiated on the Faith Ranch (private property under USFWS easement) in December 2005 and on the Buffington Tract in August 2006 (when it was acquired by USFWS).

The RBR and its habitats have been impacted by Reclamation's Central Valley Project (CVP), and recovery of the RBR population is in keeping with the goals of the CVPCP. The proposed action of continued funding of RBR controlled propagation, reintroduction, and monitoring is needed to provide significant new information related to the long-term sustainability of RBR in restored habitat. The primary goal of this phase of the project is to reduce the need for controlled propagation and reintroduction of riparian brush rabbits on the SJRNWR. The proposed action is also expected to provide the data to proceed with down-listing or delisting decisions regarding the status of the RBR.

Alternatives Including the Proposed Action

No Action: Reclamation would not contribute \$390,673 of CVPCP funds to ESRP to help fund six components of this phase of the RBR controlled propagation, reintroduction, and monitoring project, including: Captive Propagation, Health Screening, Reintroduction, Monitoring, Habitat Assessments, and Reporting as well as closing two of the three rabbit breeding pens. ESRP would have to find other sources of funding. If additional funding was not available, all pens would be closed.

Proposed Action: Reclamation would contribute \$390,673 of CVPCP funds to ESRP to help fund six components of this phase of the RBR controlled propagation, reintroduction, and monitoring project, including: Captive Propagation, Health Screening, Reintroduction, Monitoring, Habitat Assessments, and Reporting as well as closing two of the three rabbit breeding pens. All activities except for pen deactivation will be similar to those done in the past. Pen deactivation will include emptying the pens of vegetation and rabbits, and repatriating breeding RBR to their original capture locations, by late 2013.

Findings

Based on the attached environmental assessment (EA), Reclamation finds that the Proposed

Action is not a major Federal action that would significantly affect the quality of the human environment. The attached EA describes the existing environmental resources in the Proposed Action area and evaluates the effects of the No Action and Proposed Action alternatives on the resources. This EA was prepared in accordance with the National Environment Policy Act, Council on Environmental Quality Regulations (40 CFR 1500-1508), and Department of the Interior Regulations (43 CFR Part 46). Effects on several environmental resources were evaluated and found to be absent or minor. This analysis is proved in the attached EA, and analysis in the EA is hereby incorporated by reference.

Following are the reasons why the impacts of the proposed action are not significant:

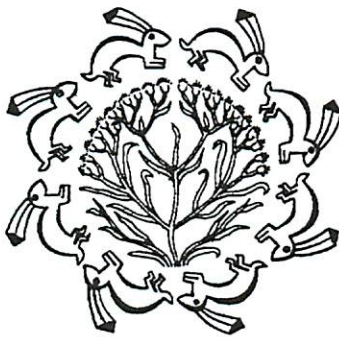
1. There will be no change in land use.
2. The proposed action will not affect biological resources. The project is a continuation of the existing RBR program with no construction or other habitat disturbance.
3. On July 29, 2011, Reclamation initiated informal consultation with the USFWS on the activities for projects in the CVPCP and the Habitat Restoration Program for Fiscal Year 2011. The Service concurred on November 8, 2011 that the projects, including this proposed action, are not likely to adversely affect listed species. On April 11, 2012, the Service reinitiated consultation with Reclamation to allow for deactivation of pens. The Service concluded that any vegetation removal activities associated with pen closure would have no effect on listed endangered species.
3. The proposed action has no potential to cause effects on historic properties.
4. The proposed action will not affect any Indian Trust Assets.
5. Implementing the proposed action will not disproportionately affect minorities or low-income populations and communities.
6. The proposed action will not have significant cumulative impacts.
7. There is no potential for the effects to be considered highly controversial.

RECLAMATION

Managing Water in the West

Environmental Assessment

Continuation of Controlled Propagation, Reintroduction, and Monitoring of Riparian Brush Rabbit on the San Joaquin River National Wildlife Refuge and Adjacent Lands Through 2013



U.S. Department of the Interior
Bureau of Reclamation
Mid-Pacific Region

March 2013

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitment to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public

Section 1 Introduction

1.1 Background

The Bureau of Reclamation (Reclamation) proposes to provide \$390,673 from the Central Valley Project Conservation Program (CVPCP) to the California State University Stanislaus Endangered Species Recovery Program (ESRP) to continue the controlled propagation, reintroduction, and monitoring of riparian brush rabbits (*Sylvilagus bachmani riparius*) (RBR) on the San Joaquin River National Wildlife Refuge (SJRNWR) and adjacent lands. This project would be located along the San Joaquin, Tuolumne, and Stanislaus rivers in Stanislaus and San Joaquin counties (Figure 1) as well as the California Department of Water Resources' (DWR) Pond 6 in San Joaquin County, which is the location of the RBR breeding pens (Figure 2). The rabbit breeding pens are located at T4N R5E Sec. 28, in all quarter sections except the southwestern quarter section.

Since 2002, with financial support from Reclamation, the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (USFWS), the CalFed Bay-Delta Program, and private land owners and individuals, endangered RBR, bred in captivity, have been reintroduced to historical habitat on the SJRNWR (Williams et al. 2002, Williams et al. 2008). Reintroductions were also initiated on the Faith Ranch (private property under USFWS easement) in December 2005 and on the Buffington Tract in August 2006 (when it was acquired by USFWS).

1.2 Need for the Proposed Action

The RBR and its habitats have been impacted by Reclamation's Central Valley Project (CVP), and recovery of the RBR population is in keeping with the goals of the CVPCP. The proposed action of continued funding of RBR controlled propagation, reintroduction, and monitoring is needed to provide significant new information related to the long-term sustainability of RBR in restored habitat. The primary goal of this phase of the project is to reduce the need for controlled propagation and reintroduction of riparian brush rabbits on the SJRNWR. The proposed action is also expected to provide the data to proceed with down-listing or delisting decisions regarding the status of the RBR.

Section 2 Alternatives Including Proposed Action

2.1 No Action

Reclamation would not contribute \$390,673 of CVPCP funds to ESRP to help fund six components of this phase of the RBR controlled propagation, reintroduction and monitoring project, including: Captive Propagation, Health Screening, Reintroduction, Monitoring, Habitat Assessments, and Reporting as well as closing two of the three rabbit breeding pens. ESRP would have to find other sources of funding. If additional funding was not available, all pens would be closed.

2.2 Proposed Action

Reclamation would contribute \$390,673 of CVPCP funds to ESRP to help fund the last phase of the RBR controlled propagation, reintroduction, and monitoring project.

The overall objective of this multi-year project is the recovery of federally-listed endangered riparian brush rabbits through the establishment of protected, self-sustaining populations outside of Caswell Memorial State Park (CMSP). The primary goal of this phase of the project is to reduce the need for controlled propagation and reintroduction of riparian brush rabbits on the SJRNWR and adjacent lands. This phase of the project would continue the RBR controlled propagation (captive breeding at Pond 6 breeding pens near Lodi) (Figure 3) and reintroduction through late 2013 but at a minimal level (vegetation and rabbits removed completely from two pens). Emphasis is being placed on reintroductions to restored areas on the SJRNWR (including the Buffington Tract) and monitoring of populations in those areas. However, refuge-wide population monitoring (biannual censuses) continued, and the CMSP population census was conducted also (January and/or February 2012). Habitat conditions were assessed on the Faith Ranch, which separates the Buffington Tract from the SJRNWR south of Highway 132. Continuing the controlled propagation and reintroduction program through late 2013 is crucial for the conservation and recovery of RBR. This project addresses or partly addresses five Priority 1 recovery tasks (2.2.3, 2.2.4, 2.2.5, 3.2.26, and 4.43) for RBR in the *Recovery plan for Upland Species of the San Joaquin Valley, California*. (USFWS 1998a)

Following are the details of the project with approximate dates:

A. Captive Propagation

1. Breeder rabbits were trapped in the South Delta and placed in breeding pens (November 2011 - January 2012).

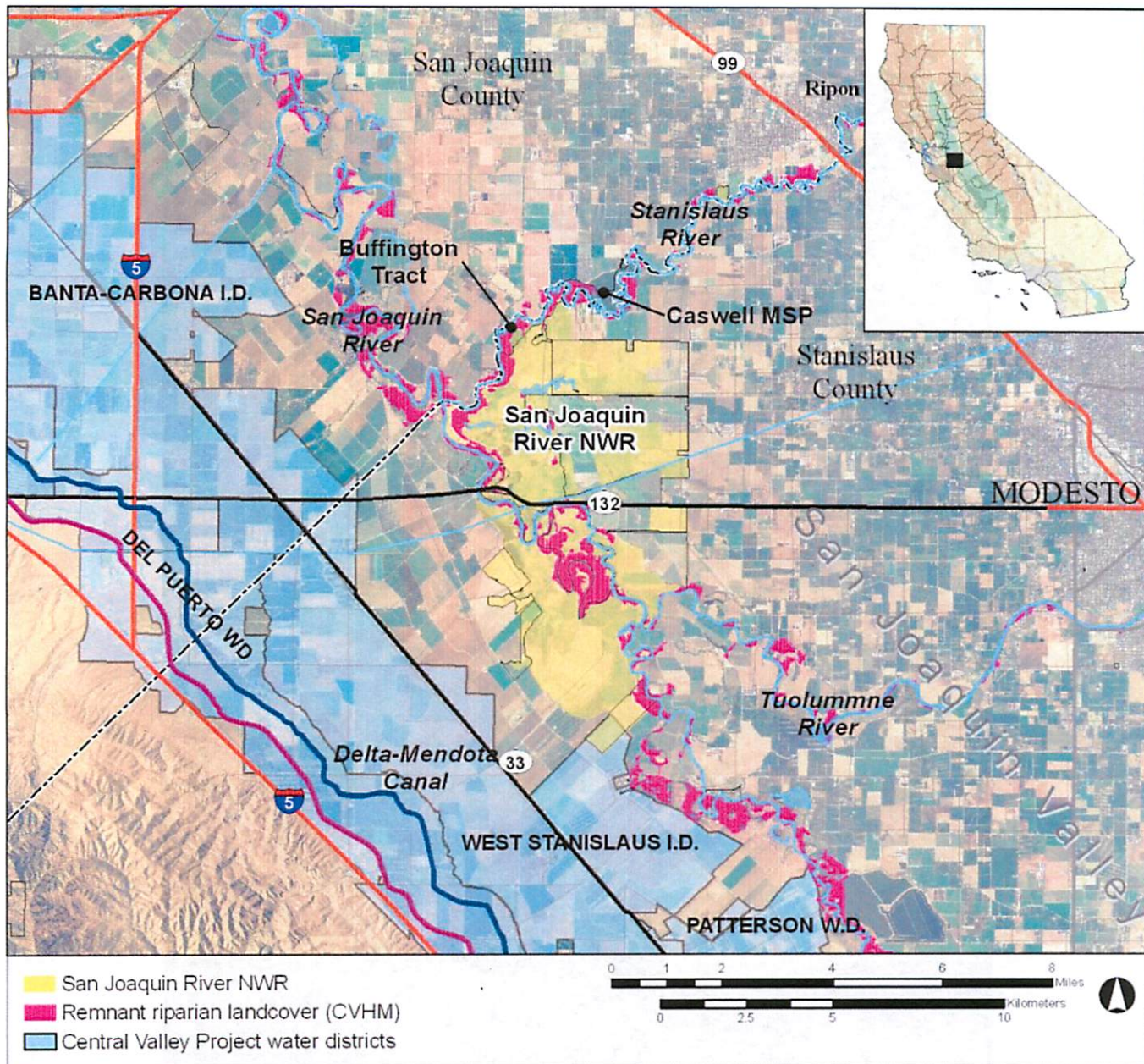


Figure 1. Map of San Joaquin River National Wildlife Refuge, Buffington Tract, Caswell Memorial State Park, and other lands that may have habitat suitable for RBR in the northern San Joaquin Valley, California.

February 27, 2012

Map Showing Detailed Pen Location and Special-Status Species Records



0 0.2 0.4 0.8 Miles

Township Range Section CA from Premier
* 2010 NAIP Imagery; February 2012 CNDDDB Data

Figure 2. Detail map showing Pond 6 breeding pen locations.

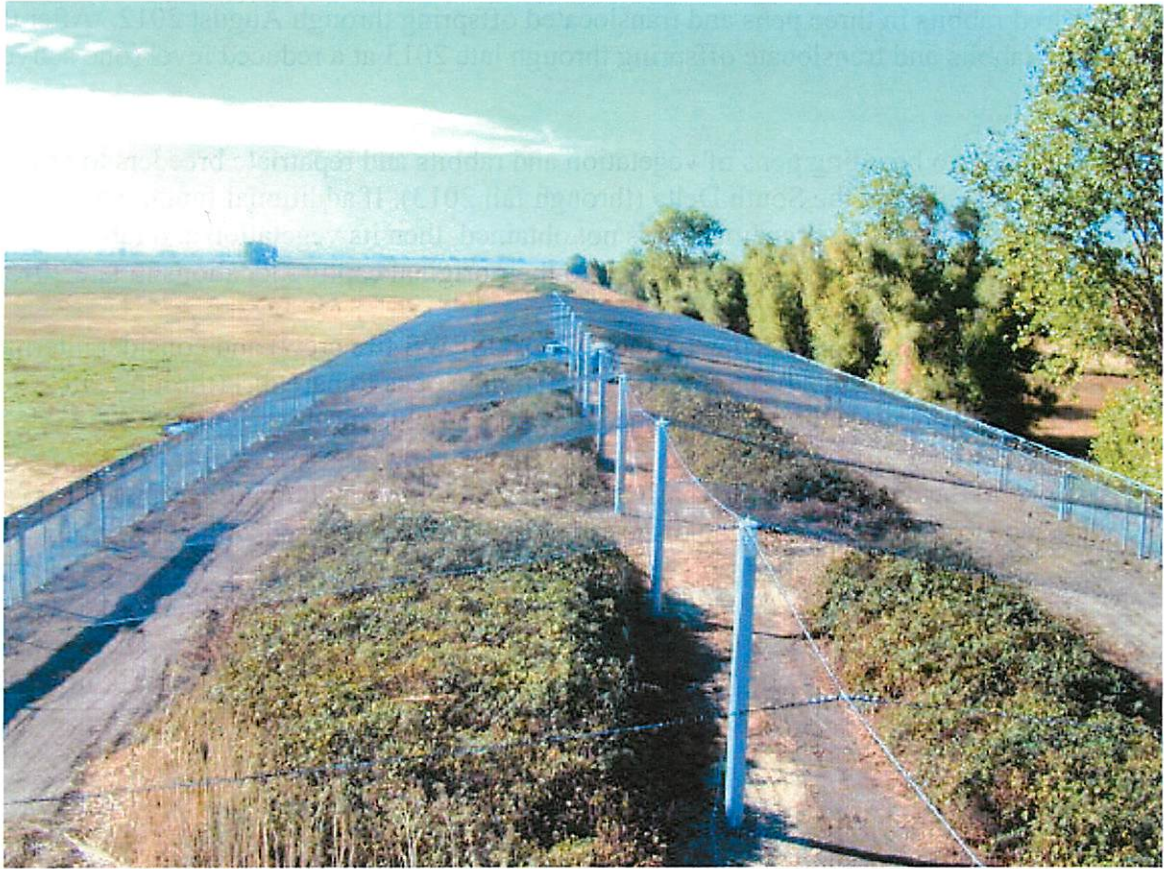


Figure 3. RBR breeding pen photo. *Photo of a portion of a pen for controlled propagation of riparian brush rabbits at Pond 6. The pen is approximately 530 feet long, 100 feet wide, and the side fencing is about 6 feet high. The top is covered with netting to prevent raptors from entering. Sides are topped with sheetmetal, shown on the left, but not yet installed on the right in this photo. For scale, two vehicles are parked near the center line (photo by L.P. Hamilton).*

2. Bred rabbits in three pens and translocated offspring through August 2012. After that, breed rabbits and translocate offspring through late 2013 at a reduced level (one active pen only).
3. Empty two breeding pens of vegetation and rabbits and repatriate breeders to original capture locations in the South Delta (through fall 2013). If additional funding to continue to operate the one active breeding pen is not obtained, then its vegetation and rabbits would be removed and the breeders repatriated to their original capture locations in late 2013.
4. Seek assistance from agency partners (e.g., USFWS fire crew) and consider alternative methods (e.g., goat grazing) to reduce vegetation in pens to bare dirt (through fall 2013). Volunteer, student, and other assistance may be available for this task.
5. Prior to the cessation of the captive breeding and reintroduction program, coordinate with sponsoring agencies on the disposition of all equipment used at the breeding pens (e.g., the shipping containers and surveillance camera system).

B. Health Screening

Conduct health screening of breeder RBR and their progeny (U.C. Davis, Wildlife Health Center; through late 2013).

C. Reintroduction

Translocate captive-bred RBR to selected sites on the SJRNWR and associated lands, including the Buffington Tract and the Faith Ranch (through late 2013).

D. Monitoring

1. Conduct twice-weekly mortality checks on a subset (no more than 20-25%) of reintroduced RBR, i.e., those outfitted with radio collars (through late 2013).
2. Periodically (approximately every 3 months) recapture radio-collared riparian brush rabbits to adjust, replace, or remove radio collars (through late 2013).
3. Conducted a census of RBR at CSMP in January and/or February 2012.
4. Conducted censuses of RBR at the SJRNWR in May and November 2012.
5. Survivorship and movement data: Collect data necessary to assess long-term viability of the population.

E. Habitat Assessments

Conducted field and GIS-based habitat assessments on the Faith Ranch (spring – summer 2012).

F. Miscellaneous

1. Recognize the contribution of Reclamation through the CVPCP in any public presentations, publications, outreach documents, ceremonies, signage, etc., related to the project.

2. Provide Reclamation with a list of partners that assisted in the funding of activities covered under this grant by the end date of this agreement.

Section 3 Affected Environment and Environmental Consequences

3.1 Resources Not Analyzed in Detail

Effects on several environmental resources were examined and found to be minor. Because of this, the following resources were eliminated from further discussion in this EA: Air Quality; Groundwater; Water Quality; Aesthetic Resources; Geology; Global Climate Change; Soils; Seismicity; Hazards and Hazardous Materials; Land Use and Agriculture; Noise; Socioeconomics, Population and Housing; Recreation; Transportation and Circulation; and Utilities and Public Services.

The proposed action would result in minor, or no, impacts to the following three resources, but are described here due to Department of the Interior and Reclamation concerns:

3.1.1 Cultural Resources

Cultural resources is a broad term that includes prehistoric, historic, architectural, and traditional cultural properties. The National Historic Preservation Act (NHPA) of 1966, as amended, is the primary Federal legislation that outlines the Federal government's responsibility to cultural resources. Section 106 of the NHPA requires Federal agencies to take into consideration the effects of their undertakings on cultural resources eligible for inclusion in the National Register of Historic Places. Such cultural resources are referred to as historic properties. The Section 106 compliance process, which entails assessing and resolving effects on historic properties, is outlined at 36 CFR Part 800.

Under the Proposed Action alternative, the last phase of the RBR controlled propagation and reintroduction project would be fully implemented. As currently planned, this project has no potential to cause effects on historic properties pursuant to 36 CFR §800.3(a)(1) and would result in no impacts to cultural resources (see Appendix C).

3.1.2 Indian Trust Assets

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. The nearest ITA is a Public domain Allotment approximately 33 miles east of the project location. Therefore, the Proposed Action would not adversely affect ITAs (see Appendix D).

3.1.3 Environmental Justice

Executive Order 12898 requires each Federal Agency to identify and address disproportionately high and adverse human health or environmental effects, including social and economic effects of its program, policies, and activities on minority populations and low-income populations.

Since there would be no change in existing or similar land uses, there would be no adverse human health or environmental effects to minority or low-income populations.

3.2 Biological Resources

3.2.1 Affected Environment

Reclamation requested a species from the USFWS on February 24, 2012 at http://www.fws.gov/sacramento/ES_Species/Lists/es_species_lists-form.cfm (document number: 120224051728) for the Lodi North 7.5 minute USGS quadrangle. The California Natural Diversity Database (2012) was also queried for special-status species observations in the Lodi North Quadrangle. Table 1 below shows the species found on the two lists. The RBR was not on either list but has been added to the table. There is no critical habitat in the affected area, although critical habitat for several species appeared on the USFWS' list. ESRP biologists are familiar with the area and have not identified any Federally listed species, apart from RBR, at the Pond 6 site.

Table 1 Special-Status Species List

Species	Status	Habitat	*Occurrence in the Study Area
PLANTS			
Bolander's water-hemlock (<i>Cicuta maculata</i> var. <i>bolanderi</i>)	CRPR 2.1	Occurs in freshwater or brackish marshes.	Absent. No open water, marsh, or wet meadow habitat in the pen areas or access route.
Delta mudwort (<i>Limosella subulata</i>)	CRPR 2.1	Occurs in riparian scrub, freshwater marshes and brackish marshes in the Sacramento-San Joaquin Delta. Often found on muddy banks in association with Mason's lilaeopsis.	Absent. No open water, marsh, or wet meadow habitat in the pen areas or access route.
Delta tule pea (<i>Lathyrus jepsonii</i> var. <i>jepsonii</i>)	CRPR 1B.2	Occurs in freshwater or brackish marshes in the Sacramento-San Joaquin Delta. Found in association with California wild rose or with cattails and tules.	Absent. No open water, marsh, or wet meadow habitat in the pen areas or access route.
Mason's lilaeopsis (<i>Lilaeopsis masonii</i>)	SR; CRPR 1B.1	Occurs in riparian scrub, freshwater marshes and brackish marshes in the Sacramento-San Joaquin Delta.	Absent. No open water, marsh, or wet meadow habitat in the pen areas or access route.
Sanford's arrowhead (<i>Sagittaria sanfordii</i>)	CRPR 1B.2	Occurs in marshes, ponds and ditches with standing or slow-moving water.	Absent. No open water, marsh, or wet meadow habitat in the pen areas or access route.
side-flowering skullcap (<i>Scutellaria lateriflora</i>)	CRPR 2.2	Found in wet meadows, seeps, and marshes.	Absent. No open water, marsh, or wet meadow habitat in the pen areas or access route.
Suisun Marsh aster (<i>Symphotrichum lentum</i>)	CRPR 1B.2	Occurs in freshwater or brackish marshes in the Sacramento-San Joaquin Delta. Habitat is similar to that of the Delta tule pea.	Absent. No open water, marsh, or wet meadow habitat in the pen areas or access route.
woolly rose-mallow (<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>)	CRPR 1B.2	Freshwater river banks and peat islands in sloughs.	Absent. No open water, marsh, or wet meadow habitat in the pen areas or access route.

Species	Status	Habitat	*Occurrence in the Study Area
INVERTEBRATES			
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	FT	Lives in elderberry shrubs of California's Central Valley and Sierra Foothills with stems one inch or greater in diameter at ground level.	Absent. No elderberry shrubs occur within 100 feet of the pen area and the access route would not be disturbed.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT	Primarily found in vernal pools, may use other seasonal wetlands.	Absent. No vernal pools or similar seasonal ponds in the affected area.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	FE	The vernal pool tadpole shrimp is currently distributed across the Central Valley of California and in the San Francisco Bay area. Inhabits highly turbid vernal pools.	Absent. No vernal pools or similar seasonal ponds in the affected area.
FISH			
Southern Distinct Population of North American green sturgeon (<i>Acipenser medirostris</i>)	FT	Anadromous and highly marine-oriented; spawns mainly in Sacramento River. No evidence of occurrence in San Joaquin River system. Juveniles salvaged in South Delta pumping plants in summer.	Absent. No waterways within the species' range would be affected by the action alternatives.
Delta smelt (<i>Hypomesus transpacificus</i>); Critical habitat	FT, CE	Endemic to the Delta. Found in San Joaquin River up to Mossdale in some years and in Sacramento River up to Rio Vista where salinity is 2-7 ppt.	Absent. No waterways within the species' range would be affected by the action alternatives.
Central Valley steelhead (<i>Oncorhynchus mykiss</i>) Critical habitat	FT	Anadromous species; spawns in cold waters.	Absent. No waterways within the species' range would be affected by the action alternatives.
Chinook salmon – Central Valley spring-run (<i>Oncorhynchus tshawytscha</i>); Critical habitat	FT, CT	Anadromous species; spawns in cold waters.	Absent. No waterways within the species' range would be affected by the action alternatives.
Chinook salmon Sacramento River winter-run (<i>Oncorhynchus tshawytscha</i>)	FE, CE	Anadromous species; spawns in cold waters.	Absent. No waterways within the species' range would be affected by the action alternatives.
AMPHIBIANS			
California tiger salamander (<i>Ambystoma californiense</i>)	FT, CT	Found primarily in annual grasslands; requires vernal pools for breeding and rodent burrows for refuge.	Absent. No vernal pools or similar seasonal ponds within 1.3 miles of the area that would be affected by the action alternative.
California red-legged frog (<i>Rana draytonii</i>)	FE, SSC	Red-legged frogs require aquatic habitat for breeding but also use a variety of other habitat types including riparian and upland areas. Adults often utilize dense, shrubby or emergent vegetation closely associated with deep-water pools with fringes of cattails and dense stands of overhanging vegetation such as willows.	Absent. Presumed to have been extirpated in this part of its range (USFWS 2002).
REPTILES			
Giant garter snake (<i>Thamnophis gigas</i>)	FT, CT	Prefers freshwater marsh and low gradient streams. Has adapted to drainage canals and irrigation ditches.	Possible. Documented as extant within San Joaquin County and suitable aquatic habitat (e.g. Hog Slough) exists close enough for

Species	Status	Habitat	*Occurrence in the Study Area
Western pond turtle (<i>Emys marmorata</i>)	SSC	Uses ponds, streams and marshes but basks and nests in upland areas up to 0.3 miles from aquatic habitat; often nests in sandy soils.	use of adjacent uplands. Possible. Documented as extant within the Thornton quadrangle and suitable aquatic habitat (e.g. Hog Slough) exists close enough for use of adjacent uplands.
BIRDS			
Swainson's hawk (<i>Buteo swainsoni</i>)	CT, MBTA	Nests in riparian trees or lone trees associated with agricultural areas; requires grasslands or agricultural fields with low-stature plants (such as alfalfa) and a prey base of rodents.	Present. CNDDDB record for 2001 south of the pens within the White Slough Wildlife Area. A nest was located with one adult present.
MAMMALS			
Riparian brush rabbit (<i>Sylvilagus bachmani riparius</i>)	FE, CE	Habitat for the riparian brush rabbit consists of riparian communities dominated by willow thickets (<i>Salix</i> spp.), California wild rose (<i>Rosa californica</i>), Pacific blackberry (<i>Rubus vitifolius</i>), wild grape (<i>Vitis californica</i>), Douglas' coyote bush (<i>Baccharis douglasii</i>) and various grasses.	Present. The three breeding pens hold captive rabbits.
<p>Definitions of Occurrence Indicators:</p> <p>Present: Species observed on the study area at time of field surveys or during recent past.</p> <p>Likely: Species not observed on the study area, but it may reasonably be expected to occur there on a regular basis.</p> <p>Possible: Species not observed on the study area, but it could occur there from time to time.</p> <p>Unlikely: Species not observed on the study area, and would not be expected to occur there except, perhaps, as a transient.</p> <p>Absent: Species not observed on the study area, and precluded from occurring there because habitat requirements not met.</p> <p>Listing Status Codes:</p> <p>FE: Federally Endangered SR: State-listed rare</p> <p>FT: Federally Threatened CRPR: California Rare Plant Rank (formerly CNPS)</p> <p>CE: State-listed Endangered CRPR 1B.1, 1B.2 Rare or Endangered in California and elsewhere*</p> <p>CT: State-listed Threatened CRPR 2.1, 2.2. Rare or Endangered in California, more common elsewhere*</p> <p>SSC: Species of Special Concern</p> <p>MBTA: Migratory Bird Treaty Act</p> <p>* lower numbers after the decimal point indicate a higher degree of endangerment</p>			

The RBR is known only from CMSP, a 250-acre parcel on the Stanislaus River about 5 miles north of SJRNWR, the South Delta area near Lathrop, and a reintroduced population on SJRNWR and associated lands.

The reintroduction program has faced significant challenges, especially the Pelican Fire, which swept across most of the SJRNWR in July 2004, near catastrophic flooding which covered most of SJRNWR in spring/summer 2006, and funding difficulties at the end of 2008 and first quarter of 2009 due to the California budget crisis (and resultant freeze on CalFed and other funds).

Nevertheless, the RBR reintroduction effort used the 2006 flooding challenges as an exercise in adaptive management: the parallel riparian habitat restoration program (USFWS and River Partners) modified restoration practices and revegetation strategies to enhance habitat conditions for RBR, especially with regard to the flooding risk. Following additional RBR translocations from 2007 to 2010, the population on SJRNWR appears to be rebounding and is well positioned to take advantage of the riparian habitat restoration enhancements. Further RBR introductions

have taken place also on the Faith Ranch and Buffington Tract, but not to the same extent as on SJRNWR (south of Highway 132), which has a much larger acreage of higher quality habitat. However, restored riparian habitat on the Buffington Tract was so well developed by 2010, that reintroductions were resumed there in 2010.

3.2.2 Environmental Consequences

No Action

If Reclamation does not provide funding to help with this phase of the RBR reintroduction project, ESRP would have to find additional funds from other potential funding sources. The effects of no action would be the same as the proposed action if full funding were obtained. If not fully funded, no further reintroduction and monitoring would occur. ESRP might have to terminate the reintroduction program before completion and close the pens. The pens would be closed as described in the Proposed Action.

Proposed Action

This project phase would provide significant new information related to the long-term sustainability of RBR in restored habitat. The role of controlled propagation in the conservation and recovery of the RBR, as recommended in the *Recovery Plan for Upland Species of the San Joaquin Valley, California* (Recovery Plan) (U.S. Fish and Wildlife Service 1998a), is primarily to prevent extinction by providing animals for reintroduction to establish new populations, or augmentation of existing populations. Secondary purposes of the propagation program have been to support recovery related research, particularly on the genetics of the species, and to conserve populations at risk of imminent extirpation. During the estimated five years of the controlled propagation, the captive rabbits have served as a refugial population until existing populations can rebound and the reintroduced populations can reach sustainable numbers.

This phase of the controlled propagation and reintroduction project is expected to provide the data to move ahead with confidence on down listing or delisting decisions for the RBR. The reintroduced population on the refuge has rebounded impressively since the catastrophic flooding of 2006. Thanks to comprehensive restoration program, the amount of available habitat for RBR has increased considerably on refuge lands in recent years, and this trend is expected to continue.

The controlled propagation and reintroduction plan (Williams et al. 2002) addressed the possibility of any RBR escaping the pens while they were in operation. It concluded that this was an unlikely event due to the relative lack of suitable cover around the pens, but that if it did happen, rabbits would move into whatever nearby shrubby areas they could find. If an escaped rabbit was a pregnant female, or if both a male and a female escaped, a population might establish at Pond 6. This is even more unlikely to occur with pen closure than during the controlled propagation because prior to pen closure, vegetation would be removed such that the chance of missing a rabbit and leaving it behind in a pen is very low.

Under this alternative, due to the lack of ground disturbance, no direct or indirect effects on special-status species are expected, except for take of RBR under the Federal ESA, due to the removal of the rabbits as well as the vegetation from the pens. However, this take would be covered by a 10(a)(1)(A) permit, previously issued to ESRP. As this take is part of a recovery

effort for RBR, it would not contribute cumulatively to any adverse effects on the species; the take is a necessary part of critically-needed captive breeding efforts for RBR. The CDFW and the USFWS have concurred with the removal of vegetation (see attachments A and B).

Section 4 Consultation and Coordination

4.1 Meetings

The CVPCP and Habitat Restoration Program Technical Team reviewed and ranked the proposal during the HRP and CVPCP proposal review period. The proposal ranked in the top tier of the proposals and was selected for funding following this evaluation of the project.

4.2 Consultation for Applicable Laws and Regulations

Endangered Species Act (16 USC § 1531 et seq.)

Section 7 of this Act requires Federal agencies to ensure that all federally associated activities within the United States do not jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of the critical habitat of these species. Action agencies must consult with the USFWS, which maintains current lists of species that have been designated as threatened or endangered, to determine the potential impacts a project may have on protected species.

On July 29, 2011, Reclamation initiated informal consultation with the USFWS on the activities for projects in the CVPCP and the Habitat Restoration Program for Fiscal Year 2011. The USFWS concurred on November 8, 2011 that the projects, including the controlled propagation and reintroduction phases of this proposed action, are not likely to adversely affect Federally listed species. Reclamation has determined that the Proposed Action would not affect any Federally listed or proposed species or any critical habitat, other than as covered by the 10(a)(1)(A) permit for RBR, issued to ESRP.

On June 21, 2001, Reclamation requested consultation with the USFWS for construction of the rabbit pens. On July 13, 2001, USFWS wrote a biological opinion which concluded that the construction of the rabbit pens was not likely to adversely affect listed endangered species. On April 11, 2012, the USFWS reinitiated consultation with Reclamation to allow for the suspension of the brush rabbit captive propagation program in Pond 6 by mid-2013. The USFWS concluded that any vegetation removal activities associated with pen closure would have no effect on listed endangered species (see Appendix B).

Section 5 List of Preparers and Reviewers

Joanne Goodsell, Archaeologist, Bureau of Reclamation, Regional Office, Sacramento

Doug Kleinsmith, Natural Resources Specialist, Bureau of Reclamation, Regional Office, Sacramento

Shauna McDonald, Wildlife Biologist, Bureau of Reclamation, South Central California Area Office, Fresno

Rosemary Stefani, Natural Resources Specialist, Bureau of Reclamation, Regional Office, Sacramento

Section 6 References

- California Natural Diversity Database (CNDDB). 2012. RareFind 3 electronic database. Government version. Updated February 3, 2012.
- Miles, S.R., C.B. Goudey (eds.). 1997. Ecological Regions of California, Section and Subsection Descriptions. USDA, Forest Service Pacific Southwest Region San Francisco, CA
- U.S. Fish and Wildlife Service (USFWS). 1998a. Recovery Plan for Upland Species of the San Joaquin Valley, California. Region 1, Portland Oregon. 319 pp.
- U.S. Fish and Wildlife Service (USFWS). 2002. Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Portland, Oregon. viii + 173 pp.
- Williams, D. F., P. A. Kelly, L. P. Hamilton. 2002. Controlled Propagation and Reintroduction Plan for the Riparian Brush Rabbit. Endangered Species Recovery Program, California State University, Turlock 75 pp.
- Williams, D.F., P.A. Kelly, L.P. Hamilton, M.R. Lloyd, E.A. Williams, and J.J. Youngblom. (2008). Recovering the endangered riparian brush rabbit (*Sylvilagus bachmani riparius*): reproduction and growth in confinement and survival after translocation. In Lagomorph Biology: Evolution, Ecology, and Conservation; P.C. Alves, N. Ferrand, and K. Hacklander (Eds.); pages 349 361; Springer-Verlag Berlin Heidelberg 2008; proceedings of the 2nd World Lagomorph Conference, Vairao, Portugal, July 2004.

Appendix A

Department of Fish and Game Concurrence for Vegetation Removal During Pen Deactivation

From: Daniel Applebee <dapplebee@dfg.ca.gov>

Date: February 29, 2012 3:29:54 PM PST

To: Scott Osborn <SOSBORN@dfg.ca.gov>, Patrick Kelly
<pkelly@esrp.csustan.edu>

Cc: Dale Steele <DSteele@dfg.ca.gov>

Subject: Re: Fwd: Environmental compliance for grant R11AP20141
include RBR breeding pen closures?

Patrick,

Per Special Terms and Conditions section 14.g.viii.D of your Federal Fish and Wildlife Permit (TE-023496-6), the California Department of Fish and Game concurs with your plan to remove or reduce vegetative cover from the riparian brush rabbit propagation pens by hand cutting, goat browsing, or other methods not to include earth-moving equipment. We believe it is necessary to reduce vegetative cover to ensure that no captive rabbits are inadvertently left behind in the pens when the captive breeding program ends. Please let me know if you have any questions.

Sincerely,

Daniel Applebee
Staff Environmental Scientist
California Department of Fish and Wildlife
Nongame Wildlife Program
1812 Ninth Street
Sacramento, CA 95811

(209) 588-1879
dapplebee@dfg.ca.gov

Certified Wildlife Biologist ®

Appendix B

Fish and Wildlife Service Reinitiation of Section 7 Consultation on the Biological Opinion on Construction of Pens and Associated Infrastructure for Captive Propagation of Riparian Brush Rabbits



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:
1-1-01-F-0149-2

APR 11 2012

Memorandum

To: Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California

From: *Michael J. Thomas*
for Assistant Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California

Subject: Reinitiation of Section 7 Consultation on the Biological Opinion on Construction of Pens and Associated Infrastructure for Captive Propagation of Riparian Brush Rabbits at the Pond 6 Site in San Joaquin County, California

This memorandum represents the U.S. Fish and Wildlife Service's (Service) reinitiation of intra-Service section 7 consultation on the Construction of Pens and Associated Infrastructure for Captive Propagation of Riparian Brush Rabbits at the Pond 6 Site in San Joaquin County, California (Service file number 1-1-01-F-0149) (2001 BO). At issue are the potential effects of the proposed action on the threatened giant garter snake (*Thamnophis gigas*) (garter snake) and the endangered riparian brush rabbit (*Sylvilagus bachmani riparius*) (brush rabbit). This memorandum is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*) (Act).

The purpose of reinitiating section 7 consultation for this project is to allow for the suspension of the brush rabbit captive propagation program at Pond 6 by mid-2013. Due to significant brush rabbit habitat restoration efforts, augmentation of extant brush rabbit populations with captive-bred animals, the establishment of additional populations, and the exhaustion of sites available to establish additional populations; the brush rabbit captive propagation program is slated to be suspended by the end of 2012 or early 2013. In order to suspend brush rabbit propagation operations and release all captive-bred brush rabbits to the San Joaquin River NWR and remaining breeder rabbits to their South Delta capture locations, most of the vegetation inside the propagation pens, which provides cover for brush rabbits while in captivity, will be removed to locate and capture all brush rabbits in a timely and efficient manner. The removal of vegetation within the captive breeding facility and potential take of brush rabbits associated with such vegetation removal activities was not included or authorized in the 2001 BO. All infrastructure

Field Supervisor, Sacramento Fish and Wildlife Office

associated with the brush rabbit propagation facility will be maintained in the event a need to reinitiate captive propagation arises for the brush rabbit.

Because all vegetation removal activities will take place within the captive propagation pens, we have determined these activities will have no effect on the garter snake. The capture, handling, harassment, and translocation of brush rabbits for the purpose of captive propagation is covered under the Endangered Species Recovery Program's (ESRP) section 10(a)(1)(A) permit (permit number TE-023496-6).

This document is based on: (1) the Controlled Propagation and Reintroduction Plan for the Riparian Brush Rabbit (*Sylvilagus bachmani riparia*), dated July 6, 2001; (2) the Riparian Mammals Technical Group meeting held on January 11, 2012; (3) electronic mail and telephone conversations between ESRP and the Service; and (4) other information available to the Service.

The following are additions to the 2001 BO:

1. Add to the Description of the Proposed Action:

To facilitate the suspension of brush rabbit propagation at the Pond 6 facility, cover vegetation, primarily Himalayan blackberry (*Rubus armeniacus*), will be removed by hand tools and/or goats (*Capra aegagrus*) until it can be determined that all brush rabbits have been captured and removed from pens. Vegetation cut by hand crews will be cut in such a manner that the top portion of vegetation, above the point at which a brush rabbit is likely to be injured or killed by hand tools, is cut first. Prior to cutting the bottom portion of vegetation by hand, vegetation will be searched by a Service-approved biologist for brush rabbits. Cut vegetation will be immediately contained in such a manner as to exclude brush rabbits and not provide cover for the species. Prior to cutting any vegetation, all hand crew personnel will attend a brush rabbit training program that includes a description of the species, its biology, and measures being implemented to avoid and minimize effects to the species. Any injured brush rabbit will be immediately taken to a veterinarian for care.

2. Add to the Effects of the Proposed Action:

Hand crews may inadvertently step on brush rabbits or contact them with hand tools, thereby injuring or killing the species while removing vegetation. In addition, brush rabbits may be inadvertently trampled by goats, resulting in death or injury.

3. Add to the Amount or Extent of Take:

The Service anticipates that vegetation removal activities for the purpose of suspending the captive propagation program may kill or injure one brush rabbit.

Field Supervisor, Sacramento Fish and Wildlife Office

This concludes the reinitiation of intra-Service section 7 consultation on the Construction of Pens and Associated Infrastructure for Captive Propagation of Riparian Brush Rabbits at the Pond 6 Site in San Joaquin County, California. As provided in 50 CFR § 402.16, re-initiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending re-initiation.

If you have any questions regarding this reinitiation of intra-Service section 7 consultation on the Construction of Pens and Associated Infrastructure for Captive Propagation of Riparian Brush Rabbits at the Pond 6 Site, please contact Ben Solvesky (Ben_Solvesky@fws.gov) or Josh Hull, Recovery Division Chief, (Josh_Hull@fws.gov) at (916) 414-6600.

Appendix C

Cultural Resources Compliance

Tracking No. 12-SCAO-082

From: Goodsell, Joanne E
Sent: Thursday, March 01, 2012 3:38 PM
To: Kleinsmith, Douglas H
Subject: Section 106 Compliance for CVPCP funded RBR controlled propagation and reintroduction project

Project Name: Controlled Propagation, Reintroduction, and Monitoring of Riparian Brush Rabbit on the San Joaquin River National Wildlife Refuge and Adjacent Lands

Location: sec. 28, T. 4 N., R. 5 E., Mount Diablo Meridian

Doug,

Reclamation's Proposed Action to contribute \$390,673 of Central Valley Project Conservation Program (CVPCP) funds to the California State University Stanislaus Endangered Species Recovery Program (ESRP) to continue and complete the final phase of a riparian brush rabbits (RBR) controlled propagation and reintroduction project has no potential to affect historic properties, pursuant to 36 CFR Part 800.3(a)(1). As presently envisioned, the project consists of captive propagation, health screening, reintroduction, monitoring, habitat assessment, miscellaneous public outreach, and breeding pen deactivation components, none of which involve any ground disturbance or other activities with the potential to cause effects on historic properties, assuming such properties are present. Any future use of the pens, including their removal, would require additional review under, and compliance with, the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA), commitments to which have been made in the Draft EA covering the Proposed Action. A copy of the Draft EA, with my comments and edits to be incorporated, is attached for your use. Please note that my comments/edits are in addition to those most recently provided by Shauna McDonald on February 29, 2012.

This email serves to conclude the NHPA Section 106 process for the current undertaking. Please retain a copy of this email with the EA administrative record.

Joanne Goodsell, M.A., Archaeologist Bureau of Reclamation, Mid-Pacific Regional Office 2800 Cottage Way, MP-153
Sacramento, CA 95825
(916) 978-5499 jgoodsell@usbr.gov

Appendix D

Indian Trust Assets Compliance

From: Rivera, Patricia L
Sent: Friday, July 08, 2011 6:29 AM
To: Kleinsmith, Douglas H
Subject: FW: ITA request for all 6 2011 CVPCP projects

Doug,

I reviewed the proposed actions and determined that there are no potential affects to Indian Trust Assets as a result of any of the actions.

1. **Panorama Vista Preserve Habitat Restoration**
2. **Riparian Brush Rabbit Propagation, Reintroduction and Monitoring**
3. **Merced Vernal Pool Education Program Santa Theresa County Park Serpentine**
4. **Soils Grazing**
5. **Peek Ranch Conservation Easement**
6. **Kelsey Ranch Conservation Easement**

1. Restoration of alkali shrub and riparian woodlands on 20 acres of degraded Kern River floodplain and adjacent upland at the Panorama Vista Preserve in Bakersfield. The nearest ITA is a Public domain Allotment approximately 33 miles E of the project location.

2. Complete the controlled propagation and reintroduction of riparian brush rabbits onto the San Joaquin River NWR and adjacent lands. The nearest ITA is Chicken Ranch Rancheria approximately 41 miles NE of the project location.

3. Create a vernal pool outdoor education program in Merced County based on the award-winning Sacramento Splash curriculum. Pilot the program in classrooms and in the field. The nearest ITA is a Public Domain Allotment approximately 25 miles NE of the project location.

4. Installation of grazing infrastructure (fencing, water troughs, water tanks, well and solar pump, etc.) to introduce cattle to three pastures containing 492 acres at Santa Teresa County Park for management and enhancement of serpentine grasslands and associated species. The nearest ITA is Lytton Rancheria approximately 58 miles NW of the project location.

5. Acquisition of a conservation easement on the 2,407-acre Peek Ranch. The property is actively grazed. The native habitats on the property are primarily grasslands containing vernal pools, along with riparian habitats along Deer Creek. The nearest ITA is Paskenta Rancheria approximately 9 miles SW of the project location.

6. Acquisition of a conservation easement on the 6,148-acre Kelsey Ranch north of the town of Snelling. The property is actively grazed, and contains some farmed crops. The native habitat on the property is primarily grasslands containing vernal pools, along with a year-round creek and some land in active

agriculture. The nearest ITA is a Public Domain allotment approximately 21 miles east of the project location.

Patricia Rivera
Native American Affairs Program Manager
Bureau of Reclamation
Mid-Pacific Region
Sacramento, CA 95825