

## **Environmental Assessment**

# **Eastern Ciervo-Panoche Natural Area Habitat Protection Project (Mouren Cattle Company parcels)**



**U.S. Fish and Wildlife Service  
Pacific Southwest Regional Office  
Sacramento, California**



**U.S. Bureau of Reclamation  
Mid-Pacific Region  
Sacramento, California**

**September 2014**

## **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.

The mission of the Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

# List of Abbreviations and Acronyms

BLM	Bureau of Land Management
BNLL	Blunt-nosed leopard lizard
CEQ	Council on Environmental Quality
CPNA	Ciervo-Panoche Natural Area
CVP	Central Valley Project
CVPCP	Central Valley Project Conservation Program
D-1641	State Water Quality Control Board Decision 1641
DOI	Department of the Interior
EA	Environmental Assessment
FWS	Fish and Wildlife Service
GKR	Giant kangaroo rat
HRP	Habitat Restoration Program
ITA	Indian Trust Assets
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
PCACEC	Panoche-Coalinga Area of Critical Environmental Concern
RMP	Resource Management Plan
SJKF	San Joaquin kit fox
SJWT	San Joaquin woolly threads
SWRCB	State Water Resources Control Board
USRP	Recovery Plan for Upland Species of the San Joaquin Valley

# Section 1 Introduction

## 1.1 Background

In conformance with the National Environmental Policy Act of 1969 (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508), and DOI Regulations (43 CFR Part 46), the Bureau of Reclamation (Reclamation) and the Fish and Wildlife Service (FWS) have prepared this Environmental Assessment (EA) to evaluate and disclose any potential environmental impacts associated with providing funds to the Bureau of Land Management (BLM) to help purchase up to 2,240 acres in the eastern Ciervo-Panoche Natural Area owned by the Mouren Cattle Company. Initial funding would be \$822,074 from the Central Valley Project Improvement Act Habitat Restoration Program (HRP) and \$80,000 from the Central Valley Project Conservation Program (CVPCP). The proposed acquisition parcels are located on the eastern slope of the Ciervo Hills, a low-lying north-south trending range that forms the western edge of the San Joaquin Valley between Panoche Creek and Cantua Creek at the border of western Fresno County. (Figure 1).

## 1.2 Need for the Proposal

The CVPCP and HRP help mitigate the past impacts of Reclamation's Central Valley Project (CVP) on threatened and endangered species, and minimize future impacts. The CVPCP and HRP also help meet mitigation required by the State Water Resources Control Board (SWRCB) Decision 1641 (D-1641). D-1641 concurred with a Reclamation petition to expand Reclamation's authorized place of use to include certain areas already receiving CVP water. D-1641 also states that Reclamation will provide compensation and habitat values that mitigate for actions associated with the delivery of CVP water to lands previously outside the authorized place of use. The CVPCP and HRP are the main programs with which Reclamation provides mitigation to meet D-1641 requirements.

The federally-listed San Joaquin kit fox (SJKF), giant kangaroo rat (GKR), blunt-nosed leopard lizard (BNLL), and San Joaquin woolly threads (SJWT) would benefit from the Ciervo Hills acquisition, all of which have declined as a direct result of the conversion of arid grasslands and scrublands to irrigated agriculture in the western San Joaquin Valley (USFWS 1998), in part due to the availability of CVP water. Additional threats of habitat loss from large solar developments in the Panoche Valley increases the conservation value of any remaining San Joaquin Valley upland habitats in the Ciervo-Panoche Natural Area.

## **Section 2 Alternatives Including Proposed Action**

### **2.1 No Action Alternative**

Reclamation would not provide \$600,000 from the HRP and \$80,000 from the CVPCP, and FWS would not provide \$222,074 from the HRP, to BLM to help purchase part of 2,240 acres in the eastern Ciervo-Panoche Natural Area. BLM would need to obtain the total of \$902,074 from other public and/or private sources. If the funding cannot be secured, BLM would not be able to purchase and preserve the parcels.

### **2.2 Proposed Action**

Reclamation would provide \$600,000 from the HRP and \$80,000 from the CVPCP, and FWS would provide \$222,074 from the HRP, to BLM to help purchase part of 6 parcels of land totaling 2,240 acres in the eastern Ciervo-Panoche Natural Area (CPNA). BLM has prioritized the six parcels based on habitat connectivity and threat from development. Reclamation and FWS may provide additional funding in future years of up to \$3,097,926 to BLM to purchase some or all of the identified Mouren Cattle Company parcels not purchased in 2014. This would require additional NEPA compliance.

After acquisition of the parcels, BLM would manage the lands consistent with the management goals and objectives of the Panoche-Coalinga Area of Critical Environmental Concern (PCACEC). BLM's goals and objectives for the PCACEC are to manage these lands for the protection of special status species and to promote scientific research and education. Further information on achieving these goals and objectives are in the Hollister Resource Management Plan (RMP) which describes the approved management actions for lands administered by BLM's Hollister Field Office, including the PCACEC (BLM 2007). A livestock grazing program would be established to meet both the management plan goals and objectives of the PCACEC, and to implement the terms and conditions and conservation recommendations for livestock grazing in selected allotments of the BLM Hollister Field Office under USFWS Biological Opinion 1-1-92-F-11 (USFWS 1991). Information on the RMP and related documents, including how BLM will administer lands within the PCACEC, can be found at the Hollister Field Office's website at [http://www.blm.gov/ca/st/en/fo/hollister/desert\\_hills.html](http://www.blm.gov/ca/st/en/fo/hollister/desert_hills.html).

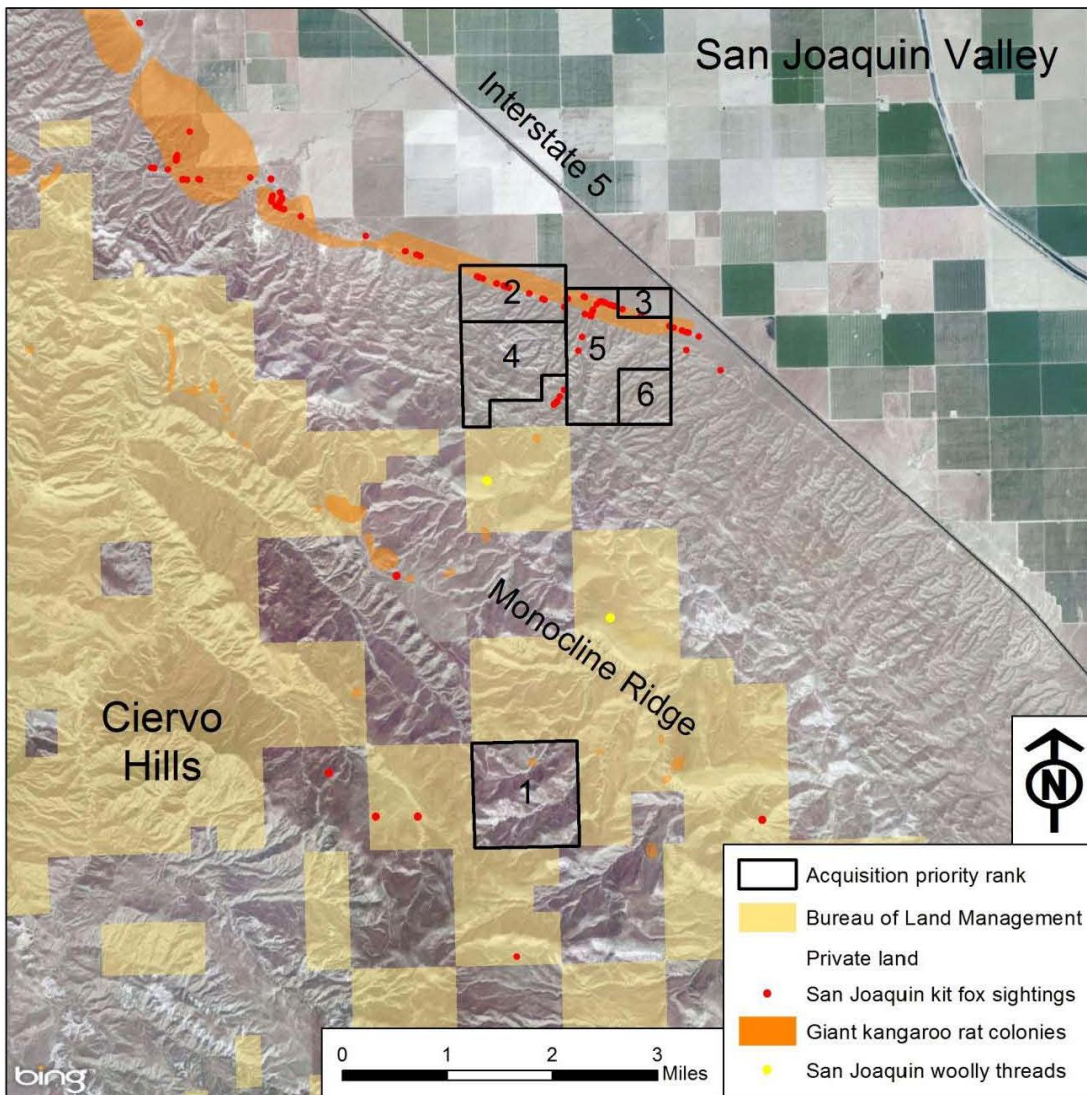


Figure 1. Location of the Mouren Cattle Company parcels in western Fresno county. Lands proposed for acquisition are indicated by priority ranking (numbered) relative to existing BLM lands and distribution of SJKF sightings, GKR colonies, and SJWT.

## **Section 3    Affected Environment and Environmental Consequences**

This section identifies the potentially affected environmental resources and the environmental consequences that could result from the Proposed Action and the No Action Alternatives.

### **3.1 Resources Not Analyzed in Detail**

Department of the Interior Regulations, Executive Orders, and Reclamation guidelines require a discussion of the following items when preparing environmental documentation:

#### **3.1.1 Cultural Resources**

The project does not have the potential to cause effects to historic properties, should such properties be present, pursuant to the National Historic Preservation Act (NHPA) Section 106 regulations codified under 36 CFR § 800.3(a)(1). Reclamation has no further obligations under NHPA Section 106, pursuant to 36 CFR § 800.3(a)(1).

The proposed action involves no ground disturbing activity, and constitutes solely the provision for funding from Reclamation to BLM toward acquisition of the land. Once obtained, the BLM would be the land managing agency of record, and thus responsible for any further NHPA Section 106 obligations outside the scope of this undertaking. (See Appendix A.)

#### **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 47 miles west of the project location. The proposed action does not have a potential to affect ITAs. (See Appendix B.)

#### **3.1.3 Indian Sacred Sites**

Sacred sites are defined in Executive Order 13007 (May 24, 1996) as "any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site." After ownership is transferred to BLM, as a Federal agency, they would be responsible for working with any tribes to ensure any activities do not impede use of sacred sites.

#### **3.1.4. 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 impact to any populations, 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**

The terrain of the Mouren Cattle Company priority acquisition parcels varies from relatively level at the eastern edge of the Ciervo Hills on parcels 2, 3, and 5 (Figure 1) to hilly at parcels 1, 4, and 6. The climate is arid, averaging only 9 inches of rain per year, qualifying the region as desert (San Joaquin Desert; Germano et al., 2011). The dominant vegetation type on the parcels is annual grassland. Saltbrush (*Atriplex* sp.) is occasionally present. Table 1 lists special status species which are known to occur or could occur on the 6 parcels.

The relatively level terrain of the western edge of the San Joaquin Valley, and the presence of sandy soils within priority acquisition parcels 2, 3, and 5 indicate why GKR occurs there in high density. GKR also occur in locally level terrain (ridge tops, flats) on priority acquisition parcels 1, 4, and 6. San Joaquin kit foxes also favor the localized areas of level terrain.

#### ***San Joaquin kit fox***

In 2010, SJKF were extensively documented within the parcels proposed for acquisition. The population is apparently robust and self-sustaining, but is likely dependent on the preservation of GKR colony that is still present there. Conversion of the habitat to agriculture would likely extirpate this genetically distinct population. Furthermore, the FWS Recovery Plan for the Upland Species of the San Joaquin Valley (USRP) (USFWS 1998) stipulates protection of 90% of SJKF habitat, as existed in 1998, for the species to be delisted. Therefore protection of the proposed parcels is crucial for the recovery and delisting of the species.

#### ***Giant kangaroo rat***

Williams et al. (1995) noted a large extant region of GKR occupancy centered on proposed acquisition priority parcels 2, 3, and 5. Since 1995, significant conversion of the habitat to agriculture has occurred. The proposed acquisition represents the first attempt to conserve this important habitat from conversion and would protect a



**Table 1. Special Status Species Present or Potentially Present on the Proposed Eastern Ciervo-Panoche Natural Area Acquisition Parcels**

Common Name <sup>a</sup>	Scientific Name	Federal Status <sup>b</sup>	State Status <sup>c</sup>	Other Designated Species <sup>d</sup>	Species Verified Presence (Y/N) <sup>e</sup>
<b>Mammals:</b>					
Giant kangaroo rat	<i>Dipodomys ingens</i>	E	E	.	Y
San Joaquin antelope squirrel	<i>Ammospermophilus nelsoni</i>	.	T	.	Y
Short-nosed kangaroo rat	<i>Dipodomys nitratoideus brevinasus</i>	.	.	CSC	N
San Joaquin pocket mouse	<i>Perognathus inornatus inornatus</i>	.	.	CSC	N
Tulare grasshopper mouse	<i>Onychomys torridus tularensis</i>	.	.	CSC	N
<b>Birds:</b>					
Swainson's hawk	<i>Buteo swainsoni</i>	C	T	.	N
Northern harrier	<i>Circus cyaneus</i>	.	C	.	N
Ferruginous hawk	<i>Buteo regalis.</i>	.	C	.	N
Prairie falcon	<i>Falco mexicanus</i>	.	C	.	N
Short-eared owl	<i>Asio flammeus</i>	.	C	.	N
Burrowing owl	<i>Athene cunicularia</i>	C	.	CSC	N
LeConte's thrasher	<i>Toxostoma lecontei</i>	.	C	.	N
Swainson's hawk	<i>Buteo swainsoni</i>	C	T	.	N
Northern harrier	<i>Circus cyaneus</i>	.	C	.	N
Ferruginous hawk	<i>Buteo regalis.</i>	.	C	.	N
<b>Reptiles:</b>					
Blunt-nosed leopard lizard	<i>Gambelia sila</i>	E	FP	.	N
Coast horned lizard	<i>Phrynosoma blainvillii</i>	.	.	CSC	Y
<b>Insects:</b>					
Ciervo aegelian scarab beetle	<i>Aegialia concinna</i>	C	.	.	N
San Joaquin dune beetle	<i>Coleus gracilis</i>	C	.	.	N
Doyen's dune weevil	<i>Trigonoscuta doyeri</i>	C	.	.	N
Morrison's blister beetle	<i>Lytta morrisoni</i>	C	.	.	N
<b>Plants:</b>					
San Joaquin woolly threads	<i>Monolopia congdonii</i>	E	.	.	N
Panoche pepper-grass	<i>Lepidium jaredii ssp.album.</i>	.	.	CRPR List 1B.2	N
Lost Hills crowscale	<i>Atriplex coronata var. vallicola</i>	.	.	CRPR List 1B.2	N
Pale yellow layia	<i>Layia heterotricha</i>	.	.	CRPR list 1B.1	N

Golden madia	<i>Madia radiata</i>	.	.	CRPR list 1B.1	N
Hall's tarplant	<i>Deinandra halliana</i>	.	.	CRPR list 1B.1	N
Round leaved filaree	<i>California macrophylla</i>	.	.	CRPR list 1B.1	N
Forked fiddleneck	<i>Amsinckia furcate</i>	.	.	CRPR list 4.2	N
Panoche larkspur	<i>Delphinium gypsophilum</i>	.	.	CRPR list 4.2	N
Hoover's woolly star	<i>Eriastrum hooveri</i>	.	.	CRPR list 4.2	N
San Benito poppy	<i>Eschscholzia hypocoides</i>	.	.	CRPR list 4.3	N
San Joaquin woolly threads	<i>Monolopia congdonii</i>	E.	.	.	N

<sup>a</sup> ‡ = Central Valley Project Improvement Act Priority Species

<sup>b</sup> E = federally listed as endangered, T = federally listed as threatened

<sup>c</sup> E = state listed as endangered, R - state listed as rare, T= state listed as threatened

<sup>d</sup> SSC = California listed as species of special concern, FP = California fully protected species

<sup>e</sup> Species has been confirmed on the actual property/parcel that is proposed for protection

significant portion of that habitat. A new model developed by Dr. Tim Bean of Humboldt State University revealed widespread occupancy and habitat availability for GKR in the Ciervo Hills. The Recovery Plan requires protection of the entire species' metapopulation in the CPNA, therefore acquisition and protection of all GKR habitat in the eastern CPNA is necessary for recovery of the species in the region.

### ***Blunt-nosed leopard lizard***

The parcels proposed for acquisition appear to have ecological conditions conducive to BNLL, but the species has not been surveyed in the area. The probability of the species' being present is reasonably high due to the relatively level terrain and the presence of GKR, with which the BNLL appears to co-occur in the CPNA. The likelihood of the habitat being suitable for supporting the species should be considered "potential."

### ***San Joaquin woolly threads***

The parcels proposed for acquisition appear to contain suitable habitat for SJWT, but have not yet been surveyed for the species. Two extant populations of SJWT in the vicinity are known to occur on sandy soils on the Monocline Ridge (Figure 1). The probability of the species being present on parcels 2, 3 and 5 is high due to the relatively level terrain and presence of sandy soils. The likelihood of the habitat being suitable for supporting the species should be considered "potential."

## **3.2.2 Environmental Consequences**

### ***No Action***

If Reclamation does not provide funding to help purchase the Mouten Cattle Company parcels, BLM would have to find additional funds from other sources. If BLM was not able to purchase

the parcels and the owner sold the parcels to a private party, the opportunity for its permanent conservation would be lost or jeopardized. If acquisition of the proposed parcels does not occur, conversion of the habitat to orchards or other agricultural uses is likely to occur and an opportunity to secure and protect endangered species populations and habitat in the CPNA from development would likely be irrevocably lost.

### ***Proposed Action***

The proposed project would directly benefit the long-term conservation and management of several federally-listed species (Table 1), through permanent protection and management of their habitats on the parcels.

Acquisition of the Mouren Cattle Company lands would not affect threatened or endangered species because it would not result in changes in land use or any new activity not already taking place there.

## **3.3 Cumulative Effects**

According to CEQ regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as *the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions*. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

There are no adverse impacts associated with implementing the Proposed Action, and therefore there are no cumulative effects to consider.

## **Section 4 Consultation and Coordination**

### **4.1 CVPCP and HRP Technical Team**

CVPCP and HRP program managers are guided by a Technical Team of biologists and natural resource specialists from Reclamation, FWS, and the California Department of Fish and Wildlife. During the period of November 4, 2013 through February 20, 2014, members of the Technical Team reviewed and scored proposals submitted to Reclamation for consideration for funding. The Eastern Ciervo-Panoche Natural Area Habitat Protection Project (Mouren Cattle Company parcels) proposal ranked in the top tier of proposals and was selected for funding following evaluation by the Team. In March, 2014, Reclamation and FWS management approved the proposal for funding.

## Section 5 References

- Cypher, B., S.E. Phillips, and P.A. Kelly. 2007. Habitat suitability and potential corridors for San Joaquin kit fox in the San Luis Unit: Fresno, Kings and Merced counties, California. Prepared for the U.S. Bureau of Reclamation, South-Central Area Office, and the U.S. Fish and Wildlife Service Endangered Species Program. May 22, 2007. 34 pp.
- Germano, D.J., G.B. Rathburn, L.R. Saslaw, B.L. Cypher, E.A. Cypher, and L.M. Vrendenburgh. 2011. The San Joaquin desert of California: Ecologically misunderstood and overlooked. *Natural Areas Journal* 31:138-147.
- U.S. Fish and Wildlife Service. 1991. Formal Section 7 Consultation on an Interim Proposal to Authorize Livestock Grazing in Selected Allotments in the Hollister Resource Area. Sacramento, CA.
- U.S. Fish and Wildlife Service. 1998. Recovery plan for upland species of the San Joaquin Valley, California. U.S. Fish and Wildlife Service, Portland, OR.
- Williams, D.F., M.K. Davis, and L.P. Hamilton. 1995. Distribution, population size, and habitat features of giant kangaroo rats in the northern segment of their geographic range. California Department of Fish and Game, Bird and Mammal Conservation Program Report 95-01

# **Appendix A**

## **Cultural Resources Compliance**

**CULTURAL RESOURCE COMPLIANCE  
Mid-Pacific Region  
Division of Environmental Affairs  
Cultural Resources Branch**

**MP-153 Tracking Number: 14-MPRO-263**

**Project Name: Eastern Ciervo – Panoche Natural Area Habitat Protection**

**NEPA Document: EA**

**Project Manager/NEPA Contact: Dan Strait**

**MP 153 Cultural Resources Reviewer: Adam Nickels**



**Date: 08/11/14**

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The proposed undertaking to providing funding for the fee title acquisition of up to 2,240 acres on six parcels located on the eastern slope of Ciervo Hills to be held in title by the Bureau of Land Management has no potential to cause effects to historic properties pursuant to 36 CFR Part 800.3(a)(1).

The proposed action will involve the use of federal appropriations to purchase private lands that will be held as part of the public domain by the Bureau of Land Management. The proposed action to purchase the property will ensure that certain future undertakings are considered by Federal laws and regulations such as the National Historic Preservation Act's section 106 and its implementing regulations at 36 CFR Part 800. Other cultural resources preservation laws include but are not limited to the application of the Archaeological Resources Protection Act and the Native American Graves Protection and Repatriation Act.

After reviewing the project description for this undertaking I have concluded that no additional cultural resources considerations are necessary concluding the Section 106 process for this undertaking. This conclusion statement is intended to convey the conclusion of the Section 106 process for this undertaking. Barring any further involvement by Reclamation, future actions will be considered at the discretion of the Bureau of Land Management.

Thank you for providing the opportunity to comment on this undertaking. Please retain a copy of this conclusion statement with the administrative record for the proposed project.

## **Appendix B**

# **Indian Trust Assets Compliance**





KLEINSMITH, DOUGLAS &lt;dkleinsmith@usbr.gov&gt;

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**Re: ITA request: Eastern Ciervo-Panoche Natural Area  
Habitat Protection Project**

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**RIVERA, PATRICIA** <privera@usbr.gov>

Mon, Aug 11, 2014 at 10:57 AM

To: DOUGLAS KLEINSMITH &lt;dkleinsmith@usbr.gov&gt;

Doug,

I reviewed the proposed action to provide \$600,000 from the HCP and \$80,000 from the CVPCP and FWS would provide \$222,074 from the HCP to BLM to help purchase part of 6 parcels of land totaling 2,240 acres in the eastern Ciervo-Panoche Natural Area and determined that there are no potential impacts to Indian Trust Assets. The nearest Indian Trust Asset is a Public Domain Allotment, approximately 47 miles west of the project location.

Patricia Rivera  
Native American Affairs Program Manager  
US Bureau of Reclamation  
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