

RECLAMATION

Managing Water in the West

Environmental Assessment

Willow Creek Ranch Conservation Easement Acquisition Project



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

August 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.

List of Abbreviations and Acronyms

| | |
|-----------------|---|
| CEQ | Council on Environmental Quality |
| CRLF | California red-legged frog |
| CTS | California tiger salamander |
| CVP | Central Valley Project |
| CVPCP | Central Valley Project Conservation Program |
| ITA | Indian Trust Assets |
| NEPA | National Environmental Policy Act |
| NHPA | National Historic Preservation Act |
| PNP | Pinnacles National Park |
| Ranch | Willow Creek Ranch |
| Rangeland Trust | California Rangeland Trust |
| Reclamation | Bureau of Reclamation |
| SJKF | San Joaquin kit fox |

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 Department of the Interior Regulations (43 CFR Part 46), the Bureau of Reclamation (Reclamation) has prepared this Environmental Assessment (EA) to evaluate and disclose any potential environmental impacts associated with providing \$800,000 from the Central Valley Project Conservation Program (CVPCP) to the California Rangeland Trust (Rangeland Trust) to help purchase a conservation easement on 5,522 acres of the 5,954-acre Willow Creek Ranch (Ranch). The Ranch is located in San Benito County adjacent to Pinnacles National Park's northern boundary (Figure 1).

1.2 Need for the Proposal

The CVPCP helps mitigate the past impacts of Reclamation's Central Valley Project (CVP) on threatened and endangered species, and minimize future impacts. Three federally listed species (California tiger salamander, California red-legged frog and California condor) would benefit from the conservation easement, all of which have declined at least partially due to the conversion of habitat to irrigated agriculture in the western San Joaquin Valley, in part due to the availability of CVP water. Since the creation of Pinnacles National Park (PNP) in 2013, conservation groups have been concerned that adjacent commercial and residential development would follow. With the area largely undeveloped, there are few obstacles to wildlife movement and species dispersal. Conservation of the Ranch would help protect this wildlife linkage and buffer PNP from future activities that could impact the quality of habitats for listed species in the Park.

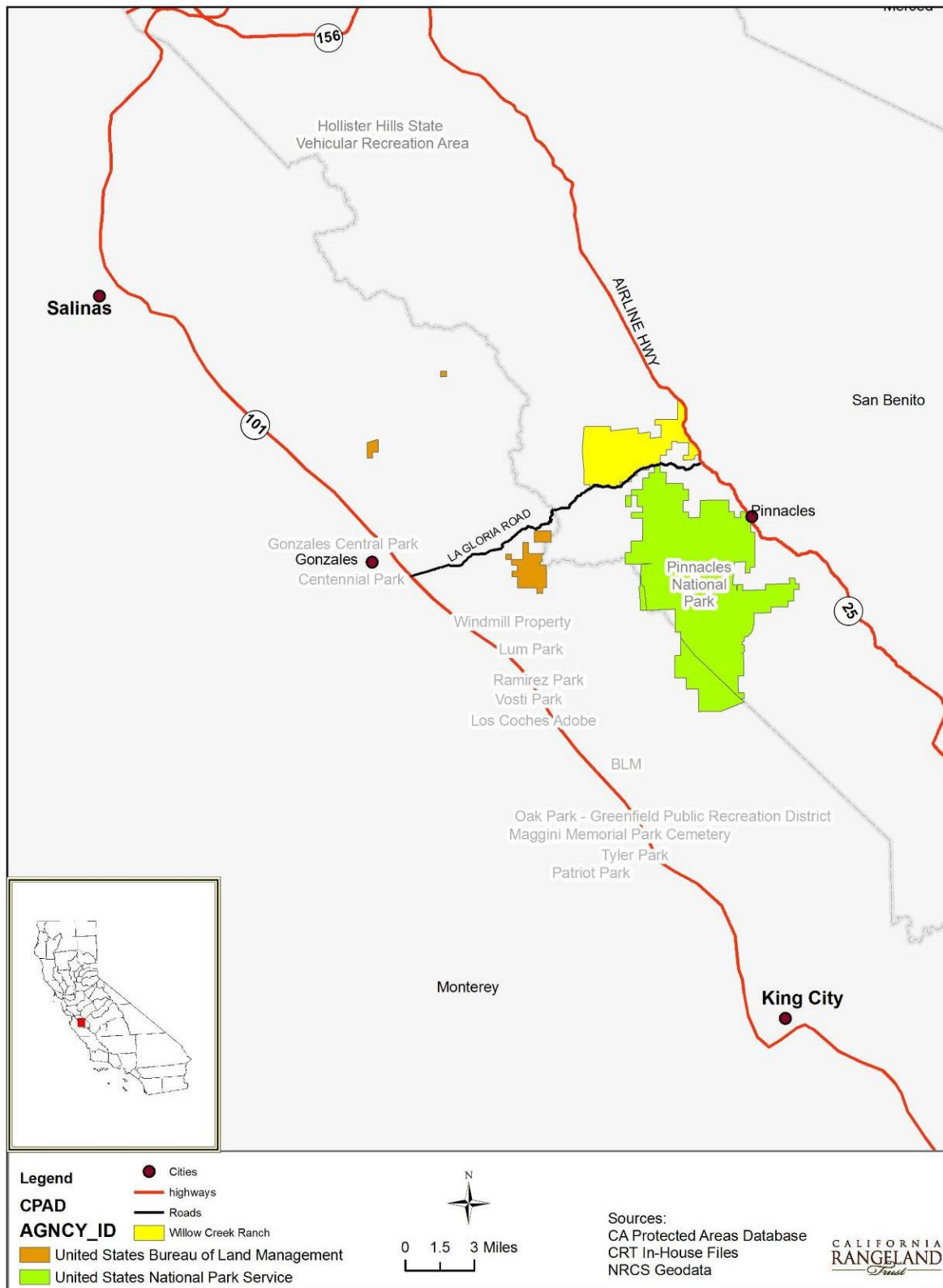


Figure 1. Willow Creek Regional Map

Section 2 Alternatives Including Proposed Action

2.1 No Action Alternative

Reclamation would not provide \$800,000 from the CVPCP to the Rangeland Trust to help purchase a conservation easement on 5,522 acres of the 5,954-acre Ranch. The Rangeland Trust would be required to obtain the \$800,000 from other public and/or private sources. If the funding cannot be secured, they would not be able to purchase the Ranch.

2.2 Proposed Action

Reclamation would provide \$800,000 from the CVPCP to the Rangeland Trust to help purchase a conservation easement on 5,522 acres of the 5,954-acre Ranch. The total estimated cost for the easement is \$1,852,000. A long term management plan for the Ranch would be developed and implemented if the Rangeland Trust is able to purchase an easement; this management plan would address water, grazing, recreation and other human uses, invasive plants and animals, and federally listed species habitat requirements. Prior to easement acquisition, a baseline conditions report would be prepared documenting existing development, agricultural uses, and natural resources. An easement monitoring plan would also be developed. The Rangeland Trust would work with the landowners and funding partners to assure that all parties agree with the conditions, restrictions and/or requirements of the easement, management plan, baseline conditions report, and monitoring plan.

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

Because the establishment of a conservation easement would not result in a change in land use, or cause any new activity to occur on the Ranch, it is the type of undertaking that 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 at 36 CFR § 800.3(a)(1). Reclamation has no further obligations under NHPA Section 106, pursuant to 36 CFR § 800.3(a)(1). (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 11 miles northwest 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." The Proposed Action would not affect and/or prohibit access to, and ceremonial use of, Indian 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 resulting from the establishment of a conservation easement, 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 Ranch is primarily used as a cow-calf and yearling/heifer cattle grazing operation for approximately eight months of the year, depending on the amount of feed present, after which the cattle are moved to leased lands. The Ranch also leases property to a hunting club on a seasonal basis.

The Ranch encompasses five separate habitat types, all located in relatively close proximity to each other. Of the 5,522-acre easement area, habitat types include oak savannah/woodlands (5%), coniferous forests (21%), chaparral (chamise) (51%), grasslands (20%), riparian habitats (3%) and approximately 14.5 miles of ephemeral streams. The South Fork of Willow Creek, the core of the Easement Area, is an ephemeral drainage supporting riparian habitat and seasonal pools providing habitats for federally listed amphibian species. It is flanked on the south by oak savannah woodlands and coniferous pine forest, and on the north by towering cliffs, rocks and ridges ringed by chamise chaparral and grassland. The close juxtaposition of these varied habitat types create an ecological mosaic that naturally increases the biological diversity of species found in the Easement Area. Special status species are shown in Table 1.

The easement area is located within 1.5 miles of California tiger salamander (CTS) Designated Critical Habitat (East Bay Unit, Region 16) and contains the Primary Constituent Elements for the species, including standing bodies of fresh water (14 stock ponds), upland habitats, and upland dispersal habitat.

The Easement Area has several miles of seasonal streams that support riparian habitat and oak woodlands. Fourteen stock ponds provide potential habitat for the federally listed California red-legged frog (CRLF). The California Natural Diversity Database shows sightings of CRLF within 2 miles of the Easement Area (Figure 2). Surveys conducted in 2013 on PNP lands have also located CRLF within 2 miles of the nearest suitable habitat on the proposed easement lands. CRLF are likely found on the Ranch. The entire Easement Area falls within CRLF Designated Critical Habitat (SNB-3 unit), and contains all of the primary constituent elements for CRLF (aquatic breeding habitat, aquatic non-breeding habitat, upland habitat, dispersal habitat). The easement area is also within Gabilan Core Area 21 of the U.S Fish and Wildlife Service's Recovery Plan for the CRLF.

The easement area is located directly north of PNP and shares similar terrain and geologic formations which are suitable for nesting, roosting and foraging for the California condor. The species has been documented by PNP staff numerous times on the easement area using GPS wing tags. PNP is a release site for the California condor and has been a part of the California Condor Recovery Program since 2003. PNP now manages over 28 free-flying condors whose normal range of movement includes the Ranch.

Table 1. Special Status Species Present or Potentially Present at Willow Creek Ranch

| Common Name ^a | Scientific Name | Federal Status ^b | State Status ^c | Other Designated Species ^d | Species Verified Presence (Y/N) ^e |
|---|---------------------------------------|-----------------------------|---------------------------|---------------------------------------|--|
| Amphibians California tiger salamander ‡ | <i>Ambystoma californiense</i> | T | | FP | Y |
| California red-legged frog ‡ | <i>Rana draytonii</i> | T | | SSC | N |
| Foothill yellow-legged frog | <i>Rana boylei</i> | | | SSC | N |
| Reptiles Southwestern pond turtle | <i>Clemmys marmorata pallida</i> | | | SSC | Y |
| California horned lizard | <i>Phrynosoma coronatum frontale</i> | | | SSC | Y |
| Silvery legless lizard | <i>Anniella pulchra pulchra</i> | | | SSC | N |
| San Joaquin coachwhip | <i>Masticophis flagellum ruddocki</i> | | | SSC | N |
| Birds California condor ‡ | <i>Gymnogyps californianus</i> | E | E | FP | Y |
| American peregrine falcon | <i>Falco peregrinus anatum</i> | | E | FP | N |
| Prairie falcon | <i>Falco mexicanus</i> | | | SSC | N |
| Golden eagle | <i>Aquila chrysaetos</i> | | | SSC | N |
| Cooper's hawk | <i>Accipiter cooperi</i> | | | SSC | N |
| Sharp-shinned hawk | <i>Accipiter striatus</i> | | | SSC | N |
| Burrowing owl | <i>Athene cunicularia</i> | | | SSC | N |
| Long-eared owl | <i>Asio otus</i> | | | SSC | N |
| Loggerhead shrike | <i>Lanius ludovicianus</i> | | | SSC | N |
| White tailed kite | <i>Elanus leucurus</i> | | | SSC | N |
| Yellow-breasted chat | <i>Icteria virens</i> | | | SSC | N |
| Mammals American badger | <i>Taxidea taxus</i> | | | SSC | N |
| Big-eared kangaroo rat | <i>Dipodomys elephantinus</i> | | | SSC | N |
| Townsend's western big-eared bat | <i>Corynorhinus t. townsendii</i> | | | SSC | N |
| Pallid bat | <i>Antrozous pallidus</i> | | | SSC | N |
| Western mastiff bat | <i>Eumops perotis</i> | | | SSC | N |

^a ‡ = Central Valley Project Improvement Act Priority Species

^b E = federally listed as endangered, T = federally listed as threatened

^c E = state listed as endangered, R = state listed as rare, T = state listed as threatened

^d SSC = California listed as species of special concern, FP = California fully protected species

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

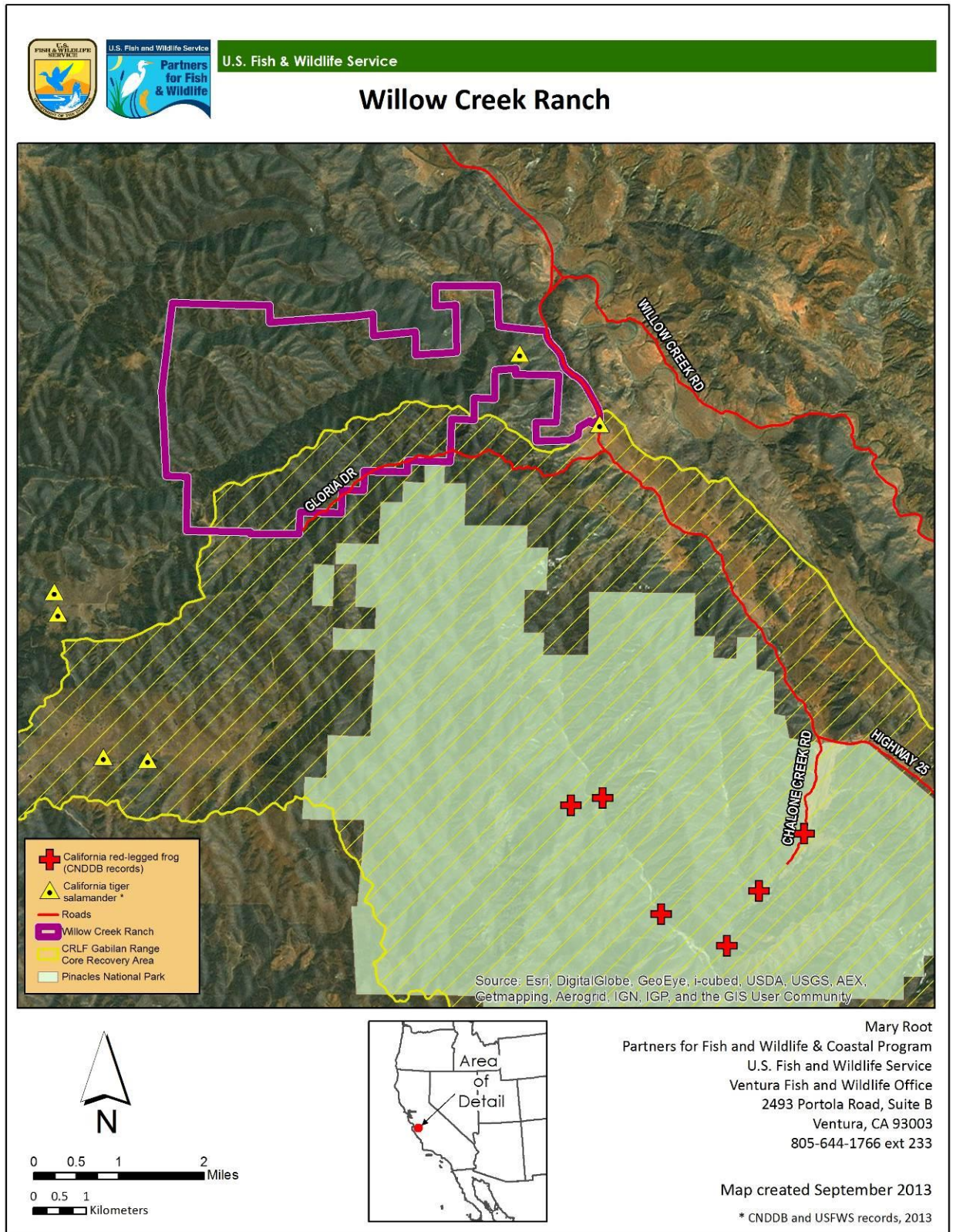


Figure 2. Special Status Species Occurrences at Willow Creek Ranch

3.2.2 Environmental Consequences

No Action

If Reclamation does not provide funding to help purchase the conservation easement on the Ranch, the Rangeland Trust would have to find additional funds from other funding sources. The effects of no action would be the same as the proposed action if these funds are obtained. If alternative funds were not available, the Rangeland Trust may not be able to purchase the conservation easement. The family which owns the Ranch desires to keep the easement area as one unit. However, financial pressures may require the family to sell off parcels to meet obligations in the not-to-distant future. The Ranch is comprised of 23 parcels and has the potential for limited rural residential development. Ranchette development is scattered throughout the area.

Proposed Action

The proposed project establishes a conservation easement which would conserve several federally-listed species, listed in Table 1, through permanent protection and management of their habitats on the Ranch. Restrictions in the conservation easement would prohibit any future activity which would affect these listed species or any other conservation values in the easement. Ensuring that the Ranch remains undeveloped and utilized as grazing lands would not only provide long-term habitat protection for threatened and endangered wildlife species, but would also protect important resources adjacent to Pinnacles National Park.

For the CTS, conservation of the Ranch would protect upland habitats and ephemeral ponds, and would continue effective management of the hydrology of perennial ponds that is an important aspect to maintaining the habitat of CTS to benefit their recovery.

For the CRLF, conservation of the Ranch would ensure that all habitat types necessary for the species remain intact, and that no water is transferred from the easement lands to surrounding lands for such uses as residential development or viticulture. Conservation of the Ranch will directly address the CRLF Recovery Plan (USFWS 2002), Specific Recovery Tasks 1.21 for the Gabilan Range Core Area 21, by conserving habitat that will connect known populations.

The conservation of the easement area would benefit California condors by ensuring the protection of large areas of remote country for foraging, roosting, and nesting. Condors roost on large trees or snags, or on isolated rocky outcrops and cliffs, such as those present on the easement area. Conservation of the Ranch would address a specific recovery action identified for the species by the U.S. Fish and Wildlife Service: maintaining habitat for condor recovery (USFWS 1996).

Protection of the easement area would directly complement and enhance ongoing habitat protection and recovery efforts for listed species at Pinnacles National Park, which abuts the Ranch's southern boundary. Both properties share the same habitat features including important habitat for the California condor, California tiger salamander, and the California red-legged frog, as well as for many State listed species and species of special concern.

Establishment of a conservation easement on Willow Creek Ranch supports ongoing efforts by the California Condor Recovery Program by enlarging the protected land base surrounding PNP, which has been coordinating local recovery efforts for the California condor since 2003 through a captive release program that now manages over 30 free-flying condors. Some released condors are fitted with

GPS transceivers to record their daily movements, with many data points located over the Ranch. Specifically, condors use the steep rocky ledges and peaks around Willow Creek Peak for roosting, and potentially as nesting sites.

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 Habitat Restoration Program (HRP) Technical Team

CVPCP and HRP program managers are guided by a Technical Team of biologists and natural resource specialists from Reclamation, the U.S. Fish and Wildlife Service (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 *Willow Creek Ranch Conservation Easement Acquisition Project* 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

U.S. Fish and Wildlife Service. 1996. California Condor Recovery Plan. Portland, Oregon.

U.S. Fish and Wildlife Service. 2002. Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*). Portland, Oregon.

Appendix A

Cultural Resources Compliance

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

MP-153 Tracking Number: 14-MPRO-264

Project Name: Willow Creek Ranch Conservation Easement Acquisition

NEPA Document: EA

Project Manager/NEPA Contact: Dan Strait

MP 153 Cultural Resources Reviewer: Adam Nickels 

Date: 08/12/14

The proposed undertaking to use Federal funds to purchase a 5,522 acre conservation easement on the 5,954 acre Willow Creek ranch through the California Rangeland Trust has no potential to cause effect to historic properties pursuant to 36 CFR Part 800.3(a)(1).

The action involves the use of Federal dollars to put into conservation easement lands that are currently open to an assortment of activities. By placing the land into a conservation easement the property uses will be somewhat restricted. While the funds will be used to prepare a management plan for the property, activities outlined in that plan are not yet knowable. Further it will be the responsibility of the land owner to complete all necessary environmental and cultural compliance as appropriate.

After reviewing the project description 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.

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

Appendix B

Indian Trust Assets Compliance



KLEINSMITH, DOUGLAS <dkleinsmith@usbr.gov>

Re: ITA request for Willow Creek Conservation Easement

RIVERA, PATRICIA <privera@usbr.gov>

Thu, Jun 26, 2014 at 5:39 AM

To: DOUGLAS KLEINSMITH <dkleinsmith@usbr.gov>

Doug,

I reviewed the proposed action to provide \$800,000 from the Central Valley Project Conservation Program (CVPCP) to the California Rangeland Trust (Rangeland Trust) to help purchase a conservation easement on 5,522 acres of the 5,954-acre Willow Creek Ranch. The ranch is located in San Benito County adjacent to Pinnacles National Park's northern boundary.

The proposed action does not have a potential to impact Indian Trust Assets. The nearest Indian Trust Asset is a Public Domain Allotment, approximately 11 miles Northwest of the project location.

Patricia Rivera
Native American Affairs Program Manager
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