



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

California State Office
2800 Cottage Way, Suite W-1834
Sacramento, California 95825
www.ca.blm.gov

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In Reply Refer To:
6840 (CA930)P

EMS TRANSMISSION: 10/6/06
Information Bulletin No. **CA-2007-002**

To: District Manager, California Desert
Field Manager, Palm Springs-South Coast

From: State Director

Subject: Proposed rule to designate critical habitat for *Fremontodendron mexicanum* (Mexican flannelbush) and *Ceanothus ophiochilus* (Vail Lake ceanothus) **DD: 11/28/06**

On October 3, 2006, the Fish and Wildlife Service (Service) published a proposed rule (*Federal Register* 71:58340-58363) to designate critical habitat for *Ceanothus ophiochilus* and *Fremontodendron mexicanum*. (See Attachment 1.) *Ceanothus ophiochilus* is not known to occur on BLM administered lands. *Fremontodendron mexicanum* has been documented from both Cedar Canyon and Little Cedar Canyon in the Otay Mountain Wilderness. Approximately 228 acres of BLM land are proposed as critical habitat for *Fremontodendron mexicanum* (145 acres in Cedar Canyon and 83 acres in Little Cedar Canyon). The proposed rule solicits information on several topics, including the reasons why any areas should or should not be designated as critical habitat, and the appropriateness of excluding lands at Otay Mountain from the final critical habitat designation.¹

Please review the proposed rule, and associated maps, and advise CA-930 (Attn: Ed Lorentzen) if you have comments or suggestions regarding the proposed critical habitat boundaries, or any other aspects of the proposed rule. Note that the Service has specifically requested comments on whether the current level of protection and management of habitat for *Fremontodendron mexicanum* is adequate to justify the exclusion of these lands under section 4(b)(2) of the Act. The deadline for submitting comments to the Service is December 4, 2006. Please provide us with your comments, if any, in electronic format by the close of business November 28, 2006.

Now that critical habitat has been proposed for this species, the conference requirements of Section 7(a)(4) of the Endangered Species Act and its implementing regulations at 50 CFR

¹ Section 4(b) of the ESA requires the Service to designate critical habitat, and make revisions thereto, on the basis of the best scientific data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. **The Service may exclude any area from critical habitat if it determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat**, unless it determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

402.10 are applicable to any BLM actions likely to cause the destruction or adverse modification of proposed critical habitat. Additionally, the guidance in Manual Section 6840.06B1 calls for BLM to confer with the Service "... on any action that is likely to adversely affect a proposed species or proposed critical habitat." Any outstanding requests for formal consultation with the Service on *Fremontodendron mexicanum* should be updated to include conference on proposed critical habitat.

Questions regarding this proposal may be directed to Ed Lorentzen at (916) 978-4646.

Signed by:
James Wesley Abbott
Associate State Director

Authenticated by:
Richard A. Erickson
Records Management

Attachment

- 1 - Proposed rule to designate critical habitat for *Ceanothus ophiochilus* and *Fremontodendron mexicanum* (24 pp.)

Distribution

WO-230 (Attn: Steve Lydick)
CA-610 (Attn: Larry LaPre)
CA-660 (Attn: Joyce Schlachter)