



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
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EMS TRANSMISSION: 8/19/03
Information Bulletin No. **CA-2003-055**

To: Field Managers, Alturas, Redding, Folsom, Hollister, and Bakersfield
From: State Director
Subject: Designation of Critical Habitat for Fifteen Vernal Pool Species

On August 6, 2003, the Fish and Wildlife Service published a final rule (Federal Register 68:46684-46867) designating critical habitat for the following listed vernal pool species:

Conservancy fairy shrimp (*Branchinecta conservatio*)
Longhorn fairy shrimp (*Branchinecta longiantenna*)
Vernal pool fairy shrimp (*Branchinecta lynchi*)
Vernal pool tadpole shrimp (*Lepidurus packardii*)
Contra Costa goldfields (*Lasthenia conjugens*)
Hoover's spurge (*Chamaesyce hooveri*)
Succulent (or fleshy) owl's clover (*Castilleja campestris* ssp. *succulenta*)
Colusa grass (*Neostapfia colusana*)
Greene's tuctoria (*Tuctoria greenei*)
Hairy Orcutt grass (*Orcuttia pilosa*)
San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*)
Slender Orcutt grass (*Orcuttia tenuis*)
Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*)
Sacramento Orcutt grass (*Orcuttia viscida*)
Solano grass (*Tuctoria mucronata*)

There is some overlap of designated critical habitat with BLM administered land for the first twelve species listed above. Of the 740,000 acres that have been designated as critical habitat for these 15 vernal pool species, approximately 37,500 acres are administered by BLM.

Publication of the final rule imposes the substantive and procedural requirements of Section 7 of the Endangered Species Act with respect to all discretionary BLM actions that "may affect" designated critical habitat for any of these species. Effective September 5, 2003, we must comply with the interagency consultation procedures in 50 CFR 402.14 to ensure not only that

any actions we authorize, fund, and carry out do not jeopardize the continued existence of any of these species, but also that they do not destroy or adversely modify designated critical habitat.

For new projects affecting vernal pool critical habitat, we should consult on critical habitat through the same mechanism and at the same time we consult on these species. The thresholds and information requirements for consultations on critical habitat are substantially the same as for consultations involving the species only. For old projects within vernal pool critical habitat, we will need to examine the extent to which the earlier biological opinions have been implemented and determine whether BLM retains any discretionary Federal authority. Ongoing or completed consultations on land use plans that overlap designated critical habitat for one or more of these species should be reviewed, and updated if appropriate, to ensure that critical habitat has been addressed.

A search on the electronic file for the final rule revealed an overlap of BLM administered land with designated critical habitat in the acreages shown in Attachment 1 for the different critical habitat units.¹ The final rule may be downloaded from the following Fish and Wildlife Service website: http://policy.fws.gov/frsystem/1999rules.cfm?date=03&doc_type=final

If you cannot readily download the final rule from the referenced Fish and Wildlife Service website, contact CA-930 (Attn: Ed Lorentzen) and an electronic file in pdf format will be sent to your office via Lotus Notes. Questions regarding this final rule may be directed to John Willoughby or Ed Lorentzen at (916) 978-4630.

Signed by:
James Wesley Abbott
Associate State Director

Authenticated by:
Richard A. Erickson
Records Management

Attachment

1 - Vernal Pool Critical Habitat Units in California That Overlap with BLM Land (1 p.)

Distribution

CA-190 (Attn: Eric Morgan)
CA-330 (Attn: Paul Roush)
CA-610 (Attn: Larry Foreman)
OR-930 (Attn: Barb Hill)
WO-230, MS 204 LS (Attn: Peggy Olwell)

¹ The acreage figures shown in the August 6, 2003, Federal Register notice are subject to future adjustment because of the last-minute exclusion of all lands in Butte, Madera, Merced, Sacramento, and Solano counties based on economic considerations. The news release issued by the Fish and Wildlife Service states: "The exclusion of lands in the five counties is not fully reflected in today's Federal Register notice. Because of the settlement agreement that required the Service to deliver this rule to the Federal Register by July 15, there was insufficient time to revise the rule to fully reflect these exclusions. A technical amendment to the rule to remove these areas from maps and legal descriptions, and change the text of the rule, will be completed as soon as possible."

Vernal Pool Critical Habitat Units in California that Overlap With BLM Land

CH Unit (by Species)	Counties	Approximate BLM Acreage
Conservancy fairy shrimp		
Unit 6 (Merced)	Merced & Mariposa	8 acres BLM
Longhorn fairy shrimp		
Unit 3 (Carrizo Plain)	San Luis Obispo	15,549 acres BLM
Vernal Pool fairy shrimp		
Unit 5 (Redding)	Shasta	41 acres BLM
Unit 21 (Stanislaus)	Stanislaus & Merced	17 acres BLM
Unit 22 (Merced)	Merced & Mariposa	8 acres BLM
Unit 28 (San Benito County)	San Benito & Monterey	3,906 acres BLM
Unit 29A (Lockwood)	Monterey	2 acres BLM
Unit 30 (Carrizo Plain)	San Luis Obispo	15,549 acres BLM
Unit 31 (L. Cachuma Area)	Santa Barbara	92 acres BLM
Vernal Pool tadpole shrimp		
Unit 1 (Stillwater Plains)	Shasta	42 acres BLM
Unit 2 (Dales)	Shasta & Tehama	14,826 acres BLM
Unit 9 (Cosumnes)	Sacramento & San Joaquin	Unspecified
Unit 15 (Merced)	Merced & Mariposa	8 acres BLM
Unit 17 (Table Mountain)	Fresno	190 acres BLM
Contra Costa Goldfields		
Unit 9 (Fort Ord)	Monterey	1,093 acres BLM
Hoover's Spurge		
Unit 7 (Tulare)	Tulare	33 acres BLM
Succulent Owl's Clover		
Unit 6 (Table Mountain)	Fresno & Madera	350 acres BLM
Colusa Grass		
Unit 6 (Merced)	Merced & Mariposa	8 acres BLM
Greene's Tuctoria		
Unit 7 (Merced)	Merced & Mariposa	4 acres BLM
Hairy Orcutt Grass		
Unit 4 (Turlock)	Stanislaus & Mariposa	17 acres BLM
San Joaquin Valley Orcutt Grass		
Unit 1 (Merced)	Merced & Mariposa	8 acres BLM
Unit 5 (Table Mountain)	Fresno & Madera	350 acres BLM
Slender Orcutt Grass		
Unit 2 (Stillwater Plains)	Shasta	81 acres BLM
Unit 3 (Inskip Hill)	Tehama & Shasta	14,839 acres BLM