



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:

81420-2008-F-0261-R001

APR 13 2009

Ms. Jane M. Hicks
Chief, Regulatory Division
(Attn.: Justin Yee)
San Francisco District
U.S. Army Corp of Engineers
1455 Market Street
San Francisco, California 94103-1398

Subject: Amendment to the Programmatic Biological Opinion (Programmatic) for U.S. Army Corps of Engineers (Corps) Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California (Corps file Number 223420N; Service File Number 81420-2008-F-0261)

Dear Ms. Hicks:

This document amends the U. S. Fish and Wildlife Service's (Service) November 9, 2007, *Programmatic Biological Opinion (Programmatic) for U.S. Army Corps of Engineers (Corps) Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California*. At issue are the effects of projects to the endangered Sonoma County Distinct Population Segment of the California tiger salamander (*Ambystoma californiense*), Burke's goldfields (*Lasthenia burkei*), Sonoma sunshine (*Blechnosperma bakeri*) and Sebastopol meadowfoam (*Limnanthes vinculans*). The Corps request for the amendment and clarification was received in our office on March 13, 2009. This amendment is provided in accordance with Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act).

The Corps also requested confirmation that plant surveys are required in the biological assessments for projects that are in areas that may affect listed plants. The Programmatic states on page 4, Introduction, Number 3: "Biological Assessment including Service survey protocols (Survey protocols: http://www.fws.gov/sacramento/es/santa_rosa_conservation.html) results, if needed, and proposed mitigation consistent with the ratios in this Programmatic". We clarify this with the following:

1. Plant surveys are required if proposed projects are in areas that may affect listed plants;

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2. Plant surveys are not needed if the site does not support suitable habitat as defined in Enclosure 5. The definition of suitable habitat for the three plants is not the same definition in the December 1998, Final Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in the Santa Rosa Plain. The suitable habitat definition in Enclosure 5 is tailored to the objectives of the plant conservation strategy outlined in the Programmatic.

This amended biological opinion is based on: (1) November 9, 2007, *Programmatic Biological Opinion (Programmatic) for U.S. Army Corps of Engineers (Corps) Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California* (Service File Number: 81420-2008-F-0261) prepared by the U.S. Fish and Wildlife Service (Service); (2) the request for reinitiation received on March 13, 2009; and (3) revised Enclosure 1

The following changes are made to the November 9, 2007, biological opinion:

Change the bullets in number 5 on page 5 from:

- No effect. No consultation with the Service is required for areas on Enclosure 1 identified as “No Effect”.
- May affect listed plants, but would not likely affect California tiger salamander. Consult with the Service for concurrence for areas on Enclosure 1 identified as “May affect listed plants, but would not likely affect California tiger salamander”. The Corps will forward to the Service all biological and other pertinent information and a letter requesting that the proposed Project to be appended to this Programmatic.
- May affect listed plants and would likely affect California tiger salamander. Consult with the Service for concurrence for areas on Enclosure 1 and Enclosure 2 identified as “May affect listed plants and would likely affect California tiger salamander”. The Corps will forward to the Service all biological and other pertinent information and a letter requesting that the proposed Project to be appended to this Programmatic.
- May affect California tiger salamander, but no effect to listed plants. Consult with the Service for concurrence for areas on Enclosure 1 and identified as “May affect California tiger salamander, but no effect to listed plants”. The Corps will forward to the Service all biological and other pertinent information and a letter requesting that the proposed project to be appended to this Programmatic.

To:

- No effect. No consultation with the Service is required for areas on Enclosure 1 identified as “No Effect”.

- May adversely affect listed plants and would likely adversely affect California tiger salamander. Consult with the Service for concurrence for areas on Enclosure 1 and Enclosure 2 identified as “May adversely affect listed plants and would likely adversely affect CTS”. The Corps will forward to the Service all biological and other pertinent information and a letter requesting that the proposed Project to be appended to this Programmatic.
- May adversely affect listed plants and/or California tiger salamander. Consult with the Service for concurrence for areas on Enclosure 1 and Enclosure 2 identified as “May adversely affect listed plants and/or CTS”. The Corps will forward to the Service all biological and other pertinent information and a letter requesting that the proposed Project to be appended to this Programmatic.
- May adversely affect listed plants, but would not likely adversely affect California tiger salamander. Consult with the Service for concurrence for areas on Enclosure 1 identified as “May adversely affect listed plants, but would not likely adversely affect CTS”. The Corps will forward to the Service all biological and other pertinent information and a letter requesting that the proposed Project to be appended to this Programmatic.
- No effect to listed plants, but would likely adversely affect California tiger salamander. Consult with the Service for concurrence for areas on Enclosure 1 identified as “No effect to listed plants, but would likely adversely affect CTS”. The Corps will forward to the Service all biological and other pertinent information and a letter requesting that the proposed Project to be appended to this Programmatic.
- May adversely affect California tiger salamander, but no effect to listed plants. Consult with the Service for concurrence for areas on Enclosure 1 and identified as “May adversely affect California tiger salamander, but no effect to listed plants”. The Corps will forward to the Service all biological and other pertinent information and a letter requesting that the proposed project to be appended to this Programmatic.

This concludes the reinitiation of the formal consultation on the Programmatic. As provided in 50 CFR 402.16, reinitiation 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.

Ms. Jane Hicks

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If you have any questions regarding this amendment to the biological opinion for Programmatic, please contact Vincent Griego or Ryan Olah of my staff via electronic mail at Vincent_Griego@fws.gov, Ryan_Olah@fws.gov, or telephone at (916) 414-6625.

Sincerely,



GW Susan K. Moore
Field Supervisor

cc:

Stephanie Buss, Tracy Love, Scott Wilson, and Richard Fitzgerald, California Department of Fish and Game, Yountville, CA

Steven Bargsten, Regional Water Quality Control Board, Santa Rosa, CA

Eric Raffini, Environmental Protection Agency, San Francisco, CA

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