



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Arcata Fish and Wildlife Office

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In Reply Refer To:
AFWO-11B0242-16I0058

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DEC 21 2015

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Fisheries Branch
CA Dept. of Fish and Wildlife

Jane Hicks
Chief, Regulatory Division
Department of the Army
San Francisco District, Corps of Engineers
1455 Market Street
San Francisco, California 94103-1398

Subject: Informal Consultation on California Department of Fish and Wildlife's 2015-2020 Fisheries Restoration Grant Program's Salmon Stream Restoration Projects

Dear Ms. Hicks:

This document is in reply to your letter dated November 20, 2015, and received by the U.S. Fish and Wildlife Service's (Service) Arcata Fish and Wildlife Office on November 30, 2015, regarding your request to reinstate, and extend to December 31, 2018, our May 18, 2009, informal consultation (81331-2009-I-0097), and our latest December 16, 2013, informal consultation (11B0242-14I0016) due to expire December 31, 2015, on the California Department of Fish and Wildlife's (CDFW) Fisheries Restoration Grant Program (FRGP) as implemented under Regional General Permit 12. You have requested that we refer to the species determinations contained in your November 20, 2015, letter to complete this consultation. This document is prepared in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(Act).

Although your letter dated November 20, 2015, was addressed to three Service offices (i.e., Arcata, Sacramento, and Ventura), our response will address only potential effects to federally listed species within the Arcata Fish and Wildlife Office's (AFWO) jurisdiction. Based on information contained in our files, and recent email and telephone discussions between the Army Corps of Engineers (Corps), CDFW, and the Service in 2015, the Corps has made the following determinations for restoration activities proposed to occur January 1, 2016, through December 31, 2020, within AFWO's jurisdiction.

- Tidewater goby (*Eucyclogobius newberryi*; goby): may affect, but not likely to adversely affect. We do not agree with your determination and conclude that the proposed restoration activities will have no effect on gobies. Our determination is based on a review of the location of restoration activities that have occurred 2009 through 2015, recent information from CDFW that no proposed restoration activities will occur within tidally influenced waters or suitable habitat for tidewater gobies, and the Best Management Practices implemented to control sediment input. We have no regulatory or statutory authority for concurring with no effect determinations.

- Marbled murrelet (*Brachyramphus marmoratus*): may affect, but not likely to adversely affect. As stated in our 2009 and 2013 informal consultation letters to the Corps, we do not agree with your determination, and continue to conclude that the proposed restoration activities will have no effect on marbled murrelets. Our determination is based on two components of the FRGP: (1) suitable habitat will not be affected and, (2) restoration work will completely avoid disturbance of nesting marbled murrelets and their young through the implementation of a seasonal work restriction from March 24 through September 15.
- Northern spotted owl (*Strix occidentalis caurina*): may affect, but not likely to adversely affect. As stated in our 2009 and 2013 informal consultation letters to the Corps, we continue to concur with your determination based on two components of the FRGP: (1) suitable habitat will not be affected and, (2) restoration work will partially avoid disturbance of nesting northern spotted owls and their young through the implementation of a seasonal work restriction from February 1 through July 9.
- California red-legged frog (*Rana aurora draytonii*): may affect, but not likely to adversely affect. As stated in our 2009 and 2013 informal consultation letter to the Corps, we do not agree with your determination, and continue to conclude that proposed restoration activities that occur outside the range of the California red-legged frog in southern Mendocino County (see enclosed map) will have no effect. However, in 2016-2020, if a proposed restoration activity is located in California red-legged frog suitable habitat or designated critical habitat in southern Mendocino County, the Corps will consult individually on such proposed actions prior to completion of the CDFW Negative Declaration for that year.
- Yellow-billed cuckoo (*Coccyzus americanus*; cuckoo): no determination was made for the yellow-billed cuckoo in your November 20, 2015, letter. The yellow billed cuckoo was listed as Threatened under the Act in 2014, and is known to inhabit areas in Humboldt County. Critical habitat was proposed in 2014 and includes areas in Humboldt County. No determination was made in your November 20, 2014, letter with respect to the cuckoo. However, in 2016-2020, if a proposed restoration activity is located in yellow-billed cuckoo suitable habitat or critical habitat for the cuckoo in Humboldt County, or elsewhere in AFWO's jurisdiction, the Corps will consult individually on such proposed actions prior to completion of the CDFW Negative Declaration for that year.


This concludes informal consultation on the CDFW Fisheries Restoration Grant Program projects (Corps Regional General Permit 12). Unless new information reveals that the proposed actions: (1) may affect listed species in a manner or to an extent not considered in your correspondence, (2) the action is modified in a manner that causes an effect on the listed species or critical habitat not considered in your correspondence, or (3) a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act, is necessary.

Ms. Jane Hicks (AFWO-11B0242-16I0058).

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Please contact Service biologist Steve Kramer at (707) 822-7201 should you have further questions regarding this consultation.

Sincerely,



For
Bruce Bingham
Field Supervisor

cc: California Department of Fish and Game, Sacramento, CA (Attn: Karen Carpio)

Steve_kramer@
fws.gov

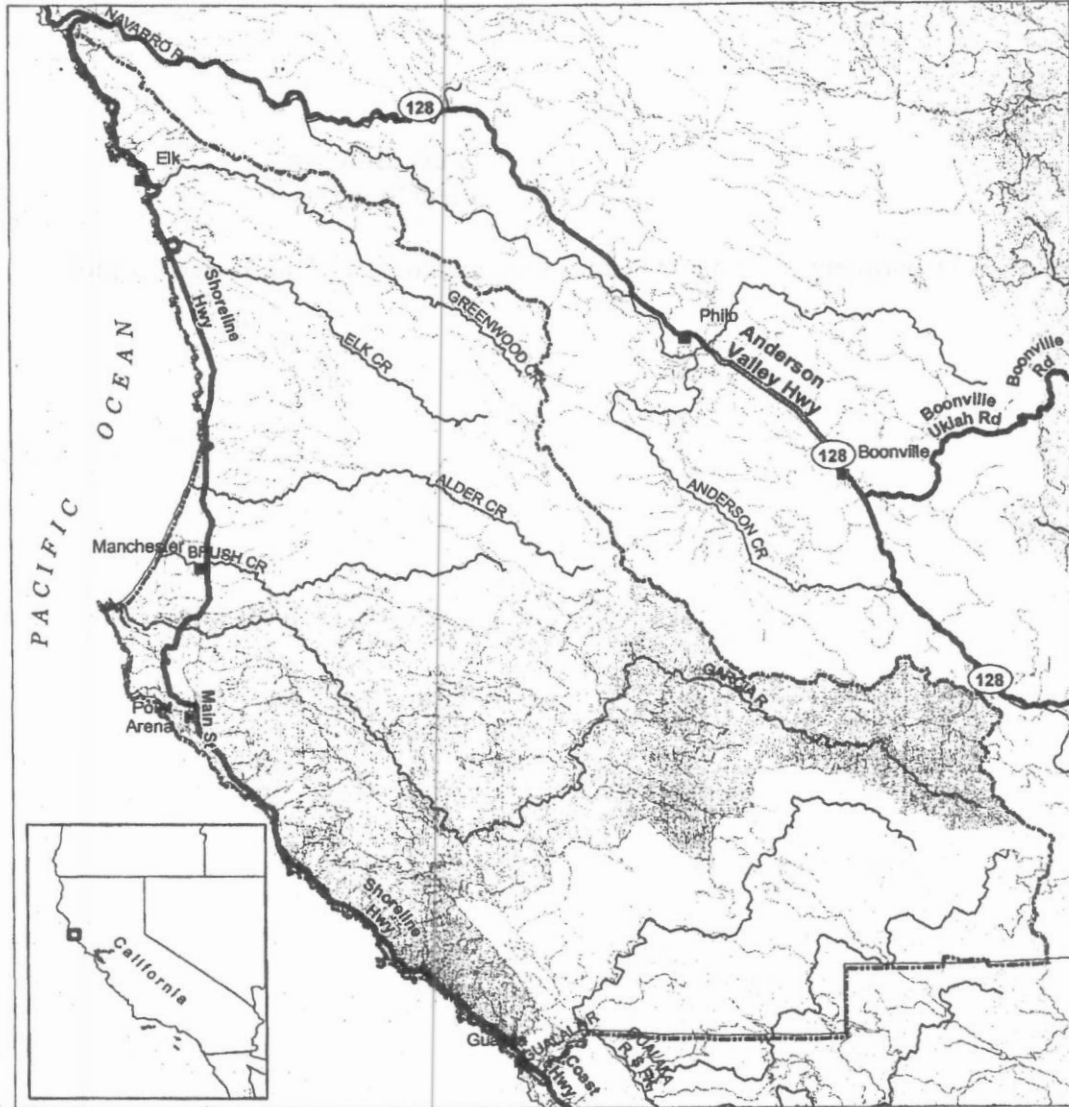


U.S. Fish & Wildlife Service

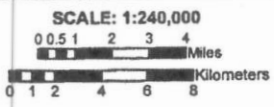
California Red-Legged Frog (*Rana draytonii*)

Range Definition for Mendocino County

Sheet 1 of 1



Produced by the Arcata Fish and Wildlife Office
Arcata, California
Current to: May 2009
Basemap (Date): 2000-2009
File:N:\Public\Goldsmith\CRLF\CRLF Range Map.mxd



CRLF Range Boundary

UTM Zone 10
NAD 1983