



IN REPLY REFER TO:
1-1-02-SP-567

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

January 9, 2002

Ms. Cindy Hopkins
URS Corporation
500 12th Street, Suite 200
Oakland, California 94607-4014

Subject: Species List for Peyton Slough Restoration, Contra Costa County,
California

Dear Ms. Hopkins:

We are sending the enclosed list in response to your January 7, 2002, request for information about endangered and threatened species (Enclosure A). The list covers the following U.S. Geological Survey 7½ minute quad or quads: Vine Hill Quad.

Please read *Important Information About Your Species List* (enclosed). It explains how we made the list and describes your responsibilities under the Endangered Species Act. Please contact Harry Mossman, Biological Technician, at (916) 414-6674, if you have any questions about the attached list or your responsibilities under the Endangered Species Act. For the fastest response to species list requests, address them to the attention of Mr. Mossman at this address. You may fax requests to him at 414-6712 or 6713.

Sincerely,

for

Jan C. Knight
Chief, Endangered Species Division

Enclosures

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute *quads*. The United States is divided into these quads, which are about the size of San Francisco. If you requested your list by quad name or number, that is what we used. Otherwise, we used the information you sent us to determine which quad or quads to use.

Animals

The animals on your species list are ones that occur within, *or may be affected by projects within*, the quads covered by the list. Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.

Plants

Any plants on your list are ones *that have actually been observed* in the quad or quads covered by the list. We have also included either a county species list or a list of species in nearby quads. We recommend that you check your project area for these plants. Plants may exist in an area without ever having been detected there.

Surveying

Some of the species on your list may not be affected by your project. A trained biologist or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list. For plant surveys, we recommend using the enclosed *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Species*. The results of your surveys should be published in any environmental documents prepared for your project.

State-Listed Species

If a species has been listed as threatened or endangered by the State of California, but not by us nor by the National Marine Fisheries Service, it will appear on your list as a Species of Concern. *However you should contact the California Department of Fish and Game for official information about these species.* Call (916) 322-2493 or write Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95814.

Your Responsibilities Under the Endangered Species Act

All plants and animals identified as *listed* on Enclosure A are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the *take* of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a *formal consultation* with the Service. Such consultation would result in a *biological opinion* addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an *incidental take permit*. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project. Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that mitigates for the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the mitigation plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as *critical habitat*. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Maps and boundary descriptions of the critical habitat may be found in the *Federal Register*. The information is also reprinted in the *Code of Federal Regulations* (50 CFR 17.95).

Candidate Species

We recommend that you address impacts to *candidate* species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Your list may contain a section called *Species of Concern*. This term includes former *category 2 candidate species* and other plants and animals of concern to the Service and other Federal, State and private conservation agencies and organizations. Some of these species may become candidate species in the future.

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6580.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed, candidate and special concern species in your planning, this should not be a problem. We also continually strive to make our information as accurate as possible. Sometimes we learn that a particular species has a different range than we thought. This should not be a problem if you consider the species on the county or surrounding-quad lists that we have enclosed. If you have a long-term project or if your project is delayed, please feel free to contact us about getting a current list. You can also find out the current status of a species by going to the Service's Internet page: www.fws.gov

GUIDELINES FOR CONDUCTING AND REPORTING BOTANICAL INVENTORIES
FOR FEDERALLY LISTED, PROPOSED AND CANDIDATE PLANTS
(September 23, 1996)

These guidelines describe protocols for conducting botanical inventories for federally listed, proposed and candidate plants, and describe minimum standards for reporting results. The Service will use, in part, the information outlined below in determining whether the project under consideration may affect any listed, proposed or candidate plants, and in determining the direct, indirect, and cumulative effects.

Field inventories should be conducted in a manner that will locate listed, proposed, or candidate species (target species) that may be present. The entire project area requires a botanical inventory, except developed agricultural lands. The field investigator(s) should:

1. Conduct inventories at the appropriate times of year when target species are present and identifiable. Inventories will include all potential habitats. Multiple site visits during a field season may be necessary to make observations during the appropriate phenological stage of all target species.
2. If available, use a regional or local reference population to obtain a visual image of the target species and associated habitat(s). If access to reference populations is not available, investigators should study specimens from local herbaria.
3. List every species observed and compile a comprehensive list of vascular plants for the entire project site. Vascular plants need to be identified to a taxonomic level which allows rarity to be determined.
4. Report results of botanical field inventories that include:
 - a. a description of the biological setting, including plant community, topography, soils, potential habitat of target species, and an evaluation of environmental conditions, such as timing or quantity of rainfall, which may influence the performance and expression of target species.
 - b. a map of project location showing scale, orientation, project boundaries, parcel size, and map quadrangle name.
 - c. survey dates and survey methodology(ies).
 - d. if a reference population is available, provide a written narrative describing the target species reference population(s) used, and date(s) when observations were made.
 - e. a comprehensive list of all vascular plants occurring on the project site for each habitat type.
 - f. current and historic land uses of the habitat(s) and degree of site alteration.

- g. presence of target species off-site on adjacent parcels, if known.
 - h. an assessment of the biological significance or ecological quality of the project site in a local and regional context.
5. If target species is(are) found, report results that additionally include:
- a. a map showing federally listed, proposed and candidate species distribution as they relate to the proposed project.
 - b. if target species is (are) associated with wetlands, a description of the direction and integrity of flow of surface hydrology. If target species is (are) affected by adjacent off-site hydrological influences, describe these factors.
 - c. the target species phenology and microhabitat, an estimate of the number of individuals of each target species per unit area; identify areas of high, medium and low density of target species over the project site, and provide acres of occupied habitat of target species. Investigators could provide color slides, photos or color copies of photos of target species or representative habitats to support information or descriptions contained in reports.
 - d. the degree of impact(s), if any, of the proposed project as it relates to the potential unoccupied habitat of target habitat.
6. Document findings of target species by completing California Native Species Field Survey Form(s) and submit form(s) to the Natural Diversity Data Base. Documentation of determinations and/or voucher specimens may be useful in cases of taxonomic ambiguities, habitat or range extensions.
7. Report as an addendum to the original survey, any change in abundance and distribution of target plants in subsequent years. Project sites with inventories older than three years from the current date of project proposal submission will likely need additional survey. Investigators need to assess whether an additional survey(s) is (are) needed.
8. Adverse conditions may prevent investigator(s) from determining presence or identifying some target species in potential habitat(s) of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any year. An additional botanical inventory(ies) in a subsequent year(s) may be required if adverse conditions occur in a potential habitat(s). Investigator(s) may need to discuss such conditions.
9. Guidance from California Department of Fish and Game (CDFG) regarding plant and plant community surveys can be found in Guidelines for Assessing the Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities, 1984. Please contact the CDFG Regional Office for questions regarding the CDFG guidelines and for assistance in determining any applicable State regulatory requirements.

ENCLOSURE A

Endangered and Threatened Species that May Occur in
or be Affected by Projects in the Selected Quads Listed Below

Reference File No. 1-1-02-SP-567

January 9, 2002

QUAD : 482D VINE HILL

Listed Species

Mammals

- riparian (San Joaquin Valley) woodrat, *Neotoma fuscipes riparia* (E) *
- salt marsh harvest mouse, *Reithrodontomys raviventris* (E)

Birds

- bald eagle, *Haliaeetus leucocephalus* (T)
- California clapper rail, *Rallus longirostris obsoletus* (E)
- California least tern, *Sterna antillarum (=albifrons) browni* (E)

Reptiles

- Alameda whipsnake, *Masticophis lateralis euryxanthus* (T)
- giant garter snake, *Thamnophis gigas* (T)

Amphibians

- California red-legged frog, *Rana aurora draytonii* (T)

Fish

- Critical habitat, delta smelt, *Hypomesus transpacificus* (T)
- delta smelt, *Hypomesus transpacificus* (T)
- Central Valley steelhead, *Oncorhynchus mykiss* (T) NMFS
- Critical habitat, winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS
- winter-run chinook salmon, *Oncorhynchus tshawytscha* (E) NMFS
- Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T) NMFS
- Critical Habitat, Central Valley spring-run chinook, *Oncorhynchus tshawytscha* (T) NMFS
- Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

- vernal pool fairy shrimp, *Branchinecta lynchi* (T)
- valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)
- delta green ground beetle, *Elaphrus viridis* (T)
- callippe silverspot butterfly, *Speyeria callippe callippe* (E)
- California freshwater shrimp, *Syncaris pacifica* (E)

Plants

- soft bird's-beak, *Cordylanthus mollis ssp. mollis* (E)

Proposed Species

Birds

mountain plover, *Charadrius montanus* (PT)

Candidate Species

Fish

Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C) NMFS

Critical habitat, Central Valley fall/late fall-run chinook, *Oncorhynchus tshawytscha* (C) NMFS

Species of Concern

Mammals

Pacific western big-eared bat, *Corynorhinus (=Plecotus) townsendii townsendii* (SC)

greater western mastiff-bat, *Eumops perotis californicus* (SC)

small-footed myotis bat, *Myotis ciliolabrum* (SC)

long-eared myotis bat, *Myotis evotis* (SC)

fringed myotis bat, *Myotis thysanodes* (SC)

long-legged myotis bat, *Myotis volans* (SC)

Yuma myotis bat, *Myotis yumanensis* (SC)

San Francisco dusky-footed woodrat, *Neotoma fuscipes annectens* (SC)

San Joaquin pocket mouse, *Perognathus inornatus* (SC)

Suisun ornate shrew, *Sorex ornatus sinuosus* (SC)

Birds

tricolored blackbird, *Agelaius tricolor* (SC)

grasshopper sparrow, *Ammodramus savannarum* (SC)

short-eared owl, *Asio flammeus* (SC)

western burrowing owl, *Athene cunicularia hypugaea* (SC)

Aleutian Canada goose, *Branta canadensis leucopareia* (D)

ferruginous hawk, *Buteo regalis* (SC)

Costa's hummingbird, *Calypte costae* (SC)

Lawrence's goldfinch, *Carduelis lawrencei* (SC)

Vaux's swift, *Chaetura vauxi* (SC)

black tern, *Chlidonias niger* (SC)

black swift, *Cypseloides niger* (SC)

white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)

little willow flycatcher, *Empidonax traillii brewsteri* (CA)

American peregrine falcon, *Falco peregrinus anatum* (D)

saltmarsh common yellowthroat, *Geothlypis trichas sinuosa* (SC)
greater sandhill crane, *Grus canadensis tabida* (CA)
loggerhead shrike, *Lanius ludovicianus* (SC)
black rail, *Laterallus jamaicensis coturniculus* (CA)
Lewis' woodpecker, *Melanerpes lewis* (SC)
Suisun song sparrow, *Melospiza melodia maxillaris* (SC)
long-billed curlew, *Numenius americanus* (SC)
bank swallow, *Riparia riparia* (CA)
rufous hummingbird, *Selasphorus rufus* (SC)
Allen's hummingbird, *Selasphorus sasin* (SC)

Reptiles

silvery legless lizard, *Anniella pulchra pulchra* (SC)
northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
southwestern pond turtle, *Clemmys marmorata pallida* (SC)
California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylei* (SC)
western spadefoot toad, *Scaphiopus hammondi* (SC)

Fish

green sturgeon, *Acipenser medirostris* (SC)
river lamprey, *Lampetra ayresi* (SC)
Pacific lamprey, *Lampetra tridentata* (SC)
longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Antioch Dunes anthicid beetle, *Anthicus antiochensis* (SC)
Sacramento anthicid beetle, *Anthicus sacramento* (SC)
Midvalley fairy shrimp, *Branchinecta mesovallensis* (SC)
Ricksecker's water scavenger beetle, *Hydrochara rickseckeri* (SC)
curved-foot hygrotus diving beetle, *Hygrotus curvipes* (SC)
California linderiella fairy shrimp, *Linderiella occidentalis* (SC)

Plants

delta tule-pea, *Lathyrus jepsonii* var. *jepsonii* (SC)
Mason's lilaeopsis, *Lilaeopsis masonii* (SC)

KEY:

(E)	<i>Endangered</i>	Listed (in the Federal Register) as being in danger of extinction.
(T)	<i>Threatened</i>	Listed as likely to become endangered within the foreseeable future.
(P)	<i>Proposed</i>	Officially proposed (in the Federal Register) for listing as endangered or threatened.
(PX)	<i>Proposed Critical Habitat</i>	Proposed as an area essential to the conservation of the species.
(C)	<i>Candidate</i>	Candidate to become a <i>proposed</i> species.
(SC)	<i>Species of Concern</i>	May be endangered or threatened. Not enough biological information has been gathered to support listing at this time.
(MB)	<i>Migratory Bird</i>	Migratory bird
NMFS	<i>NMFS species</i>	Under the jurisdiction of the National Marine Fisheries Service. Contact them directly.
(D)	<i>Delisted</i>	Delisted. Status to be monitored for 5 years.
(CA)	<i>State-Listed</i>	Listed as threatened or endangered by the State of California.
(*)	<i>Extirpated</i>	Possibly extirpated from this quad.
(**)	<i>Extinct</i>	Possibly extinct.
	<i>Critical Habitat</i>	Area essential to the conservation of a species.