

## **APPENDIX 3.7-A: U.S. FISH AND WILDLIFE SERVICE AND NATIONAL MARINE FISHERIES SERVICE SPECIES LISTS**



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Sacramento Fish And Wildlife Office  
Federal Building  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846  
Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:

December 21, 2017

Consultation Code: 08ESMF00-2017-SLI-0326

Event Code: 08ESMF00-2018-E-02142

Project Name: California High Speed Rail System: Merced to Fresno Section - Central Valley  
Wye

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

[http://www.nwr.noaa.gov/protected\\_species/species\\_list/species\\_lists.html](http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html)

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the

Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
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## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Sacramento Fish And Wildlife Office**

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

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## Project Summary

Consultation Code: 08ESMF00-2017-SLI-0326

Event Code: 08ESMF00-2018-E-02142

Project Name: California High Speed Rail System: Merced to Fresno Section - Central Valley Wye

Project Type: TRANSPORTATION

Project Description: To be provided with forthcoming BA.

Project Location:

Approximate location of the project can be viewed in Google Maps:

<https://www.google.com/maps/place/37.18946061817046N120.3448531000933W>



Counties: Fresno, CA | Madera, CA | Merced, CA | Stanislaus, CA

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## Endangered Species Act Species

There is a total of 24 threatened, endangered, or candidate species on this species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

### Mammals

NAME	STATUS
Fresno Kangaroo Rat <i>Dipodomys nitratoides exilis</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5150">https://ecos.fws.gov/ecp/species/5150</a>	Endangered
Giant Kangaroo Rat <i>Dipodomys ingens</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6051">https://ecos.fws.gov/ecp/species/6051</a>	Endangered
San Joaquin Kit Fox <i>Vulpes macrotis mutica</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2873">https://ecos.fws.gov/ecp/species/2873</a>	Endangered

### Birds

NAME	STATUS
California Condor <i>Gymnogyps californianus</i> Population: U.S.A. only, except where listed as an experimental population There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/8193">https://ecos.fws.gov/ecp/species/8193</a>	Endangered
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is <b>proposed</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3911">https://ecos.fws.gov/ecp/species/3911</a>	Threatened

## Reptiles

NAME	STATUS
<b>Blunt-nosed Leopard Lizard</b> <i>Gambelia silus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/625">https://ecos.fws.gov/ecp/species/625</a>	Endangered
<b>Giant Garter Snake</b> <i>Thamnophis gigas</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4482">https://ecos.fws.gov/ecp/species/4482</a>	Threatened

## Amphibians

NAME	STATUS
<b>California Red-legged Frog</b> <i>Rana draytonii</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a>	Threatened
<b>California Tiger Salamander</b> <i>Ambystoma californiense</i> Population: U.S.A. (Central CA DPS) There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/2076">https://ecos.fws.gov/ecp/species/2076</a>	Threatened

## Fishes

NAME	STATUS
<b>Delta Smelt</b> <i>Hypomesus transpacificus</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/321">https://ecos.fws.gov/ecp/species/321</a>	Threatened

## Insects

NAME	STATUS
<b>Valley Elderberry Longhorn Beetle</b> <i>Desmocerus californicus dimorphus</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/7850">https://ecos.fws.gov/ecp/species/7850</a> Habitat assessment guidelines: <a href="https://ecos.fws.gov/ipac/guideline/assessment/population/436/office/11420.pdf">https://ecos.fws.gov/ipac/guideline/assessment/population/436/office/11420.pdf</a>	Threatened

## Crustaceans

### NAME

### STATUS

#### Conservancy Fairy Shrimp *Branchinecta conservatio*

Endangered

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/8246>

#### Vernal Pool Fairy Shrimp *Branchinecta lynchi*

Threatened

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/498>

#### Vernal Pool Tadpole Shrimp *Lepidurus packardii*

Endangered

There is **final** critical habitat for this species. Your location overlaps the critical habitat.

Species profile: <https://ecos.fws.gov/ecp/species/2246>

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## Flowering Plants

NAME	STATUS
<p>Colusa Grass <i>Neostapfia colusana</i></p> <p>There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/5690">https://ecos.fws.gov/ecp/species/5690</a></p>	Threatened
<p>Fleshy Owl's-clover <i>Castilleja campestris ssp. succulenta</i></p> <p>There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/8095">https://ecos.fws.gov/ecp/species/8095</a></p>	Threatened
<p>Greene's Tuctoria <i>Tuctoria greenei</i></p> <p>There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/1573">https://ecos.fws.gov/ecp/species/1573</a></p>	Endangered
<p>Hairy Orcutt Grass <i>Orcuttia pilosa</i></p> <p>There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/2262">https://ecos.fws.gov/ecp/species/2262</a></p>	Endangered
<p>Hartweg's Golden Sunburst <i>Pseudobahia bahiifolia</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/1704">https://ecos.fws.gov/ecp/species/1704</a></p>	Endangered
<p>Hoover's Spurge <i>Chamaesyce hooveri</i></p> <p>There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/3019">https://ecos.fws.gov/ecp/species/3019</a></p>	Threatened
<p>Keck's Checker-mallow <i>Sidalcea keckii</i></p> <p>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/5704">https://ecos.fws.gov/ecp/species/5704</a></p>	Endangered
<p>Palmate-bracted Bird's Beak <i>Cordylanthus palmatus</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/1616">https://ecos.fws.gov/ecp/species/1616</a></p>	Endangered
<p>San Joaquin Orcutt Grass <i>Orcuttia inaequalis</i></p> <p>There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/5506">https://ecos.fws.gov/ecp/species/5506</a></p>	Threatened
<p>San Joaquin Woolly-threads <i>Monolopia (=Lembertia) congdonii</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/3746">https://ecos.fws.gov/ecp/species/3746</a></p>	Endangered

## Critical habitats

There are 10 critical habitats wholly or partially within your project area under this office's jurisdiction.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
650 Capitol Mall, Suite 5-100  
Sacramento, California 95814-4700

JAN 25 2018

John Hunter  
Senior Permitting Specialist  
California High-Speed Rail Authority  
770 L Street, Suite 800  
Sacramento, California 95814

Re: Request for Species List for the Central Valley Wye Section of the California High Speed Rail Project

Dear Mr. Hunter,

This letter is in response to your January 24, 2018, request for a species list regarding the Central Valley Wye Section of the California High Speed Rail Project received via email. The California High Speed Rail Authority (Authority) requested that NOAA's National Marine Fisheries Service (NMFS) provide information on all federally listed threatened and endangered species, and their designated critical habitats, under NMFS' jurisdiction, and those which are candidate or proposed to be listed under the Endangered Species Act (ESA) that would also likely to be under NMFS' jurisdiction once listed within the proposed action area.

The proposed action area (based on the provided project map) may include the following water bodies and waterways: Owens Creek, Mariposa Creek, Deadman Creek, Dutchman Creek, Mariposa Slough, Sand Slough, Diversion Channel/Chowchilla River, Chowchilla River and the Eastside Bypass/Fresno River, and the San Joaquin River historical channel in Merced and Madera counties. The waterways in the proposed action area support warm freshwater and cold freshwater habitat beneficial uses below major rim dams. Critical habitat for NMFS' species has not been designated in the section of the California Central Valley encompassed by the action area boundary of the Central Valley Wye.

Best available information indicates that these federally listed species are likely to occur in the proposed action area as restoration efforts proceed:

- California Central Valley steelhead distinct population segment, *Oncorhynchus mykiss*, listed as threatened August 15, 2011 (76 FR 157)

Given the scope and timelines of large-scale transportation projects such as this, NMFS also advises the Authority that a stipulation of the Settlement in the Natural Resources Defense Council, *et al.* v. Kirk Rogers *et al.* 2006 (Settlement) calls for the reintroduction of spring-run Chinook salmon (*O. tshawytscha*) to the San Joaquin River. One of the two primary goals of the Settlement, the Restoration Goal is to restore and maintain fish populations in "good condition" in the mainstem San Joaquin River below Friant Dam to the confluence of the Merced River, Including naturally reproducing and self-sustaining populations of salmon and other fish. Implementation of the Settlement will be accomplished through the San Joaquin River Restoration Program (SJRRP).



The Federal Implementing Agencies are authorized to carry out the Settlement by the San Joaquin River Restoration Settlement Act. This legislation also mandates that Central Valley spring-run Chinook reintroduced into the San Joaquin River under the SJRRP be designated as an experimental population pursuant to section 10(j) of the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1539(j)). The collection of CV spring-run Chinook for use in establishing the experimental population, release of those individuals for the purpose of establishing self-sustaining population, and monitoring of the population, requires action pursuant to section 10(a)(1)(A) of the ESA.

Currently, both juvenile and adult spring-run are being re-introduced to the San Joaquin River with the goal of eventual recolonization the San Joaquin River. Since these fish are designated as a 10(j) experimental population, they are under different ESA protections than Central Valley spring-run Chinook salmon encountered outside of the SJRRP restoration area. By definition, under ESA section 10(j), all experimental populations are classified as threatened and are subject to ESA section 9.

When the Authority begins construction in this section it is likely that the experimental population will be using various waterways in the proposed action area as volitional passage conditions improve throughout all SJRRP restoration reaches. In past consultations regarding Authority rail projects, NMFS has addressed the experimental population's section 7 requirements in a conferencing opinion. We ask that the Authority continue to treat experimental population spring-run Chinook salmon as a listed threatened species and include the experimental population of Central Valley spring-run Chinook salmon in future ESA section 7 consultation requests sent to NMFS regarding the Central Valley Wye.

In addition, the proposed project is located within Essential Fish Habitat in the Pacific Coast Salmon Fisheries Management Plan under the Magnuson-Stevens Fishery Conservation and Management Act (50 CFR part 600) for Chinook salmon (*O. tshawytscha*) of all run-types.

This response is provided by NMFS as technical assistance to the Authority and is not intended to take the place of a consultation response as required under section 7 of the ESA.

Please direct questions regarding this letter to Katie Schmidt in NMFS's California Central Valley Office at (916) 930-3685, or via email at [katherine.schmidt@noaa.gov](mailto:katherine.schmidt@noaa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Erin Strange" followed by a stylized flourish.

Maria C. Rea  
Assistant Regional Administrator

CC: California Central Valley Office  
Division Chronfile: 151422-SWR2011-SA00427