



# United States Department of the Interior




FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
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Sacramento, California 95825

In Reply Refer To:  
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MAR 06 2014

## Memorandum

To: Refuge Manager, San Francisco Bay National Wildlife Refuge Complex  
(Refuge), Fremont, California

From:  Field Supervisor, Sacramento Fish and Wildlife Office, Sacramento, California

Subject: Reinitiation of Consultation for the Proposed San Francisco Estuary Invasive *Spartina* Project in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, California

This memorandum represents the reinitiation of intra-U.S. Fish and Wildlife Service (Service) section 7 consultation for the proposed California State Coastal Conservancy's (Conservancy) San Francisco Bay Estuary (Estuary) Invasive *Spartina* Program (ISP) in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, California. At issue are the potential adverse effects of the proposed action on the endangered California clapper rail (*Rallus longirostris obsoletus*), endangered salt marsh harvest mouse (*Reithrodontomys raviventris raviventris*), and endangered soft bird's-beak (*Chloropyron molle* ssp. *molle*) and its critical habitat. This memorandum is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

### Project Background

The Conservancy and the Service initiated the ISP in 2000 to curtail the spread of non-native cordgrass (*Spartina alterniflora*, *S. anglica*, *S. densiflora*, *S. patens*; including hybrids of *S. alterniflora* and native *S. foliosa*) and to prevent it from establishing at newly restored tidal marshes. The ISP is a regionally coordinated effort of Federal, State, and local agencies, private landowners, and other interested parties. The geographic focus of the ISP includes approximately 50,000 acres of tidal marsh and tidal flats on the shores of nine San Francisco Bay Area counties, including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties.

Work conducted by the ISP includes the Estuary-wide coordination of landowners and partners for *Spartina* treatment, monitoring, and habitat enhancement. Non-native *Spartina* treatment primarily involves the application of the herbicide Imazapyr by aerial and land-based application methods. In addition to the treatment of non-native *Spartina*, ISP and the Conservancy have been coordinating with the Service on the revegetation of areas where non-native *Spartina* has



been successfully controlled. This effort has been undertaken to accelerate revegetation of treated marshes and restore nesting habitat and high tide refugia for California clapper rails.

Due to a strong correlation between the treatment of non-native *Spartina* and precipitous declines in populations of California clapper rails at treated marshes, it was determined in the 2003 Final Programmatic Environmental Impact Statement/Environmental Impact Report for the project that non-native *Spartina* treatment would be phased to allow for California clapper rail habitat restoration. Since then, the Service issued a Programmatic Biological Opinion in 2003, and six tiered Biological Opinions (BO) for the treatment of non-native *Spartina* in the Estuary. Most recently, the Service issued a BO for non-native *Spartina* treatment in 2012, authorizing the treatment of 188 sites and the harm of 43 California clapper rails as a result of the elimination of nesting and high tide refugia habitats by the treatments. The 2012 BO was extended to allow the same treatment levels in 2013.

#### Invasive *Spartina* Treatment in 2014

We have determined that the continued treatment of non-native *Spartina* in 2014, at the sites defined in Tables 1, 2, 3, and 4 of the 2012 BO, may occur and will not exceed the amount or extent of incidental take of the California clapper rail, salt marsh harvest mouse, and soft bird's-beak authorized in the 2012 BO if: 1) such treatment is consistent with the methods and timing defined in Tables 1, 2, 3, and 4 of the 2012 BO and 2) the conservation methods defined in the project description of the 2012 BO continue to be implemented. Due to the fact that the California clapper rail population has not recovered from the declines associated with non-native *Spartina* treatment, no additional take of California clapper rails associated with the ISP, beyond the level of take authorized in the 2012 BO, will be authorized until: 1) the Estuary-wide California clapper rail population has increased by 80 California clapper rails for three consecutive years, over the average number of California clapper rails detected in 2010 and 2) it has been demonstrated that the effects of non-native *Spartina* treatment to the California clapper rail can be minimized through restoration activities.

#### **REINITIATION - CLOSING STATEMENT**

This concludes the reinitiation of formal consultation on the proposed San Francisco Bay Estuary Invasive *Spartina* Project. As provided in 50 CFR 402.16, reinitiating of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (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; (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; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must immediately cease, pending reinitiation.

If you have any questions regarding the reinitiation of consultation on the Proposed Estuary Invasive *Spartina* Project, please contact Bjorn Erickson, Biologist or Ryan Olah, Coast Bay/Forest Foothills Division Chief, at the letterhead address, telephone (916) 414-6600, or electronic mail at Peter\_Erickson@fws.gov or Ryan\_Olah@fws.gov.

cc:

Greg Martinelli, California Department of Fish and Wildlife  
Marilyn Latta, State Coastal Conservancy

**RECEIVED**

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COASTAL CONSERVANCY  
OAKLAND, CALIF.