

APPENDIX B

CONCEPTUAL MANAGEMENT PLAN

**Proposed Tulare Basin
Wildlife Management Area
Kern and Tulare Counties, California**

United States Department of the Interior
U.S. Fish and Wildlife Service

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CONCEPTUAL MANAGEMENT PLAN

PROPOSED Tulare Basin WILDLIFE MANAGEMENT AREA Kern and Tulare Counties, California

Introduction

This management plan for the proposed Tulare Basin Wildlife Management Area (WMA) presents a general outline on how the WMA would be managed by private landowners and the U.S. Fish and Wildlife Service (Service). The Service proposes to obtain interest and management rights to the Tulare Basin WMA through negotiation with and acquisition of conservation easements from private landowners. As a conceptual plan, this plan does not provide extensive detail or pinpoint exactly where habitat improvements could be made. Those details would be part of other programs such as Partners for Wildlife, administered by the Service. However, this plan is based on the type of conservation easement terms that the Service has employed in other WMA easements and should answer general questions about continued land management by the private property owners and the role the Service would play in carrying out the terms of the conservation easements within the WMA.

The proposed Tulare Basin WMA will seek to acquire conservation easements on approximately 20,000 acres and acquire fee title on approximately 2,000 acres within a larger landscape located in the southern San Joaquin Valley, within portions of Kern and Tulare Counties (see EA proposed Tulare Basin WMA project area map, page 5). The purpose of the proposed WMA is to: (1) protect key habitats for wetland dependant and sensitive species in support of the NAWMP and CVJV goals for the Tulare Basin; and (2) support long term viability of private wetlands in the Tulare Basin. The Service would protect, and possibly restore, existing managed wetlands and associated uplands, along with remnant vernal pools, and slough channels (when occurring on targeted parcels), irrigated pasture, and agricultural crop land that historically has supported both a diversity of native wildlife, livestock grazing operations, and low intensity agriculture. The Service plans to protect and improve management of native habitats because these habitats are essential to the life history of species.

National Wildlife Refuge System

While the proposed Tulare Basin WMA would remain in private ownership, lands under a Service easement would be part of the National Wildlife Refuge System (Refuge System) and would be managed to fulfill the Refuge System's mission and the specific purpose for which the WMA was established as well as managed to meet the objectives of the landowner. "The mission of the Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans" (National Wildlife Refuge System Improvement Act of 1997). The Refuge System is a network of protected lands and waters dedicated for fish and wildlife. Since the Refuge System's inception in 1903, with the establishment of the Pelican Island NWR in Florida, the System has grown to more than 530 refuges, with at least one refuge in every state. California has 42 national wildlife refuges covering more than 400,000 acres.

The Goals of the National Wildlife Refuge System

The goals of the National Wildlife Refuge System are to:

- To fulfill our statutory duty to achieve refuge purpose(s) and further the System mission.
- Conserve, restore where appropriate, and enhance all species of fish, wildlife, and plants that are endangered or threatened with becoming endangered.
- Perpetuate the migratory bird, interjurisdictional fish, and marine mammal populations.
- Conserve a diversity of fish, wildlife, and plants.
- Conserve and restore, where appropriate, representative ecosystems of the United States, including the ecological processes characteristic of those ecosystems.
- To foster understanding and instill appreciation of fish, wildlife, and plants, and their conservation, by providing the public with safe, high-quality, and compatible wildlife-dependent public use. Such use includes hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Proposed Tulare Basin WMA

Purpose of the Tulare Basin WMA

The purpose of the Tulare Basin WMA is to 1) Protect key habitats for wetland dependant and sensitive species in support of NAWMP and its CVJV goals for the Tulare Basin and 2) Support the long term viability of private wetlands and associated uplands in the Tulare Basin. A WMA's purpose serves as a vision or mission statement for refuge managers and the public. It provides a broad, long-term statement of management direction and priorities.

The proposal to protect approximately 22,000 acres of wildlife habitat in the San Joaquin Valley/Tulare lake basin ecosystem reflects the core mission of the Service to protect wildlife resources of national importance. The Service's conservation easement program provides opportunity for continued private land ownership and operation as well as natural resource protection.

Wildlife Management Area Administration

The WMA would be administered by Kern NWR Complex staff in Delano, California. The staffing pattern and base funding for the proposed WMA are dependent on the refuge size and boundary alternative chosen. Although, currently, there is no approved staffing plan for the proposed Tulare Basin WMA, the typical staffing pattern would be an assistant refuge manager and wildlife biologist. The WMA has the support of volunteers from the local community, local landowners and researchers with an interest in long-term management of the Tulare Basin.

The WMA may operate certain programs under an interim management plan. Public use opportunities would be nonexistent because the properties would remain in private ownership and would not be open to the general public.

Ecological Processes and Habitat Management

The management focus of the proposed WMA would be to promote natural biological processes that benefit conservation of wildlife, and plants, to the extent that land use practices necessary to sustain the conservation value and private operations of the current landowners are not compromised. The primary

historic uses that shaped the current ecological condition of the study area were cattle grazing, recreational hunting and agriculture. Subsequent to acquisition of the conservation easements, the Service would maintain and possibly restore native habitats essential to the survival of species dependent on the WMA in cooperation with the private landowners. Management direction for the easement properties would be guided by the terms of the conservation easements developed and negotiated with the landowners.

Vegetation Management

The WMA supports plant communities that include annual grasslands, vernal pools, riparian habitat (sloughs and creek channels), irrigated pasture, and low intensity crop land. Most natural communities have been altered to such a high degree that ecological processes will not now function without active management. For example, wetlands occur only as a result of water introduced artificially to replace diverted natural flows. Manipulation of vegetation would be permitted to either promote or suppress desirable or undesirable plants.

Permitted Use of the Properties

Maintenance of Improvements

Under the terms of the conservation easements, the property owners would retain the rights to maintain and repair improvements on their property including roads, levees, fences, trails, water control facilities, corrals, and structures.

Grazing

Under the terms of conservation easements, the private property owners could reserve the right to operate sustainable ranching operations on the properties. The landowners would meet annually with the Service to confer upon their annual operation plans and proposed habitat enhancements, if any. The agreed upon operating plan would take into account the terms of the conservation easements as well as the then existing physical and ecological condition of the properties.

Control of Pests, Predatory and Problem Animals

The use of agricultural chemicals, biocides and the control of predatory or problem animals by the landowners and/or operators, would be subject to federal and state laws.

Hunting and Fishing

Hunting and fishing of wildlife would be permitted in compliance with applicable local, state, and federal laws and regulations and in a manner that does not significantly deplete the wildlife resources, or damage the natural landscape.

Control of Trespass

The landowners reserve the right to control access to the properties and to prevent trespass on the property.

Residual Rights; Compliance with Laws and Regulations

The private property owners may exercise and enjoy all rights as owners of the properties, including the right to use the property for any purpose which does not adversely impact the conservation value and which is consistent with the purposes of the conservation easements. The conservation easements do not, however, exempt the property owners from compliance with applicable laws and regulations, including the Endangered Species Act, The Clean Water Act, etc. The language presented above is general. Specific terms will be agreed to, prior to approval and finalization of the easement with the landowner.

Population Monitoring

The Service plans to establish a long-term monitoring program for the terms and conditions of the easement. Surveys could be completed in cooperation with conservation groups, college institutions, and other land management entities. Research scientists would also be encouraged to obtain more biological information on fish, wildlife and plants in the WMA. The Service, in conjunction with the landowners, will identify where research is needed, and how it could be performed. Granting access to third parties involved in data collection is at the discretion of the landowner.

WMA's are Primary-Use Areas

Refuges of the National Wildlife Refuge System, including WMA's, are managed as primary-use areas; that is, primarily for the benefit of fish, wildlife, and their habitats. The interests in real property purchased by the Service are for the primary use. In addition, refuges are closed to other uses unless specifically and formally opened (National Wildlife Refuge System Administration Act of 1966 [NWRSA of 1966, 16 U.S.C. 668dd]). This contrasts with units of other federal land management systems that are managed under a multiple-use mandate (e.g., national forests administered by the U.S. Forest Service and public lands administered by the U.S. Bureau of Land Management). In the case of the Tulare Basin WMA, conservation easements would allow the continued operation of existing ranches, to the extent that operations do not jeopardize the areas' conservation values, in particular threatened or endangered species.

The Compatibility Standard

Before activities or uses are allowed on a Refuge, federal law requires that uses be formally determined to be compatible with the mission of the Refuge System and the purposes of the refuge (National Wildlife Refuge System Improvement Act of 1997). A compatible use is a use of a refuge that, in the sound professional judgment of the refuge manager, will not materially interfere with or detract from fulfillment of the mission of the Refuge System and the purpose of the refuge.

Compatible uses of the Tulare Basin WMA would be dictated by the terms of the negotiated conservation easements with individual landowners. Since lands within a WMA typically remain as private property with the property owner controlling access, the Service cannot authorize public uses on WMA's.

Interim Compatibility Determination

The Service is required by Executive Order 12996 to identify, prior to acquisition of new refuges or refuge additions, existing public recreational activities that would be allowed to continue following the Service's acquisition of the land. Because lands protected by conservation easements within the Tulare Basin WMA would remain private property, public use would be limited to that which is permitted as negotiated in the conservation easements (see management practices and permitted activities above). Public access is not routinely purchased as part of the conservation easement.

Law Enforcement

Enforcement of laws on the WMA is important to protect private property and to conserve and protect natural resources. The primary law enforcement officers working in the area would be State and local police or California Department of Fish and Game wardens, to control trespassing, violation of wildlife laws, and other violations of law.

Facilities Development and Management

Boundaries of any lands acquired by the Service may be posted with WMA signs at regular intervals. Fencing or other types of barriers are often constructed to control illegal trespassing that could damage habitat and to manage domestic livestock.

Interagency and Public Coordination

The Service acknowledges the strong support of the California Department of Fish and Game, Central Valley Joint Venture and the Tulare Basin Wetlands Association. The Service will continue to work with these organizations to maximize resource protection, enhancement, and public education for the Tulare Basin WMA. Kern, Kings and Tulare Counties Board of Supervisors and staff have been informed as the planning for the proposed WMA proceeded. The Service has developed a strategic view of this proposal by incorporating the work of CVJV partners, and integrating planning done by The Nature Conservancy, Ducks Unlimited, and various public agencies into this proposal.

The WMA project area encompasses or lies adjacent to private, state, and federally owned or managed lands. Therefore, the opportunity for a coordinated approach to resource management exists. The Service would seek partnerships with neighboring landowners to meet mutual goals and objectives whenever possible. These may include partnerships with neighboring private landowners to encourage wildlife protection. The Service would also pursue other partnerships to benefit resource management and public use, including environmental education within the terms of the conservation easements on the properties.