



Buena Vista Lake Shrew (*Sorex ornatus relictus*)
FAQ's on Draft Economic Analysis for Proposed Revised Critical Habitat
Prepared by the Sacramento Fish and Wildlife Office, February 2013



Description

The Buena Vista Lake shrew (BVLS) is one of eight subspecies of ornate shrews found in California. These tiny mouse-size mammals, which have long snouts, tiny beadlike eyes and ears concealed or nearly concealed by soft fur, weigh approximately the same as a quarter (about 1/7th of an ounce) and can be up to 5 inches in length. The shrew's coat is predominantly black with brown specks on the back and smoke-colored gray underneath.

Active day and night, shrews spend their waking hours searching for insects, their favorite food. Shrews can eat more than their own weight daily. Moisture and appropriate vegetative structure and cover are required to support the varied insects that maintain the shrew's high metabolism. Shrews benefit surrounding plant communities by consuming large quantities of insects, thereby helping to control pests.

Threats

Biologists believe the BVLS historically occupied a wide range within the once abundant marshlands of the Tulare Basin in the southern San Joaquin Valley of California. By the time biologists first discovered the shrew in 1932, most of these marshes had been drained or dried up as a result of water diversions. Today, the subspecies has lost more than 95 percent of its historic habitat.

These remaining populations are threatened primarily by habitat destruction, degradation, or fragmentation associated with conversion of land to use for agricultural activities, modifications of local hydrology, uncertain water supply, oil and gas extraction, nonnative vegetation, and naturally occurring catastrophic events such as floods or drought that could reduce the remaining populations.

Status

The BVLS is listed as endangered.

Frequently Asked Questions

Q. What is this action?

A. The Service has released the draft economic analysis (DEA) and reopened the comment period on the July 10, 2012 revised proposal to designate 5,182 acres of critical habitat for the BVLS in Kings and Kern Counties. On March 28, 2013, The Service will hold two public hearings in Bakersfield, CA.

Q. What is a DEA and what are the results of this analysis?

A. When specifying an area as critical habitat, the Endangered Species Act (ESA) requires the Service to consider economic impacts and other relevant impacts of the designation. The draft economic analysis (DEA) forecasts the potential costs associated with the designation of critical habitat for the BVLS. This draft analysis estimates that



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potential incremental costs associated with the designation of critical habitat will be \$130,000 when estimated at a seven percent discount rate over a 20 year period. These incremental costs are due to the administrative efforts of new and reinitiated section 7 consultations.

Q. What activities were reviewed in the DEA?

A. The activities that were reviewed included: (1) water availability and delivery; (2) agricultural production; and (3) energy development.

Q. Who will be affected?

A. The majority of costs were identified to Unit 3 (Kern Fan Recharge Area) and are estimated to be approximately 65 percent of the total cost. Impacts in Unit 3 are expected to be related to PG&E maintenance activities and City of Bakersfield projects, as well as pipeline, water supply, and other projects. Additional consultations that may occur are with the Service (Kern NWR), BLM, BOR, NRCS, EPA, and U.S. Army Corps of Engineers for Federal entities; and the State of California (CDFG), City of Bakersfield, Pacific Gas & Electric, and CalTrans, with the remaining areas associated with NGOs or private landowners.

Q. What is critical habitat?

A. Critical habitat is defined in the ESA. It identifies the specific areas within the geographical area occupied by the species at the time of listing that contain features essential to its conservation and that may require special management considerations. Specific areas that are outside the geographical area occupied by the species at the time of listing may also be designated as critical habitat if they are determined to be essential for the species' conservation. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve or other conservation area. It does not allow government control or public access to private lands.

Q. Why is the Service proposing critical habitat at this time? What is the history of critical habitat and BVLS?

A. Under the ESA, any species that is determined to be threatened or endangered requires a designated critical habitat.

The Service designated 84 acres of critical habitat for this species in 2005, but that rule was challenged by the Center for Biological Diversity. As part of a settlement agreement, we agreed to reconsider the designation and published a revised proposed designation for the BVLS in the Federal Register on October 21, 2009 (74 FR 53999). On July 10, 2012, in order to address several newly identified BVLS occurrences, on July 10, 2012, we published a revised proposed critical habitat rule that identified an additional 525 acres, bringing the total proposed critical habitat to 5,182 acres in 7 units in Kings and Kern Counties, California.

Q. Where are the critical habitat units?

A. Seven units are proposed. Each unit may include Federal, State, and local and private lands.



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- Unit 1: Kern National Wildlife Refuge (387 acres – Federal land). Wetland communities situated on the approximately 10,618 acre refuge.
- Unit 2: Goose Lake (1,279 – private land). This area is managed by the Semitropic Water Storage District as a groundwater recharge basin. It is part of an historical lake bed about 10 miles south of Kern NWR and is owned by Goose Lake Holding Co.
- Unit 3: Kern Fan Water Recharge (2,687 acres – locally owned land). This area is owned by the City of Bakersfield. It is located along the banks of the Kern River and is adjacent to the Kern Water Bank. Portions of the recharge area are flooded sporadically, forming pockets of wetland communities.
- Unit 4: Coles Levee (270 acres – 46 acres state and 223 acres private lands). The private land section is owned by Aera Energy and the state lands are located within the Tule Elk Reserve. The area contains highly degraded upland saltbush and mesquite scrub, but is interlaced with slough channels of the historical Kern River fan where it entered Buena Vista Lake from the northeast. This unit was expanded from the 2009 proposal of 214 acres because two BVLSs were found north of the previous northerly boundary of the unit during a construction project in 2011.
- Unit 5: Kern Lake (90 acres - private land). This area is located in the extreme southern end of the San Joaquin Valley, approximately 16 miles south of Bakersfield. This Unit lies between Hwy 99 and Interstate 5, south of Herring Road near the New Rim Ditch. The owner is the Boswell Co.
- Unit 6: Semitropic Ecological Reserve (372 acres – 345 acres state and 27 acres private lands). This unit is located about seven miles south of Kern NWR and seven miles north of the Goose Lake unit. California DFG holds the 345 acres under fee title.
- Unit 7: Lemoore Wetland Unit (97 acres – private land). Located east of the Lemoore Naval Air Station and four miles west of the City of Lemoore in Kings County, this area is managed by the USDA-Natural Resources Conservation Service for waterfowl enhancement.

All of these units were considered occupied at the time of listing and are currently occupied by the BVLS. These areas include the physical and biological features that are essential to the conservation of the BVLS.

Q. How will the designation of critical habitat affect the owner of the critical habitat unit?

A. The designation of critical habitat on non-Federal lands does not mean the government wants to acquire or control the land. Activities on private lands that do not require Federal permits or funding aren't affected by a critical habitat designation. Critical habitat designation itself does not require landowners to carry out any special management actions or restrict the use of their land.

The ESA, however, prohibits any individual from engaging in unauthorized activities that will harm listed wildlife. That prohibition is in effect for any federally listed wildlife, with or without designated critical habitat.



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If a landowner needs a Federal permit or receives Federal funding for a specific activity, the agency responsible for issuing the permit or providing the funds must consult with the Service to determine how the action may affect a listed species or its habitat.

Q. Has the Service adopted a recovery plan for the BVLS?

A. Yes. This species was a candidate for listing under the ESA for many years, and was, among the species included in the Service's 1998 Recovery Plan for Upland Species of the San Joaquin Valley. Recovery plans provide a mechanism to identify research needs, gather species information, and develop specific recovery criteria and tasks required to recover and ultimately delist a species.

Actions designed to ensure the conservation of this subspecies include recommendations for additional surveying in areas of potentially suitable habitat; habitat restoration and creation on private as well as public lands; the study of the feasibility of reintroduction of the BVLS at the State of California's Tule Elk Reserve; population genetics studies; and monitoring. We strive to use the best scientific information available during the recovery planning process.

Q. What sort of information will be most helpful to submit?

A. The Service will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The reasons why we should or should not designate habitat as "critical habitat" under section 4 of the ESA (16 U.S.C. 1531 et seq.), including whether there are threats to the species from human activity, the degree of which can be expected to increase due to the designation, and whether that increase in threat outweighs the benefit of designation such that the designation of critical habitat is not prudent.

(2) Specific information on:

- (a) The distribution of the shrew, including the locations of any additional populations of this species that would help us further refine boundaries of critical habitat;
- (b) The amount and distribution of shrew habitat, including areas that provide habitat for the shrew that we did not discuss in the revised proposed critical habitat rule;
- (c) Any areas occupied by the species at the time of listing that contain features essential for the conservation of the species that we should include in the designation, and why; and
- (d) Any areas not occupied at the time of listing that are essential to the conservation of the species, and why.

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed revised critical habitat.

(4) Any foreseeable economic, national security, or other relevant impacts that may result from designating any area that may be included in the final designation. We are particularly interested in any impacts on small entities, and the benefits of including or



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excluding areas from the proposed designation that are subject to these impacts.

(5) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments.

(6) Information on the extent to which the description of economic impacts in the DEA is complete and accurate.

(7) The likelihood of adverse social reactions to the designation of critical habitat, as discussed in the DEA, and how the consequences of such reactions, if likely to occur, would relate to the conservation and regulatory benefits of the proposed revised critical habitat designation.

(8) Whether any specific areas being proposed as critical habitat should be excluded under section 4(b)(2) of the ESA, and whether the benefits of potentially excluding any particular area outweigh the benefits of including that area under section 4(b)(2) of the ESA. See Areas Previously Considered for Exclusion Under Section 4(b)(2) of the ESA section below for further discussion.

If you submitted comments or information on the 2009 proposed rule (74 FR 53999, Oct 21, 2009 and 76 FR 23781, April 28, 2011), or on the July 10, 2012, revised proposed rule (77 FR 40706) during any of the previous comment periods, please do not resubmit them. We will incorporate them into the public record as part of this comment period, and we will fully consider them in the preparation of our final determination. Our final determination concerning revised critical habitat will take into consideration all written comments and any additional information we receive during all comment periods.

Q. How can I submit a comment?

A. The reopened public comment period will be open for 60 days and closes on May 6, 2013. Comments can be submitted in writing or at the public hearings to be held in Bakersfield.

You may submit written comments by one of the following methods:

- (1) Electronically: Go to the Federal eRulemaking Portal:
<http://www.regulations.gov>. Search for Docket No. FWS-R8-ES-2009-0062, which is the docket number for this rulemaking, and submit your comment there.
- (2) By hard copy: Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R8-ES-2009-0062; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203. Or deliver them by hand at the public hearing (see Public Hearing, below).

Public Hearings: We will hold two public hearings on March 28, 2013 to accept verbal comments. The two sessions will be held at the Doubletree Hotel, 3100 Camino Del Rio Court, Bakersfield, CA.



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The first hearing session will start at 1:00 p.m. Pacific Time with doors opening at 12:30, and the second session at 6 p.m. with doors opening at 5:30. Service staff will be on hand and available to discuss the proposal before and after each hearing.

People needing reasonable accommodations in order to attend and participate should contact Robert Moler, External Affairs Supervisor, Sacramento Fish and Wildlife Office, as soon as possible by calling 916/414-6606.