United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
81440-2011-CPA-0034

December 22, 2010

Tammy Weber
County of Santa Barbara
Planning and Development
624 W. Foster Road
Santa Maria, California 93455

Subject: Draft Mitigated Negative Declaration for the Proposed Alisal Ranch Reservoir, Solvang, Santa Barbara County, California

Dear Ms. Weber:

We are writing in response to a request from the County of Santa Barbara (County) for our review and comments on the draft Mitigated Negative Declaration (MND) for the proposed Alisal Ranch Reservoir (reservoir) in Solvang, California. The County's request was dated November 18, 2010, and was received in our office on November 19, 2010. The proposed project would involve construction of a square reservoir, 160 feet per side, to store water for use on adjacent agriculture/grazing land. The proposed project area is adjacent to the Santa Ynez River, and the reservoir would be filled with groundwater pumped from the Santa Ynez River basin.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act, and its implementing regulations, prohibits the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways: through interagency consultations for projects with Federal involvement pursuant to section 7 of the Act or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

We also have conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 *et. seq.*)(MBTA). The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. We recommend that any land clearing or other surface disturbance associated with the proposed action be timed to avoid potential destruction of bird nests or young of birds that breed in the area.

Bats may seek to forage over, and migratory birds may seek to alight on or forage over, the proposed reservoir. We are concerned that bats or birds may strike the proposed barbed-wire perimeter fence around the reservoir when approaching the reservoir. We recommend that the County and applicant explore alternatives to the perimeter fence or, at a minimum, implement measures to minimize the likelihood of birds and bats striking the perimeter fence.

The federally threatened California red-legged frog (*Rana draytonii*) has been documented to move more than 2 miles during dispersal events, through seemingly unsuitable habitat (Bulger et al. 2003). The species is known to occur within dispersal distance of the proposed reservoir and in numerous other locations in the Santa Ynez River watershed. Although California red-legged frogs are not currently known from the proposed reservoir location, we expect the species will find and use the reservoir at some point after it is filled. We recommend that the County consider this possibility and how operation of the reservoir (i.e., pumping, maintenance) would affect the California red-legged frog.

We also recommend that the County and applicant consider designing the reservoir such that it achieves its agricultural purpose and meets the needs of amphibians that may be attracted to it as breeding habitat. Such measures could include revegetation with native species and restrictions on the use of fish, herbicides, and pesticides in the reservoir. We are enclosing the California Department of Fish and Game's brochure, "Farming for Wildlife," which describes other ideas on how to achieve agricultural goals and simultaneously provide wildlife habitat.

The federally endangered least Bell's vireo (*Vireo bellii pusilus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and southern California steelhead (*Oncorhynchus mykiss*) are known to use riparian and/or aquatic habitats in the Santa Ynez River watershed and could use such habitats that occur adjacent to, and downstream of, the proposed project area. In addition, designated critical habitat for the southwestern willow flycatcher occurs downstream of the groundwater well described in the draft MND. The draft MND states that the proposed reservoir would hold 1.5 million gallons of water (4.6 acre-feet), but does not specify the expected daily or annual groundwater withdrawal rates. We recommend that the County determine the expected withdrawal parameters to better inform stakeholders on how this increased withdrawal would affect sensitive species and habitats that rely on surface flows and subsurface water in the Santa Ynez River.

Permanent water bodies can become a breeding location and source population of American bullfrogs (*Rana catesbeiana*). Bullfrogs are not native to California and are known to severely

impact native species of amphibians through displacement and/or predation (Moyle 1973, Lawler et al 1999). Unlike native species, bullfrogs do not persist well in water bodies that completely dry out on a regular basis (Maret et al 2006). We recommend that the operator of the proposed reservoir allow the reservoir to dry completely each year at some point during the dry season (June-September) to discourage colonization by American bullfrogs.

We offer the preceding comments to assist the County and applicant in evaluating, planning, and implementing the proposed reservoir project; however, these comments do not constitute a full review of the proposed project's potential impacts to federally listed species. We are providing our comments based upon a review of sections of the draft MND addressing biological resources, those that may be associated with biological resources, proposed project activities that have potential to affect federally listed species, and our concerns for listed species within our jurisdiction related to our mandates under the Act.

We appreciate the opportunity to provide comments on the draft MND, and we look forward to working with you in the future. If you have any questions regarding this letter, please contact David Simmons of our staff at (805) 644-1766, extension 368.

Sincerely,

Roger P. Root
Assistant Field Supervisor

Enclosure

cc:
Matt McGoogan, National Marine Fisheries Service
Martin Potter, California Department of Fish and Game

LITERATURE CITED

Bulger, J.B., N.J. Scott, and R.B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs (*Rana aurora draytonii*) in coastal forests and grasslands. Biological Conservation 110(2003):85-95.

Lawler S.P., D. Dritz, T. Strange, and M. Holyoak. 1999. Effects of introduced mosquitofish and bullfrogs on the threatened California red-legged frog. Conservation Biology 13(3): 613-622.

Maret, J.M., J.D. Snyder, and J.P. Collins. 2006. Altered drying regime controls distribution of endangered salamanders and introduced predators. Biological Conservation 127(2006):129-138.

Moyle, P.B. 1973. Effects of introduced bullfrogs, *Rana catesbeiana*, on the native frogs of the San Joaquin Valley, California. Copeia 1973(1): 18-22.