



Memorandum

Date: May 6, 1999

To: CALFED Policy Group

From: Lester A. Snow

Subject: Conservation burden contained in Multi-Species Conservation Strategy

Questions have arisen about the level of conservation burden that the Multi-species Conservation Strategy ("MSCS") will impose on the CALFED agencies. The goals of the Programmatic MSCS effort are twofold: first, to assess the CALFED Program as a whole and ensure the Program will benefit endangered species; and second, to recommend the types of measures that will likely be required for the take authorizations necessary to implement Program actions. As currently drafted, the MSCS imposes a conservation burden above and beyond what is required to mitigate for Program impacts and beyond the ecosystem enhancement actions contained in the Ecosystem Restoration Program ("ERP"). This paper provides background information on the species goals and conservation measures in the MSCS and raises policy issues about the scope of the conservation measures in relation to the ERP.

BACKGROUND

The MSCS Contains Species Goals That Have Been Incorporated Into The ERP

The MSCS establishes goals for each of the 242 species evaluated in the Strategy.¹ The three species goals include: Recovery (R), Contribute to Recovery (r), and Maintain (m). These goals have been incorporated into the ERP.

^{1/} The 242 species include those that: (1) are federally listed as threatened or endangered or California-listed as rare, threatened, endangered, or fully protected; (2) have the potential to become federally or California-listed as threatened or endangered during the term of CALFED implementation and the species could be adversely affected by CALFED actions; or (3) CALFED actions could affect a substantial portion of the species' range or important habitat and CALFED has established a goal to maintain or contribute to recovery of the species. — **CALFED Agencies** —

California
The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board

Federal
Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
U.S. Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
Department of Commerce
National Marine Fisheries Service

- Recovery (R) applies to those species whose range is entirely or nearly entirely within the area affected by the CALFED Program and for which CALFED could reasonably be expected to undertake all or most of the actions necessary to recover the species. The term "recover" means the decline of the species is arrested or reversed, threats to the species are neutralized, and the species' long-term survival is assured. At a minimum, achieving the goal of recovery means implementing all requirements of delisting under the Federal ESA within the ERP Ecological Management Zones. For certain species such as anadromous fish, with threats outside the geographic scope of the CALFED Program, CALFED may not be capable of completely recovering the species, but will implement all necessary recovery actions within the ERP Ecological Management Zones.

- Contribute to Recovery (r) applies to those species for which CALFED Program actions affect only a limited portion of the species range and/or CALFED actions have limited effects on the species. The term "contribute to recovery" means making specific contributions toward recovery of the species. For those "r" species with a recovery plan, "contribute to recovery" means implementing some of the measures identified in the plan, with the main focus on measures to be implemented within the CALFED Problem Area. For those "r" species without a recovery plan, "contribute to recovery" means implementing measures that would benefit the species.

- Maintain (m) applies to those species expected to be minimally affected by CALFED actions. The term "maintain" means that CALFED will ensure that any adverse effects to the species are addressed commensurate with the level of effect. The MSCS recommends measures that will ensure that CALFED actions do not contribute to the need to list an unlisted species or degrade the status of a listed species. The "maintain" goal would not, however, require additional measures to contribute to the recovery of an "m" species.

The MSCS Contains Conservation Measures Required To Mitigate Program Impacts And Additional Measures Required To Achieve Species Goals

The MSCS contains conservation measures that function in two ways. First, the MSCS contains conservation measures designed to mitigate for the impacts of CALFED Program actions. Second, the MSCS contains additional conservation measures that are designed to achieve the species goal for each species.

- For "m" species, the conservation measures in the MSCS are limited to those that mitigate for Program impacts;

- For "r" species, the conservation measures in the MSCS include those that will mitigate for Program impacts and those additional measures needed to achieve the "r" goal;

- For "R" species, the conservation measures in the MSCS include those that will mitigate for Program impacts and those additional measures needed to achieve the "R" goal.

POLICY ISSUES

1.

The MSCS Includes Conservation Measures Beyond Those Required To Mitigate Program Impacts And Beyond The Enhancement Measures In The ERP

The additional conservation measures for "R" and "r" species are intended to ensure that the CALFED Program achieves the species goals. Some of these additional conservation measures simply refine or clarify existing ERP actions (i.e., by suggesting locations for ERP-recommended habitat enhancements). Other additional measures go beyond the measures provided for in the ERP and constitute an additional conservation burden on the CALFED Program.

As a policy matter, the CALFED agencies must determine whether it is appropriate to require additional conservation measures beyond what is required to mitigate and beyond what is included in the ERP to achieve the "R" and "r" species goals. For "r" species in particular, where the ERP itself contains actions that benefit the species, it is not clear whether any measures beyond those already included in the ERP should be required by the MSCS to meet the "r" goal. Further, it is not clear whether the wildlife agencies will require measures beyond those already included in the ERP and beyond those that mitigate for Program impacts in order to provide take authorization to implement Program actions.

CALFED staff and consultants are currently delineating the extent of the additional conservation burden in the MSCS for "R" and "r" species that goes beyond the measures in the ERP. As the scope of the additional conservation measures is identified, CALFED staff will attempt to determine the fiscal impact of these measures. It is not yet clear whether the additional MSCS conservation measures beyond those in the ERP will add a minor or substantial cost to the CALFED Program.

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EXAMPLE OF LIMITED ADDITIONAL CONSERVATION BURDEN

The MSCS applies the "R" goal to the Valley Elderberry Longhorn Beetle ("VELB"). The ERP actions provide substantial benefits to VELB. Accordingly, the MSCS added just one additional measure involving research. As shown on the attached chart, the MSCS includes: (1) conservation measures to mitigate for Program impacts on the VELB; (2) refinements to existing ERP actions that benefit VELB; and (3) one additional conservation measure for conducting research.

EXAMPLE OF LIMITED ADDITIONAL CONSERVATION BURDEN

The MSCS applies the "r" goal to the Greater sandhill crane. The ERP actions provide substantial benefits to the Greater sandhill crane. Accordingly, the MSCS added just one additional measure involving monitoring the winter population of cranes. As shown on the attached chart, the MSCS includes: (1) conservation measures to mitigate for Program impacts on the Greater sandhill crane; (2) refinements to existing ERP actions that benefit the Greater sandhill crane; and (3) one additional conservation measure for monitoring.

EXAMPLE OF CONSIDERABLE ADDITIONAL CONSERVATION BURDEN

The MSCS applies the "R" goal to the Suisun ornate shrew. The ERP actions provide benefits to the Suisun ornate shrew. Nevertheless, the MSCS contains several additional measures beyond the ERP that were deemed necessary to achieve the "R" species goal. As shown on the attached chart, the MSCS includes: (1) conservation measures to mitigate for Program impacts to the Suisun ornate shrew; (2) refinements to existing ERP actions that benefit the Suisun ornate shrew; and (3) seven additional conservation measures to achieve the "R" goal.

EXAMPLE OF CONSIDERABLE ADDITIONAL CONSERVATION BURDEN

The MSCS applies the "r" goal to the Salt marsh harvest mouse. The ERP actions provide benefits to the Salt marsh harvest mouse. Nevertheless, the MSCS contains several additional measures beyond the ERP that were deemed necessary to achieve the "r" species goal. As shown on the attached chart, the MSCS includes: (1) conservation measures to mitigate for Program impacts to the Salt marsh harvest mouse; (2) refinements to existing ERP actions that benefit the Salt marsh harvest mouse; and (3) seven additional conservation measures to achieve the "r" goal.

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2.

Advisability Of Establishing Conservation Obligations For CALFED Program Outside The Peer-Reviewed ERP Development Process

The ERP has undergone scientific peer review to establish actions, targets, objectives, and goals for species. Further, the ERP has undergone significant stakeholder review. In contrast, the MSCS conservation measures that go beyond ERP actions were developed through a series of species expert workshops and have not been reviewed by anyone outside the workshops. The MSCS has been subject to some stakeholder input, but significantly less than the ERP. It is therefore uncertain whether and how the MSCS conservation measures should be meshed with the actions in the ERP.

3.

Difficulty Of Prioritizing Spending On Biological Enhancement May Become More Difficult To The Extent That The MSCS Adds Significant Additional Costs To CALFED Program

Finally, if the MSCS adds substantial additional biological enhancement costs to the CALFED Program beyond what is contemplated in the ERP, it may be difficult to prioritize spending on ecosystem restoration actions. The MSCS does not address how to prioritize funding for implementing the conservation measures that go beyond what is required to mitigate for Program impacts. As written, the MSCS appears to prioritize "R" species for funding over either "r" or "m" species. It is uncertain, however, how funding should be prioritized between the species goal groups (i.e., between "R," "r," and "m") or within an individual species goal group (i.e., within the "r" species).