

**Appendix D - U.S. Fish and Wildlife Service
IPaC Species List**



United States Department of the Interior



FISH AND WILDLIFE SERVICE
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In Reply Refer To:

March 02, 2022

Project Code: 2022-0014554

Project Name: Lake Isabella Dam Safety Modification Project End of Deviation Supplemental Environmental Assessment

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

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Project Summary

Project Code: 2022-0014554
Event Code: None
Project Name: Lake Isabella Dam Safety Modification Project End of Deviation Supplemental Environmental Assessment
Project Type: Dam - Maintenance/Modification
Project Description: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, this Supplemental Environmental Assessment (SEA) discusses and discloses beneficial or adverse potential effects that would result from ending the Interim Risk Reduction Measures (IRRM) that were put in place to restrict the gross pool at Lake Isabella to 2585.5 feet above mean sea level until the Isabella Lake Dam Safety Modification (DSM) project is complete. During normal operations, the gross pool elevation is reached when the water level in the reservoir is at the crest of the service spillway and generally represents the elevation where all flood storage in the reservoir is filled. The U.S. Army Corps of Engineers, Sacramento District (Corps) is the lead agency and the U.S. Department of Agriculture, Forest Service (USFS) is the cooperating agency on this action for the purposes of NEPA.

Location of the Project Area

Isabella Lake is situated approximately 35 miles northeast of Bakersfield in Kern County, California, along California State Road (SR) 178, one mile upstream of the town of Lake Isabella (Figure 1). Water from the Kern River is retained by Isabella Lake Main Dam and Auxiliary Dam (Isabella Dams) to form Isabella Lake in the southernmost part of the Sequoia National Forest.

Background and Need for Action

In 2005, the Corps determined through an agency screening-level risk assessment process that the Isabella Dams and service spillway posed unacceptable risk to life and public safety. Based on the risk assessment, the Isabella Dams and service spillway received a risk classification described as “urgent and compelling (unsafe),” and “critically near failure” or “extremely high risk.” However, failure is not believed to be imminent. As part of the IRRM, the Corps initiated an emergency deviation in September 2006 from the 1978 Reservoir Regulation Manual (Water Control Plan) for Isabella Dams and Lake to operate the project and maintain the reservoir elevation at or below 2,585.5 feet IPD (2589.26 feet NAVD 88) and a capacity of 361,250 acre-feet. The purpose of this emergency deviation was to lower the lake level to a safe elevation and capacity based on the results of Corps seismic investigations.

The Corps assessed the environmental consequences of extending the

emergency deviation annually from March 20, 2007, to September 30, 2015, in an environmental assessment (EA) that was completed in April 2008 (Corps 2008). The EA concluded that deviating from the Water Control Plan to restrict Isabella Lake levels at or below 2,585.5 feet in elevation between March and September for the years 2007 through 2015 would not have any significant effect on cultural resources or riparian vegetation found within the lake's perimeter or in the downstream areas of the Kern River below the dam. The deviation could result in minimal effects to recreation, socioeconomics (for example, local businesses that are seasonally dependent on some of the revenues provided by recreational users), air quality, water quality, and fisheries as lower lake levels make access more difficult for boaters and other recreational users, water temperatures warm up, dissolved oxygen levels decrease, and exposed reservoir bottoms dry out and are blown around by winds. These effects were not expected to be significant since they would typically mirror what normally has been occurring on an annual basis during dryer years since 1978.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.690187550000005,-118.44901526901847,14z>



Counties: Kern County, California

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Fisher <i>Pekania pennanti</i> Population: SSN DPS There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3651	Endangered

Birds

NAME	STATUS
California Condor <i>Gymnogyps californianus</i> Population: U.S.A. only, except where listed as an experimental population There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/8193	Endangered
Least Bell's Vireo <i>Vireo bellii pusillus</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5945	Endangered
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> There is final critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6749	Endangered
Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> https://ecos.fws.gov/ecp/species/6749#crithab	Final

IPaC User Contact Information

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