

Chapter 5 – Consultation and Coordination
Response to Comments



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In Reply Refer to:
1-1-05-1-0035

April 7, 2005

Memorandum

To: Park Superintendent, Point Reyes National Seashore, National Park Service, Point Reyes, California (Attn: Ranger Natalie Gates)

From: Deputy Assistant Field Supervisor, Endangered Species Program, Sacramento Fish and Wildlife Office, Sacramento, California *Chf Noyama*

Subject: Concurrence with Not Likely to Adversely Affect Determination for Nine Listed Species and Proposed Critical habitat for the California Red-legged Frog as a result of the Non-Native Deer Management Plan at the Point Reyes National Seashore and Golden Gate National Recreation Area in Marin County, California

This memorandum is in response to the U. S. National Park Service's March 10, 2005, request for the concurrence of the U.S. Fish and Wildlife Service (Service) for the proposed Non-Native Deer Management project at the Point Reyes National Seashore and Golden Gate National Recreation Area in Marin County County, California. Your request was received by this Field Office on March 14, 2005. Additional information was received from the National Park Service in a letter to the Service dated March 30, 2005, that was received by us on April 6, 2005. At issue are the potential effects of the proposed project on the threatened California red-legged frog (*Rana aurora draytonii*), threatened western snowy plover (*Charadrius alexandrinus nivosus*), threatened northern spotted owl (*Strix occidentalis caurina*), endangered California freshwater shrimp (*Syncaris pacifica*), endangered Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), endangered Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*), endangered beach layia (*Layia carnosa*), endangered clover lupine (*Lupinus tidestromii*), endangered Sonoma spineflower (*Chorizanthe valida*), and proposed critical habitat for the threatened California red-legged frog. This response is provided pursuant to section 7(a) of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*)(Act), and in accordance with the regulations governing interagency consultations (50 CFR § 402).

This document is based on your March 10, 2005, letter and associated information; your March 30, 2005, letter; *Point Reyes National Seashore Threatened and Endangered Species Locations as of 2001*, undated, that was prepared by the National Park Service; and other information available to the Service.



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2

It is our understanding the proposed project consists of the lethal removal and fertility control of all axis deer (*Axis axis*) and fallow deer (*Dama dama dama*) by the year 2020. A percentage of the fallow deer would be treated with an existing long-acting contraceptive, and both species of deer would be removed via shooting. The proposed management activities will take place in open flat grassland or scrub areas where deer can be safely handled for contraceptive administration or safely culled. No management activities will take place in creeks, waterways, or riparian areas. The culling would be conducted by National Park Service staff specifically trained in wildlife sharpshooting. Deer carcasses will be removed when possible; in cases where carcasses could not be accessed, they will be left in place to recycle nutrients into the ecosystem. Monitoring would continued until all non-native deer area eradicated by the year 2020.

The measures in the proposed project are sufficient to reduce any direct, indirect, and cumulative effects on the California red-legged frog, western snowy plover, northern spotted owl, California freshwater shrimp, Myrtle's silverspot butterfly, endangered Sonoma alopecurus, endangered beach layia, endangered clover lupine, endangered Sonoma spineflower to an insignificant or discountable level, or result in adverse modification or destruction of the proposed critical habitat of the California red-legged frog. Critical habitat for the other eight species has not been proposed, designed, or is located in the action area. Therefore, the Service concurs that the project, as described within your March 10, 2005, and March 30, 2005, letters and accompanying material, is not likely to adversely affect these nine listed species and proposed critical habitat for the California red-legged frog. If project work descriptions or time frames change, or were not evaluated, it is our recommendation that the changes be submitted for our review. This concludes our review of the actions outlined in the March 10, 2005, and March 30, 2005, letters and accompanying material, and no further coordination with the Service under the Act is necessary at this time. Please note that this memorandum does not authorize the take of listed species.

As provided in 50 CFR § 402.14, initiation of formal consultation is required where there is discretionary Federal agency involvement or control over the action (or is authorized by law) and if: (1) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this review; (2) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (3) a new species is listed or critical habitat designated that may be affected by the action.

We appreciate your proactive efforts to conserve and recover endangered species. Please contact Chris Nagano, Deputy Assistant Field Supervisor (Endangered Species Program), at the letterhead address or at 916/414-6600 if you have questions regarding this response.

cc:

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