

Notice of Exemption

To:
Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

From:
Department of Fish and Wildlife
Central Region
1234 East Shaw Avenue
Fresno, CA 93710

Street Address:
1400 Tenth Street
Sacramento, CA 95814

Project Title: Tricolored Blackbird Voluntary Local Program (VLP)

Project Location (include county): The VLP encompasses Kern, Kings, Tulare, Fresno, Madera, Merced, Stanislaus, and San Benito counties where Tricolored Blackbirds may nest on grain fields cultivated by ranchers and farmers.

Project Description: The California Department of Fish and Wildlife has authorized a VLP for the California Farm Bureau Federation, pursuant to California Code of Regulations, title 14, section 786, which implements Fish and Game Code Article 3.5. Incidental Take Associated with Routine and Ongoing Activities (Fish & G. Code, § 2086 *et. seq.*).

The VLP will cover 8 counties located in California's San Joaquin Valley containing approximately 10,451,894 acres of agricultural grain crops associated with ranching and farming likely to provide nesting and foraging habitat for Tricolored Blackbird (*Agelaius tricolor*), a State threatened species. Enrollment in the VLP authorizes take (as defined under Fish and Game Code § 86) of Tricolored Blackbirds incidental to routine and ongoing agricultural activities only if the take occurs when implementing selected management practices, including but not limited to, delayed harvest to protect nesting colonies. The VLP will enroll voluntary cooperator ranchers and farmers when Tricolored Blackbirds nest in their grain crops and provide technical assistance to implement specific nesting colony protection management practices designed to avoid and/or minimize impacts to the species. The goal of the VLP is to achieve 100 percent participation in nesting colony protection to maintain and enhance nesting success for Tricolored Blackbird while supporting the economic activities of ranchers and farmers.

Public Agency Approving Project: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Person or Public Agency Carrying Out Project: Noelle Cremers (ncremers@cbbf.com), California Farm Bureau Federation, 1127 11th Street, Suite 626, Sacramento, CA 95814

Exempt Status:

- Statutory Exemption.
 Categorical Exemption. Type – Class 7; California Code of Regulations, title 14, section (15307)

Reasons why project is exempt: The VLP consists of specific actions undertaken to ensure the maintenance and enhancement of a natural resource through implementation of procedures and measures for protection of the resource. Specifically, the VLP meets the requirements for a Class 7 CE because (1) the cultivation of crops as described in the VLP provides desired nesting and foraging habitat for Tricolored Blackbird that would not otherwise be available to the species; (2) under the interim take authorization adopted by the Fish and Game Commission in 2015 through 2018, measures to protect nesting Tricolored Blackbird were implemented and data was collected for 3 years that demonstrated that if the measures were adhered to, take of Tricolored Blackbird is not likely to, and in fact did not, occur; and (3) the measures as set forth in the VLP are identical to those implemented under the interim take authorization and therefore take of Tricolored Blackbird is not expected to occur under the VLP. The VLP will also provide the opportunity to build on and continue data collection that commenced under the interim take authorization for an additional 5 years and may support a more robust conclusion that if the measures as described in the interim take authorization and the VLP are implemented, full avoidance of take of Tricolored Blackbird may be achieved during routine and ongoing agricultural activities.

CDFW Contact Person: Annee Ferranti, Environmental Program Manager, (559)243-4005, ext. 141

Signature:  **Date:** 4/9/19

Chad Dibble, Deputy Director, Ecosystem Conservation Division

Date received for filing at OPR: _____

APR 10 2019
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