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February 29, 2016

Paul Kramer, Hearing Officer
High Desert Amendments Committee
California Energy Commission
1516 Ninth Street, MS-4
Sacramento, CA 95814

RE: Committee Questions for Parties, Docket Number 97-AFC-01C

Dear Mr. Kramer:

The California Department of Fish and Wildlife (CDFW) has received your Committee Questions for Parties (Committee Questions) dated February 16, 2016 in the above referenced Docket. According to the revised schedule for this proceeding, Responses to the Committee Questions are due on March 1, 2016. CDFW responds to Committee Questions 1a and 1b only. The CDFW response to these questions is attached for filing in Docket Number 97-AFC-01C. Thank you.

Sincerely,

Nancee M. Murray
Senior Staff Counsel
California Department of Fish and Wildlife

**Committee Questions for Parties
High Desert Amendments Committee
California Department of Fish and Wildlife
Answers to Question 1(a) and 1(b)**

My name is Alisa Ellsworth and I have worked for the California Department of Fish & Wildlife since April of 2001 in the Bishop Field Office. I am currently the Senior Environmental Scientist for the Lands North Program. For the last three years, I have represented the Department on the Mojave River Adjudication and have become familiar with the issues surrounding the Mojave River.

1. a. What is the status of the identified habitat?

The Mojave River provides the only significant corridor of riparian habitat in the western Mojave Desert. The reach of the river between Apple Valley and Helendale (hereafter referred to as the Transition Zone) is unique because it has perennially flowing surface water and supports a lush riparian zone. The riparian corridor within the Transition Zone is 15.2 miles long and is slightly more than 3,800 acres in area.

Much of the Transition Zone contains the Desert Riparian vegetation type as described by the California Wildlife Habitat Relationships System (CWHR). Dominant canopy species within this vegetation include the Fremont's cottonwood (*Populus fremontii*) and Goodding willow (*Salix gooddingii*). Understory species include rush (*Juncus* sp.), curly dock (*Rumex crispus*), monkey flower (*Mimulus guttatus*), salt grass (*Distichlis spicata*), and cat-tail (*Typha latifolia*).

The Transition Zone supports a large diversity of life when compared to the surrounding desert landscape. Perennial free-flowing water and associated wetland and riparian habitats provide food, cover, and water to diverse bird, fish, mammal, mollusk, and insect species that would otherwise not be found in this part of the Mojave Desert.

A recent site visit to the Transition Zone on February 24, 2016 confirmed that the Transition Zone still supports extensive riparian vegetation and currently has free-flowing water in this section as shown by the three following photographs taken on the same day.

Habitat conditions along the Transition Zone have remained fairly stable since I first visited in October of 2009. Subsequent visits to the Transition Zone in December of 2014 and most recently in February of 2016 have confirmed that the area continues to support a large and fairly intact riparian corridor along the Mojave River.



Photograph 1: Looking east from the Palisades Ranch, February, 24, 2016



Photograph 2: Looking east north of the Palisades Ranch, February, 24, 2016



Photograph 3: Looking south at the Mojave River from bridge on Vista Rd, February, 24, 2016



Photograph 4: Looking east from the Palisades Ranch, October of 2009



Photograph 5: Looking south from the Palisades Ranch in October of 2009



Photograph 6: Riparian area adjacent to washed out bridge on the southern end of Palisades Ranch in October of 2009.

1. b. Are the threatened/endangered species (i) still in the region and (ii) still listed as threatened or endangered?

Protection of riparian areas along the Transition Zone is vital to the recovery of three federally and state endangered species: southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), and Mojave tui chub (*Gila bicolor mohavensis*). The Transition Zone is also suitable habitat for one federally threatened and state endangered species, western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). Potential habitat for the both federally endangered and California Species of Special Concern arroyo toad (*Bufo californicus*), may exist within this stretch of riparian area as well. Protection of this area will also support populations of migratory birds and several California Species of Special Concern and a Watch List species respectively including the Mojave River vole (*Microtus californicus mohavensis*), southwestern pond turtle (*Emys marmorata pallida*), long-eared owl (*Asio otus*), summer tanager (*Piranga rubra*), vermilion flycatcher (*Pyrocephalus rubinus*), yellow-breasted chat (*Icteria virens*), the yellow warbler (*Dendroica petechia*) and the brown-crested flycatcher (*Myiarchus tyrannulus*).

Southwestern willow flycatchers have been documented utilizing the Transition Zone's riparian habitat (Rebecca Jones, pers comm. 2014). This reach of the Mojave River is important because it is more secluded than the other areas along the Mojave River Corridor and has some of the best riparian stands of cottonwoods and willow in the area. Much of the other areas along the Mojave River where southwestern willow flycatcher is known to exist are disturbed by human activity (i.e. Mojave Narrow Park), county routine maintenance or other on-going flood control projects. The Transition Zone is within Critical Habitat for southwestern willow flycatcher. The area has also been identified in the Southwestern Willow Flycatcher Recovery Plan¹ as a specific river reach where recovery efforts should be focused due to its substantial recovery value. According to Goal 1.2.2 of the Recovery Plan, delisting of the southwestern willow flycatcher will require "protection of occupied habitats through Habitat Conservation Plans, Safe Harbor Agreements, partnerships, cooperative agreements, conservation easements, or acquisition of sites from willing landowners" (p.122). The "habitats supporting these flycatchers must be provided sufficient protection from threats to assure maintenance of these habitats over time... through development and implementation of conservation management agreements... including... conservation easements, land acquisition agreements for private lands, and inter-governmental conservation agreements with Tribes" (p.78).

Likewise, the Mojave Tui Chub Recovery Plan² identifies the Transition Zone as

¹ Southwestern Willow Flycatcher Recovery Plan. August 2002. U.S. Fish and Wildlife Service. Portland, OR.

² Mojave Tui Chub Recovery Plan. 1984. U.S. Fish and Wildlife Service. Portland, OR.

an important stretch in which a population could be established and that protecting the habitat in this area will be vital to the introduction of the fish in the future. While the primary objective of the Recovery Plan is to "delist the Mohave tui chub through successful establishment of viable chub populations in the majority of its historical habitat in the Mojave River," (p. 6) the interim objective is to down list the chub to threatened status. Down listing criteria requires establishment of three new, viable Mohave tui chub populations, for a total of six. "Populations established for delisting will be located within the mainstream Mojave River in a majority of its historical habitat, primarily the Afton Canyon and Victorville areas" (p. 7).

Least Bell's vireo has also been documented utilizing the riparian habitat within the Transition Zone (Rebecca Jones, pers comm. 2014). In addition, several pairs of least Bell's vireo have recently been detected in long-term banding and mid-summer surveys (S. Meyers, unpubl. data) summering near Victorville along the Mojave River. Although the Mojave River is not within designated Critical Habitat for least Bell's vireo, it is within the historical range of the vireo. The Least Bell's Vireo Recovery Plan³ says: "Protect and manage riparian and adjacent upland habitats within the least Bell's vireo historical range.Habitat necessary to sustain new, self-perpetuating least Bell's vireo populations....must be protected and managed through conservation agreements, conservation easements, Habitat Conservation Plans, Multiple Species Conservation Plans, land acquisition, and interagency consultations."

Western yellow-billed cuckoo was listed as Threatened under the Federal Endangered Species Act on November 3, 2014. As a result, a finalized Recovery Plan and designated Critical Habitat have yet to be published. The Transition Zone is within the historic range of yellow-billed cuckoo, and is known to have excellent habitat for yellow-billed cuckoo (Rebecca Jones, pers comm. 2014). Yellow-billed cuckoo have been documented utilizing Mojave River riparian habitat within the vicinity of the Transition Zone.

The California Riparian Habitat Conservation Plan (RBCP⁴) recommends protection and restoration of riparian areas with intact adjacent upland habitats as a conservation measure developed to guide policy and action on behalf of riparian habitats and California's landbirds. Many of the riparian bird species found within the Transition Zone are focal species discussed in the RBCP and are located about halfway between the Lower Colorado River and the southern Sierra. The middle stretch of the Mojave, which includes the Transition Zone, has always provided a vital link for migratory birds moving north out of Mexico. Today, this area is notable for hosting one of the largest population of brown-crested flycatchers in the state (at least 10 pairs along the Victorville Helendale

³ Draft Recovery Plan for the Least Bell's Vireo, 1998. U.S. Fish and Wildlife Service, Portland OR.

⁴ Riparian Habitat Joint Venture. 2004. Version 2.0. The riparian bird conservation plan: a strategy for reversing the decline of riparian associated birds in California. California Partners in Flight. <http://www.prbo.org/calpil/pdfs/riparian.v-2.pdf>.

stretch alone which includes the Transition Zone), as well as at least a dozen pairs of summer tanagers, second only to the Kern River Preserve. The Mojave River, including the Transition Zone section, remains one of the westernmost nesting sites for vermilion flycatcher in the United States. The habitat north of Victorville which includes the Transition Zone, if managed properly, could support several pairs of yellow-billed cuckoo, for which there are only scattered records.

DECLARATION OF ALISA ELLSWORTH

I, ALISA ELLSWORTH, declare as follows:

1. I am presently employed by the California Department of Fish and Wildlife (CDFW) as a Senior Environmental Scientist for the Lands North Program in the Inland Deserts Region of CDFW.
2. A copy of my professional qualifications and experience is attached.
3. The Answers to Questions 1a and 1b put forth from the High Desert Amendments Committee on February 16, 2016 was prepared by me and is based on my independent analysis, information from reliable sources, and my professional experience and knowledge.
4. It is my professional opinion that these answers are accurate.
5. I am personally familiar with the facts and conclusions in these answers and if called as a witness could testify competently thereto.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief.

Dated: Feb 29, 2016

Signed: Alisa Ellsworth