

## DOCKETED

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**HECA**

*Additional submitted attachment is included below.*

Lois Henry CALIFORNIAN COLUMNIST

# This little critter could have a big impact. Maybe.

The other shrew has finally dropped so to speak. And the local farming community doesn't like where it's landed.

The U.S. Fish and Wildlife Service finally came out with a designation of critical habitat for the Buena Vista Lake ornate shrew June 20, including nearly 2,400 acres in Kern County after nearly a decade of wrangling over the tiny mole-like creature.

This could be a really big deal. Or it could be nothing at all.

The problem is people aren't sure and that uncertainty is causing a lot of angst.

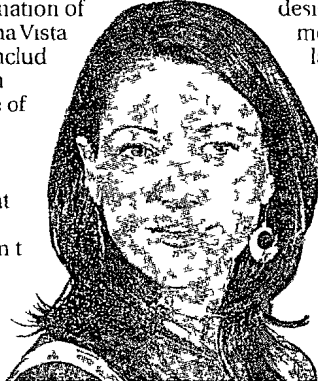
After reading the habitat designation document by Fish and Wildlife, I have to

say it does seem like a whole lot of bother over nothing.

Even within its own document, Fish and Wildlife repeats over and over that the designation won't mean much to most people. It won't impact private land ownership, won't impact current land uses or operations, won't impact utilities, won't impact canals, water recharge operations, water pumping, water delivery, etc.

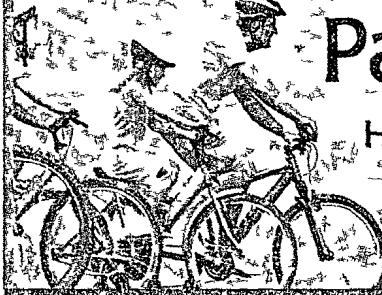
Huck, even the Center for Biological Diversity, which sued to force Fish and Wildlife to designate shrew habitat as critical, acknowledged the designation has extremely limited bandwidth.

PI a HENRY / B4




The Buena Vista Lake shrew formerly occupied the marshlands of the San Joaquin Valley and the Tulare Basin. Its range has become much restricted due to the loss of lakes and sloughs in the area. It has been recorded from the Kern Lake Preserve area and the Kern National Wildlife Refuge in California.

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# HENRY: Designation could mean major changes

CONTINUED FROM B1

That's because a federal critical habitat designation only comes into play if another federal agency, or federal funding, is involved in a new or altered project on critical habitat land. Then Fish and Wildlife is required to be "consulted."

"So if the critical habitat designation is on private property and someone wants to build a house there, oh well," said Illeene Anderson, a biologist with the center. "There's no mechanism under the federal act to prevent that from happening."

So, again, why all the bother?

Because no one really knows what "consult" means to Fish and Wildlife. Nor, exactly, how far and thin the connection to another federal agency could be stretched.

For example, the city of Bakersfield was very concerned about having its water bank west of Stockdale Highway included as critical habitat because it sometimes takes water from the federally owned Central Valley Project.

Would that be enough to trigger a Fish and Wildlife consultation? And would it mean Fish and Wildlife would have to approve every water exchange involving the bank?

The risks could be extremely high if the city didn't feel it had crossed the consultation threshold but the feds thought it had.

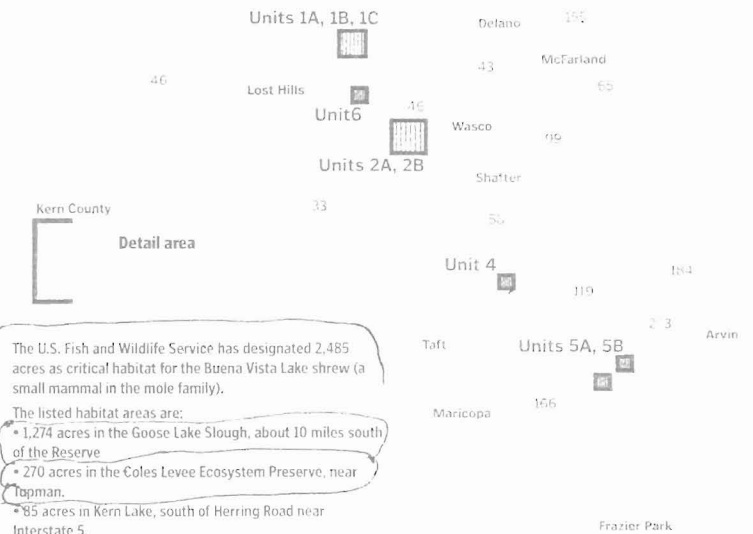
The city had no intention of getting anywhere near that doorway.

Nearly a decade ago, the city created its own shrew management plan to protect the creature on its water bank. It reached out to Fish and Wildlife seeking input on the plan and developed a strong working relationship with the federal agency.

The city's water bank was pointedly excluded from critical habitat designation and Fish and Wildlife went on at some length in its designation document praising the city for its efforts.

Others in the county were more than a bit perplexed

## Buena Vista Lake shrew designated habitats



The U.S. Fish and Wildlife Service has designated 2,485 acres as critical habitat for the Buena Vista Lake shrew (a small mammal in the mole family).

The listed habitat areas are:

- 1,274 acres in the Goose Lake Slough, about 10 miles south of the Reserve
- 270 acres in the Coles Levee Ecosystem Preserve, near Topman.
- 85 acres in Kern Lake, south of Herring Road near Interstate 5.
- 272 acres in the Semitropic Ecological Reserve about seven miles south of the Kern National Wildlife Reserve.
- 97 acres in the Lemoore Wetland Reserve in Kings County.

Source: Fish and Wildlife Service

### On the air

Lois Henry appears on "First Look with Scott Cox" every Wednesday on KERN 1180 AM from 9 to 10 a.m. The show is also broadcast live on [www.bakersfield.com](http://www.bakersfield.com). You can get your two cents in by calling 842-KERN.

already has extensive conservation plans, such as the Coles Levee Ecosystem Preserve.

Eh. Those plans didn't specifically address the shrew, or they were incomplete, according to Fish and Wildlife's designation document.

That wasn't the case back in 2005 when Fish and Wildlife issued its first designation document. At the time, those same plans passed muster and the lands they were attached to were excluded from the critical habitat designation, said Rob Kunde, president of the Kern County Farm Bureau and manager of Wheeler

Center for Biological Diversity sued. Suddenly, those plans weren't good enough, Kunde said.

"It would have made perfect sense for the Service (Fish and Wildlife) to ask that those plans be tweaked to include the shrew," he said.

"All I can tell you is the distribution of common sense in the federal government varies dramatically."

Now, he said, farmers and water districts are very nervous about these designations and the general public should be as well.

Since shrews eat insects, he suggested, mosquito abatement efforts could be limited on these lands.

He predicted that farms adjacent to the protected lands would be affected. That's because most herbicides and pesticides have required buffer zones to prevent drift onto protected lands.

"This designation means the use of that farmer's field is suddenly restricted," Kunde said.

And because the shrew

Or, the designation could mean no real changes at all, as Fish and Wildlife's designation document seems to intimate.

Kunde didn't hold out much hope of that.

"There's a significant amount of mistrust of the Service in the water and ag communities."

Farmers now have to decide whether they can live with the designation or go to court.

The Center for Biological Diversity may be mulling the same choice as it was appalled Fish and Wildlife didn't designate more than 5,000 acres as critical habitat instead of what it considered an inadequate 2,400 acres.

I guess what it all really means is we're still waiting for the other shrew to drop. Sorry, couldn't resist.

*Opinions expressed in this column are those of Lois Henry, not The Bakersfield Californian. Her column appears Wednesdays and Sundays. Comment at <http://www.bakersfield.com>, call her at 325-7373 or e-mail [lhenry@bakersfield.com](mailto:lhenry@bakersfield.com)*