

# Overview of Santa Ana Sucker Draft 10(j) Rule



Karin Cleary-Rose, USFWS  
Palm Springs Fish and Wildlife Office  
Palm Springs, CA

# Overview of ESA Section 10(j)

- 1982 Amendment to the ESA
- Allows for reintroductions “experimental populations” into suitable habitat outside the species current natural range
  - Usually within probable historic range
  - Outside of known historic range under limited circumstances

# Overview of ESA Section 10(j)

- Primary purpose is to promote recovery of T&E species in the face of regulatory concerns
  - Allows the Service to eliminate some or all “Take” prohibitions thorough special regulations
  - Reduces the section 7 consultation requirement for Federal agencies
    - Only USFWS Refuges and National Parks have to consult

# Overview of ESA Section 10(j)

- 10(j) actions must:
  - further the conservation of species
  - be determined “essential” or “nonessential”
    - (Spoiler: We’ve never done “essential”)
  - be wholly separate from non-10(j) populations.

# “Further the conservation of the species” determination

Using best available information, regulations require that the Service(s) determine the following:

1. Effects to donor population
2. Likelihood of successful establishment
3. Effects on recovery of the species
4. Extent to which experimental population may be affected by existing or future Federal, State or private actions

# Clarifications

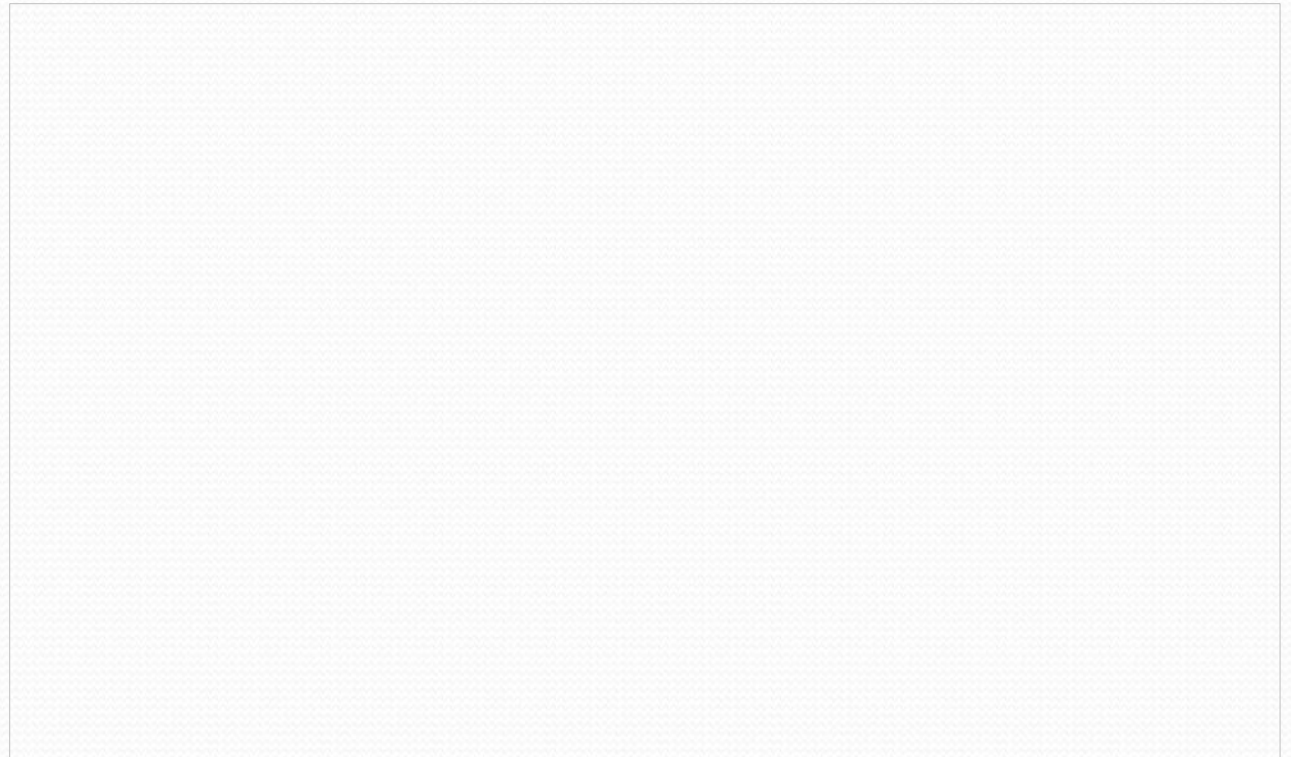
- Essential/nonessential refers to the continued existence of the species in the wild
- 10(j) Populations can and do “count” toward Recovery
- The term “experimental” doesn’t mean temporary or disposable
- 10(j) Populations do not “replace” wild populations

# Section 10(j) Process Requirements

- Federal Rulemaking (proposed and final rule)
- NEPA – CatEx, EA, EIS depending
- Section 7 consultation on donor impacts and/or impacts to other listed species (USFWS does this)
- Peer review of reintroduction proposals
- Feasibility Assessment – not required but recommended

# Draft 10 (j) Rule for the Santa Ana Sucker

- Draft rule would propose to establish a 10(j) “nonessential experimental population” of SAS



Big Tunga at City Line

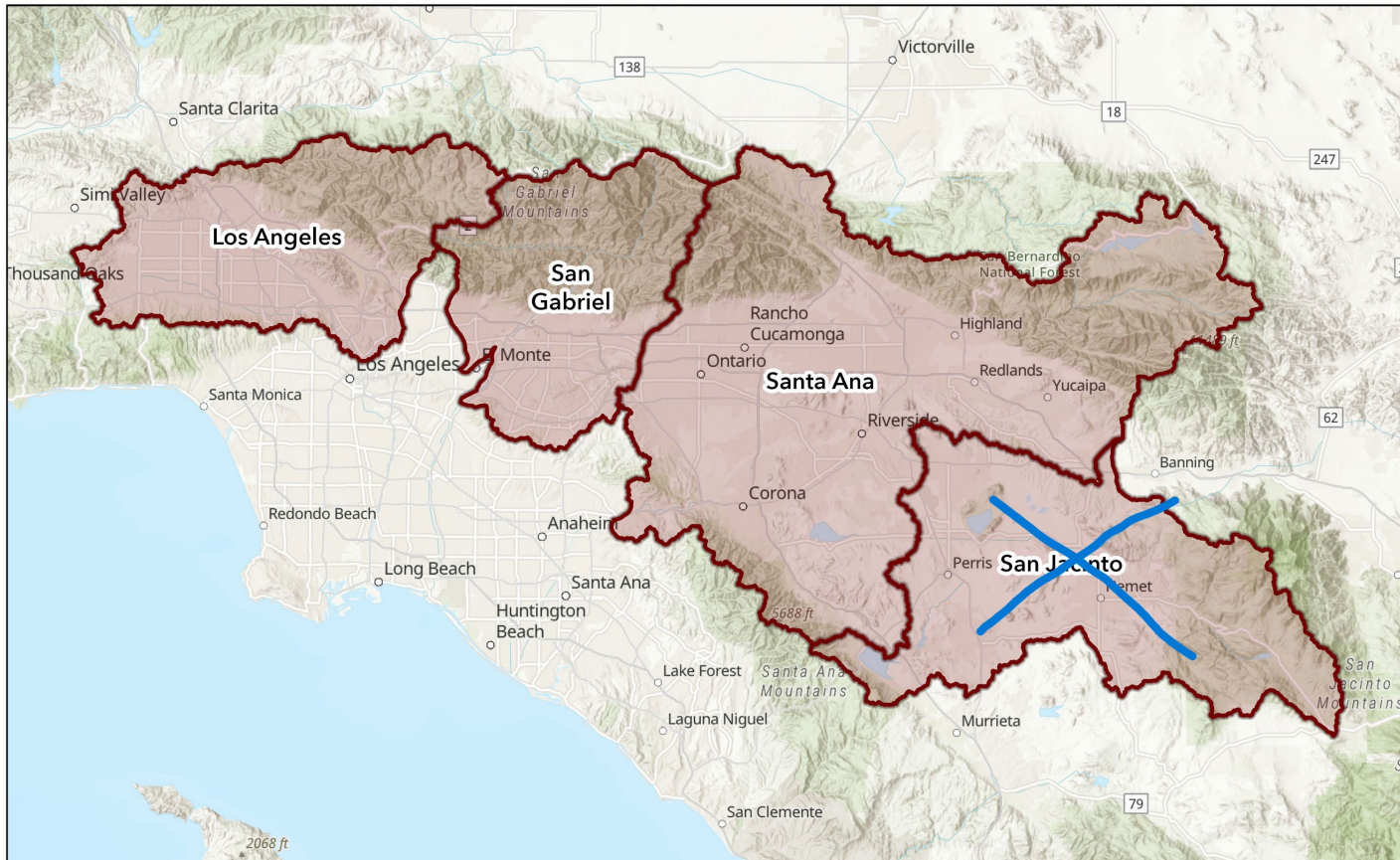


# Tribal Coordination

- Sent a letter to 15 Federally-Recognized Tribes and 9 Non-Federally Recognized Tribes
  - Decided to remove San Jacinto Watershed from further consideration based on feedback from Soboba Band of Luiseño Indians
  - Other Tribes who responded were either supportive of the effort or neutral
  - Government to Government Consultation has started with the Agua Caliente Band of Cahuilla Indians

# Other Outreach

- We held meetings with subgroups of stakeholders
  - User Groups, Translocators, Regulators, Environmental NGOs and Recreationists From June through September to seek feedback on the proposal.
- Most who expressed an opinion about the proposal expressed strong support.
- A few had questions about how it would work, and the timelines for publishing a proposed rule.

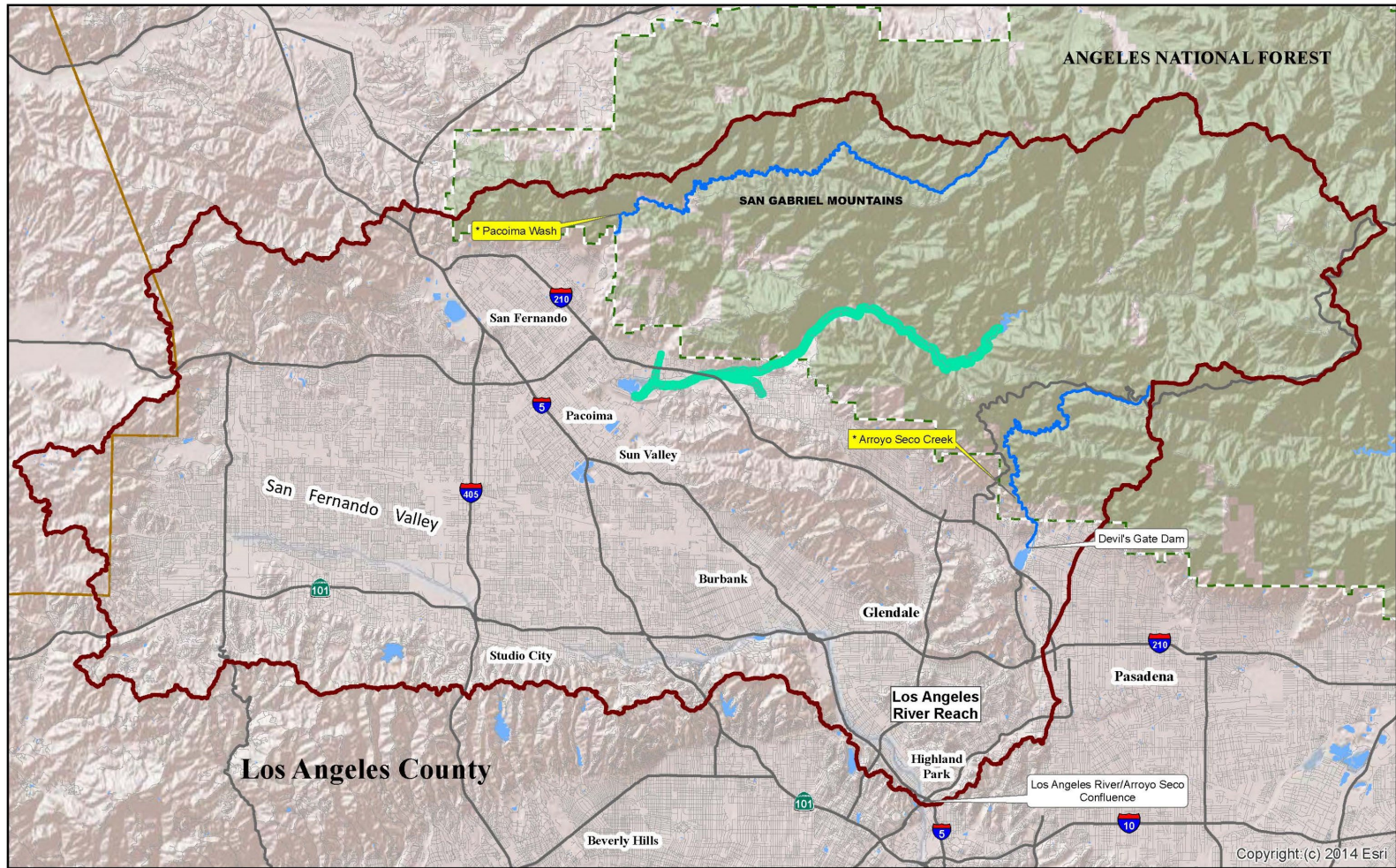


- San Jacinto is no longer under consideration

## 3 Watersheds



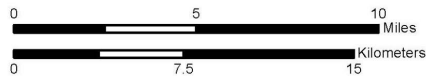
Potential Santa Ana Sucker Experimental Populations, Los Angeles River Recovery Unit



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Carlsbad Fish & Wildlife Office  
 GIS Services  
 GIS Contact: Ed Turner  
 Biology Contact: Jesse Bennett

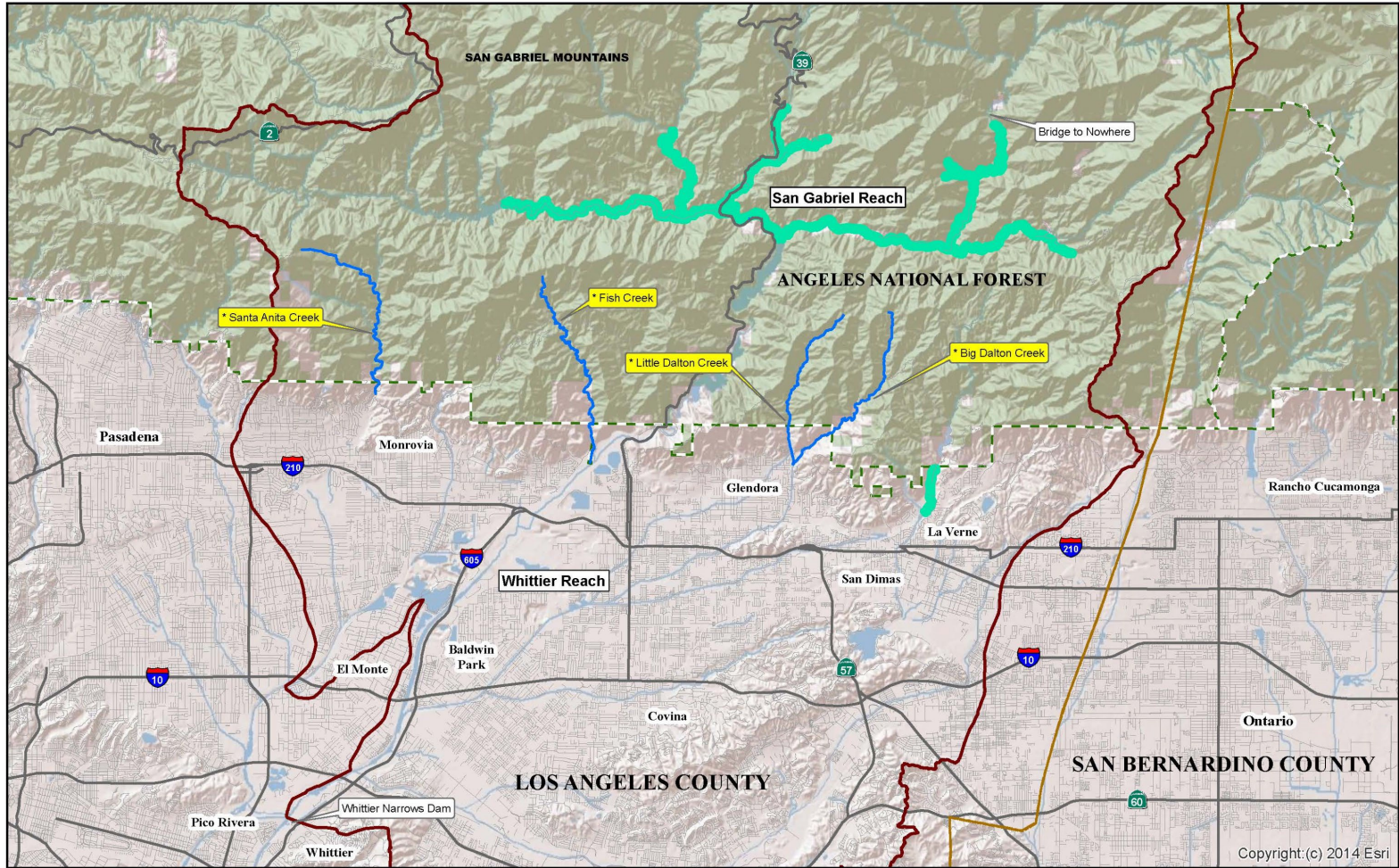
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- Santa Ana Sucker Current Range
- Potential Experimental Population Sites
- LA River Watershed
- National Forest
- Streams and Rivers
- County Boundary



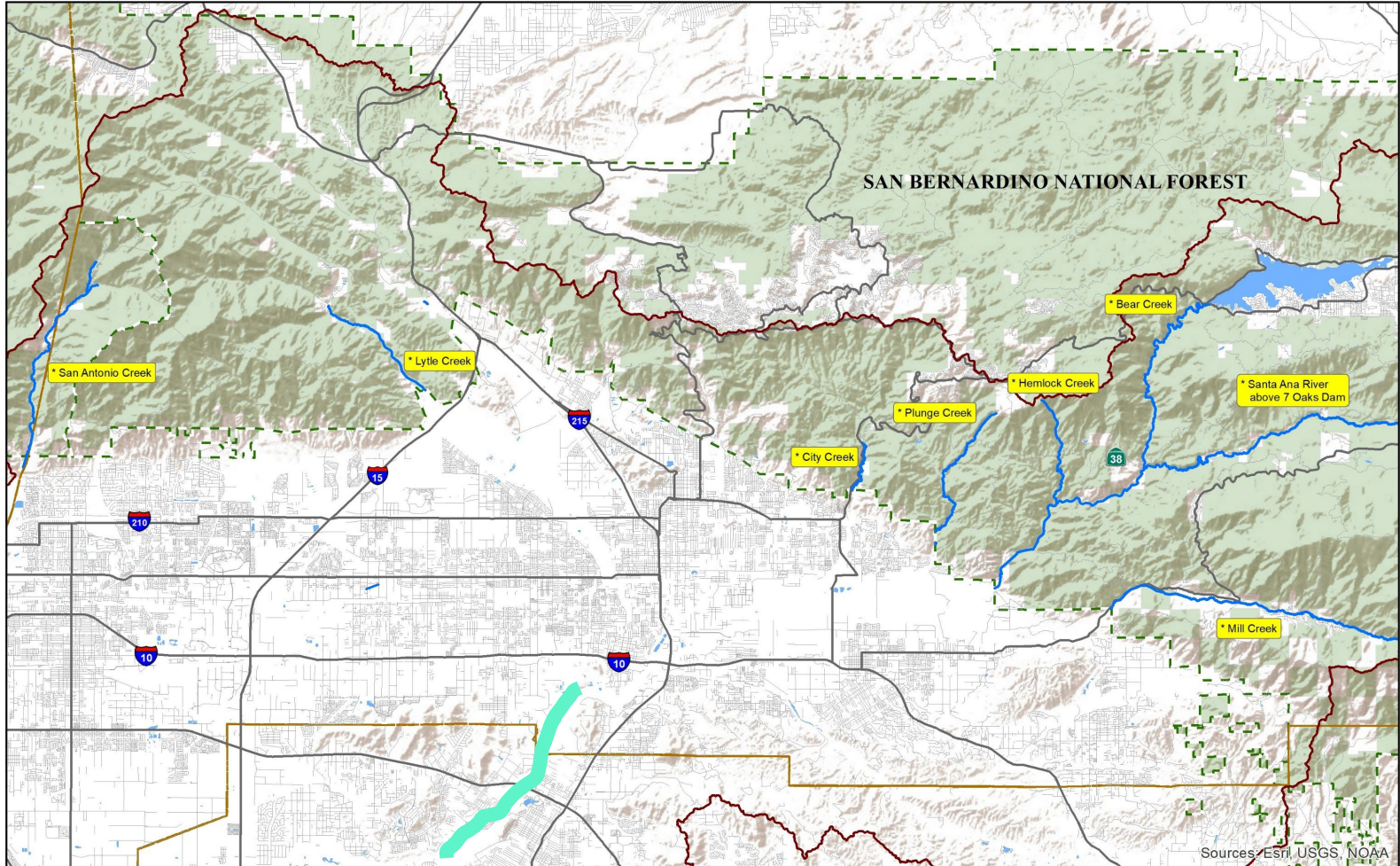
Potential Santa Ana Sucker Experimental Populations, San Gabriel River Recovery Unit



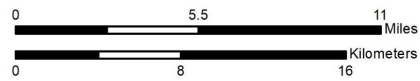
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 GIS Contact: Ed Turner  
 Biology Contact: Jesse Bennett  
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- Santa Ana Sucker Current Range
- Potential Experimental Population Sites
- Streams and Rivers
- San Gabriel River Watershed
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- County Boundary



Carlsbad Fish & Wildlife Office  
 GIS Services  
 GIS Contact: Jacob Weiss  
 Biology Contact: Rebecca Christensen  
 Map Date: 09 August 2023  
 Data Source: CASIL, USFWS  
 Image Source: ESRI 2013  
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-  Streams and Rivers
-  Santa Ana River Watershed Boundary

# A SAS 10 (j )Rule Will:

- Facilitate translocations of SAS into its former range as called for in the species' Recovery Plan
- Eliminate the Section 7 requirement for federal agencies
- Allow for lawful incidental take of Santa Ana sucker within the 10(j) population boundaries
- Have no effect on existing SAS populations (i.e., current populations keep existing protections)

# Future 10(j) Translocations

- Not where suckers are already present
- Above barriers in occupied streams
- Focus on Forest Streams
- Could be carried out by State and or Feds
- May also be carried out by Mitigators
  - Performance standards required
  - Feasibility Assessment required
  - Permits/Translocation Plans required



# Rulemaking/ Next Steps

- Goes from us to Region to headquarters
- Timeframe – expecting to send to the Region very soon
- Federal Register 3 to 6 months (no promises) after Region sends it to Headquarters
- Outreach notices when the rule publishes
- You are invited to comment



Questions/Discussion?