

LAND PROTECTION PLAN

Ellicott Slough National Wildlife Refuge Proposed Buena Vista Addition

Santa Cruz County, California

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INTRODUCTION

This Land Protection Plan (LPP) describes the resource protection needs and habitat protection methods the U.S. Fish and Wildlife Service (Service) would use for the proposed addition to Ellicott Slough National Wildlife Refuge (Refuge). This LPP proposes fee title acquisition and cooperative management as the level of protection needed to meet habitat and wildlife management goals for the project area. The Environmental Assessment (EA) evaluated the environmental effects of expanding the approved refuge boundary to conserve approximately 289 acres of habitat.

Nothing in this plan constitutes an offer to purchase private property, or an usurpation of the authority of the State of California, Santa Cruz County, or any other jurisdiction to regulate land use within the proposed refuge boundary. This plan is intended to guide the Service's proposed land protection activities subject to the availability of funds and other constraints.

PROJECT DESCRIPTION

Ellicott Slough National Wildlife Refuge was established in 1975 for the protection of the endangered Santa Cruz long-toed salamander (SCLTS). Refuge-owned land (170 acres) is adjacent to the Santa Cruz Long-toed Salamander State Ecological Reserve (30 acres owned by California Department of Fish and Game), and the properties are managed cooperatively as the Ellicott Slough National Wildlife Refuge and State Ecological Reserve (Figure 1). The Refuge protects 2 of the 11 remaining SCLTS breeding sites, as well as the surrounding uplands which serve as non-breeding habitat.

The Service proposes to expand the Refuge's approved land acquisition boundary and provide protection and management within the proposed expanded boundary. The Service's proposed action includes approximately 289 acres of oak woodland, chaparral, riparian forest, freshwater marshes, and a SCLTS breeding pond. By acquiring the Buena Vista property, survival prospects of endangered species in the area would be enhanced. This expansion is being proposed primarily to protect the endangered SCLTS (*Ambystoma macrodactylum croceum*). In addition, acquisition and management of this site would benefit other rare species including the endangered robust spineflower (*Chorizanthe robusta var. robusta*) and the threatened California tiger salamander (*Ambystoma californiense*). Buena Vista supports one of only six known populations of robust spineflower, and 135 acres of the property are included in the designated critical habitat. Other rare plants include hooker's manzanita (*Arctostaphylos hookeri* ssp. *hookeri*), Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*), and California bottlebrush grass (*Elymus californicus*).

THREATS TO AND STATUS OF THE RESOURCE

The Trust for Public Land (TPL) acquired the Buena Vista property in 2004 to protect the property from development. TPL is a non-profit organization that assists public land management agencies in acquiring and protecting lands for conservation of natural resources and open space. TPL has the ability to work with landowners much more quickly through the acquisition process than do government agencies. In addition, TPL assists agencies with fund raising to finance the acquisitions. However, TPL is not a land management group, and their ultimate goal of acquisitions is to transfer the land to a public agency for long-term management. Because the Service had not completed the planning process for Buena Vista, the entire property was transferred from TPL to CDFG shortly after they acquired it. However, CDFG has indicated that they have limited resources to manage Buena Vista.

Acquisition and management of the site by the Service would fulfill recovery objectives for the SCLTS, and give Federal protection to rare and endangered plants.

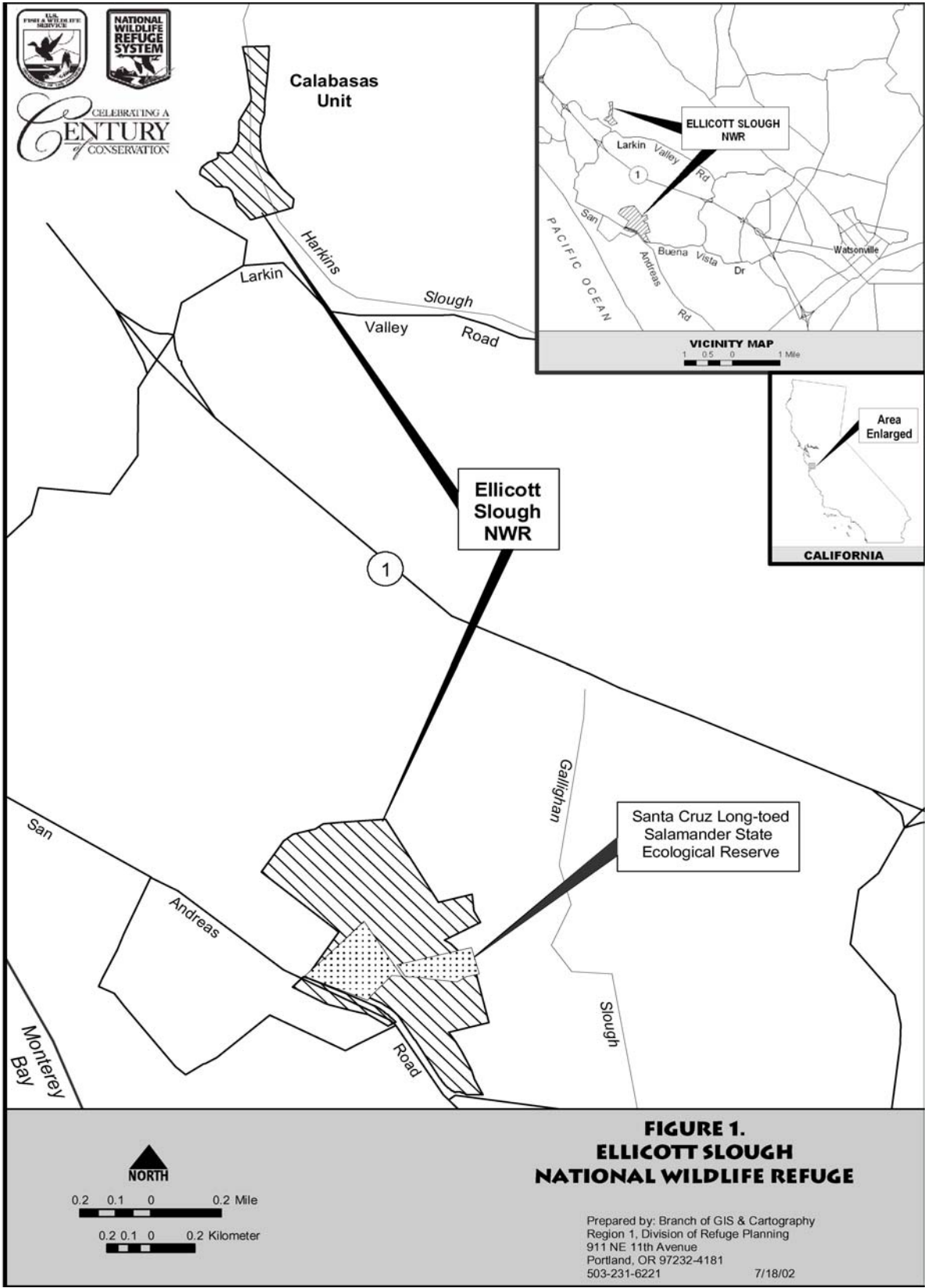
PROPOSED ACTION AND GOALS

The Buena Vista property consists of three parcels; one consisting of approximately 187 acres, one consisting of approximately 100 acres, and another consisting of approximately 2 acres. The Buena Vista property transferred from TPL to CDFG in 2004. However, CDFG has indicated that they have limited resources to manage Buena Vista. CDFG is interested in donating the two smaller parcels to the Service, while retaining ownership of the largest parcel. The Service is thus proposing to expand the approved refuge boundary to include the entire 289-acre Buena Vista property, accept fee-title ownership of the two smaller parcels, and cooperatively manage the entire Buena Vista property as a unit of the Ellicott Slough National Wildlife Refuge and State Ecological Reserve under a Memorandum of Understanding with CDFG. The Service's goals in expanding the Ellicott Slough National Wildlife Refuge are:

- To enhance the survival prospects of the SCLTS and other endangered species in the area.
- To provide opportunities for compatible wildlife-dependent recreational activities in partnership with the local community and interested groups and individuals.

HABITAT PROTECTION METHODS

It is the policy of the Service to acquire interests in land from willing participants under general authorities such as the Migratory Bird Conservation Act, the Endangered Species Act, the Fish and Wildlife Act of 1956, and the Emergency Wetland Resources Act. The acquisition authority for this Refuge is the Endangered Species Act. Acquisition funding came from several sources including the State Wildlife Conservation Board, Transportation Equity Act grant, and Endangered Species Section 6 grant. Any landowner within a project boundary who does not



wish to sell property or any other interest in their property is under no obligation to negotiate with or sell to the Service. In all acquisitions, the Service is required by law to offer 100 percent of fair market value, as determined by an approved appraisal that meets professional standards and Federal requirements.

Under provisions of the Refuge Revenue Sharing Act (Public Law 95-469), the Service would make an annual payment to the county to help offset revenue lost as a result of Federal acquisition. This law states that the Secretary of the Interior (Secretary) shall pay to each county in which any area acquired in fee title is situated, the greater of the following amounts:

- An amount equal to 75 cents per acre for the total acreage of that portion of the fee area which is located within each county.
- An amount equal to three-fourths of 1 percent of the fair market value, as determined by the Secretary, for that portion of the fee area which is located within each county.
- An amount equal to 25 percent of the net receipts collected by the Secretary in connection with the operation and management of such fee area during each fiscal year.

There have been occasions when payments to the counties have been less than the legislated amounts because of funding deficits. Congress may appropriate, through the budget process, supplemental funds to compensate local governments for any shortfall in revenue sharing payments. The Refuge Revenue Sharing Act also requires that Service lands be reappraised every five years to ensure that payments to local governments remain equitable. Payments under this Act would be made only on lands the Service acquires in fee title. On lands where the Service acquires only partial interest through easement, all taxes would remain the responsibility of the individual landowner. From 1993 through 2002 (the last ten years for which there is complete data) payments averaged 63 percent of the legislated amounts.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) requires Federal agencies to provide benefits to people who are displaced from lands acquired for projects such as a refuge. Such benefits may include reimbursement of reasonable moving and related expenses; replacement housing payments; and relocation assistance services to help locate replacement housing, farmland, or business site. Under the Uniform Act, all persons who sell real property to the Service for inclusion in the Ellicott Slough Refuge are entitled to reimbursement of specific necessary and reasonable expenses, such as most closing costs, which may be incurred in selling the property.

The Service, like most other Federal agencies, has the power of eminent domain. Eminent domain allows the use of condemnation to acquire private property for the public good. In the rare occasions that the Service has used eminent domain, the condemnation has been “friendly,” that is, the condemnation was used to extinguish claims on title or settle a difference of opinion on value. The Service is required by law to offer 100 percent of appraised fair market value for all types of land purchases.

The Service can acquire various interests in land such as fee title and conservation easement, and gain management responsibilities through cooperative agreement and memorandum of understanding. The Service proposes to acquire 102 acres of the Buena Vista property in fee title, and to manage the 187-acre State property under a Memorandum of Understanding with the State of California.

Fee Title Acquisition

The Service acquires fee title to land when: the land's fish and wildlife resources require permanent protection that is not otherwise available; the land is needed for development associated with public use; a pending land use could otherwise harm wildlife habitats; or purchase of fee title is the most practical and economical way to assemble small tracts into a manageable unit. A fee title interest may be acquired by purchase, donation, exchange, or transfer.

Conservation Easements

With a conservation easement, the landowner would permanently transfer some, but not all, property rights to the Service as specified by mutual agreement. Under a conservation easement, a landowner could agree not to engage in activities damaging to wildlife habitat resources. The Service can acquire easements through purchase, donation, exchange, or transfer. The property owner continues to be responsible for payment of property taxes.

Memorandums of Understanding and Cooperative Agreements

The Service can enter into an agreement, called a Memorandum of Understanding (MOU) or Cooperative Agreement, with landowners for the Service to manage the resources on lands the Service does not own.

LAND PROTECTION PRIORITIES

The proposed Buena Vista addition is a high priority acquisition for meeting Refuge purposes. Table 1 displays the land protection priorities and Figure 2 shows the parcels to be added to the Refuge. It is Service policy to include entire ownerships in the project area even though only a portion may contain wildlife habitat of interest that is available to the Service. Also, landowners within the proposed Refuge boundary are not required to participate in the Service's habitat protection objectives or give up their land management responsibilities.

SOCIOCULTURAL IMPACTS

The Refuge proposes to provide access to the Buena Vista Unit under controlled visits led by Refuge staff. Environmental education and interpretation at Buena Vista will focus on endangered species and habitat management. In addition, Refuge staff will educate the public about the National Wildlife Refuge System and the Service mission. There would be a concurrent opportunity for wildlife observation and photography during any led tours.

The Buena Vista Unit would remain closed to uncontrolled public access at least until those uses could be analyzed and planned for during the Ellicott Slough Refuge Comprehensive Conservation Plan process, scheduled to begin in 2005. In the interim, tours and interpretive events on Buena Vista would be led by Refuge staff trained in identification, ecology, and necessary limited behavior in the vicinity of endangered species. Protection of native plants and animals on Buena Vista would be incorporated into guided tours. Groups would be instructed to remain on existing roads and trails, and group size would be limited to 20 persons or fewer.

COORDINATION

The Service has encouraged input from landowners, agencies, conservation organizations, other Federal agencies, State and local governments, and individuals in the community to identify concerns and issues and to explore the alternatives. Additional public input was sought through the use of mailings, personal contacts, and news releases.

The EA analyzes the potential effects to the human environment resulting from expanding the Ellicott Slough Refuge and managing the area under the Conceptual Management Plan (CMP). The EA describes various alternatives that the Service could take to protect and manage an expanded refuge. Copies of the EA, LPP, and CMP were distributed to Federal and State delegations, agencies, landowners, private groups, and interested individuals. The documents are also available on the Service's Division of Refuge Planning website at the following URL: <http://pacific.fws.gov/planning>.

TABLE 1
Land Tracts and Acquisition Priorities for the Proposed Action:

Assessor Parcel #	Acreage	Current Owner	Protection Method
046-041-01	187	TPL	MOU with CDFG
046-041-03	100	TPL	Fee Title Transfer
046-051-24	2	TPL	Fee Title Transfer

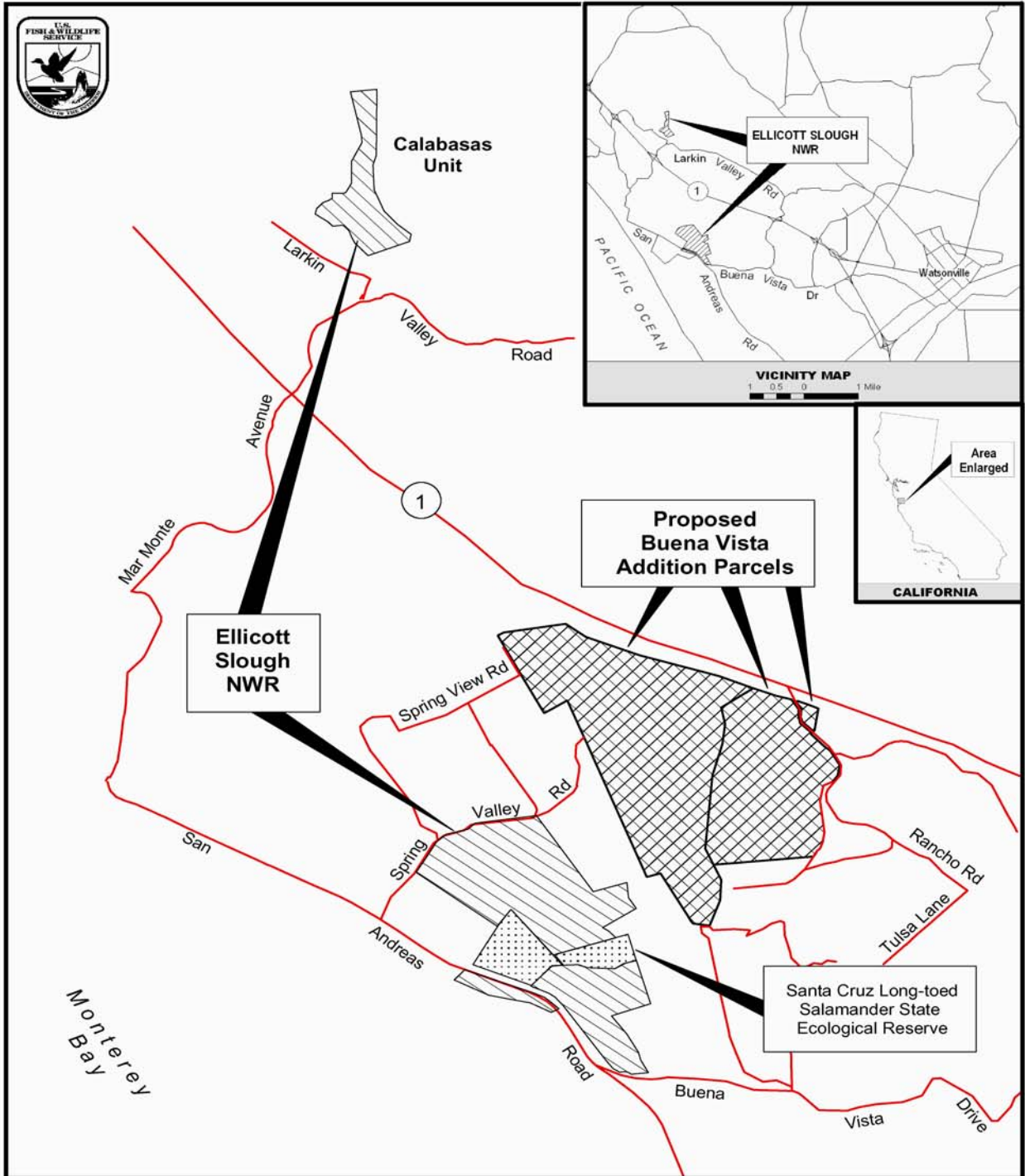


FIGURE 2.
PROPOSED BUENA VISTA ADDITION
AND PARCEL BOUNDARIES

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