

Office of the City Manager

May 21, 2014

To: Honorable Mayor and  
Members of the City Council

From: Christine Daniel, City Manager 

Subject: Update on Foxtails at Off-Leash Dog Area at Cesar Chavez Park

In response to recent inquiries about foxtails and the annual mowing of the off-leash dog area at Cesar Chavez Park, I am providing the following background:

In 1997, the City retained Mr. James Martin, Principal Scientist from The Environmental Collaborative, Inc. of Richmond California, to conduct a biological assessment of the environmental impacts associated with a proposed 20-acre off-leash dog area in the northern portion of Cesar Chavez Park. Based on the 13 recommendations developed by the City's Dog Use Task Force, Mr. Martin developed five recommendations to alleviate the potential adverse affects of off-leash dog activity on the wildlife habitat value of the northern portion of Cesar Chavez Park (see attached memo dated September 8, 1997). In his memo, Recommendation Number 3 dealt specifically with maintenance activities to minimize the growth of foxtails within the off-leash area as follows:

3. Maintenance activities to minimize the growth of foxtails and burs within the off-leash area should be limited in extent and not result in a significant reduction in vegetative cover in the northern portion of the park. These should include the following controls or restrictions:
  - Mowing or disking of the entire off-leash area to control foxtails and burs should be prohibited.
  - Recommended treatment should consist of a late spring mowing either within 20 feet of major trails or roadways in the off-leash area or in a defined two acre portion of the off-leash area. Mowing height should preferably be set between four and six inches off the ground surface to retain some grassland cover for wildlife while removing seed heads. Additional mowing may be necessary in mid- to late summer to prevent establishment and spread of yellow star thistle and other late-flowering invasive species.

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May 21, 2014

Re: Update on Foxtails at Off-Leash Dog Area  
At Cesar Chavez Park

Based on this recommendation, the City has mowed two acres at the off-leash dog area in May and August of each year since the late 1990's. The mowed area is defined as the southern line of the off-leash area at the bulletin board / entrance, and heads north on either side of the main path that runs due north

Attachment

cc: William Rogers, Deputy City Manager  
Ann-Marie Hogan, City Auditor  
Mark Numainville, City Clerk  
Scott Ferris, Director of Parks Recreation & Waterfront  
Matthai Chakko, Public Information Officer

## ENVIRONMENTAL COLLABORATIVE

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CONSULTATION • DOCUMENTATION • RESTORATION  
127 Western Drive • Pt Richmond, CA 94601 • (510) 238-2361

8 September 1997

Mr. Tony Lee  
City of Berkeley  
Planning and Development Department  
2118 Milvia Street, 3rd Floor  
Berkeley, California 94704

SUBJECT: Biological Assessment  
Initial Study for 20-Acre Off-Leash Dog Area  
Cesar Chavez Park  
Berkeley, California

Dear Tony:

As you requested, I have conducted a biological assessment of the impacts associated with a proposed 20-acre off-leash dog area in the northern portion of Cesar Chavez Park. The 20-acre area is located in the northern 40-acre unimproved portion of the park, bordered by open water of the bay to the north, east and west, and irrigated lawns and picnic area improvements to the south. Dogs are to be leashed at all times in the park according to the City ordinance, although this appears to be loosely enforced, particularly in the northern portion of the park.

The City Council is currently considering implementing a pilot program which would allow legal off-leash dog use of the designated 20-acre area. A Dog Use Task Force identified the 20-acre area within the unirrigated northern portion of the park as a multi-use, non-structured activity area to include dogs off-leash at all times. Designation of a minimum 20-acre area was one of 13 recommendations developed by the Task Force and under consideration by the City Council. Other recommendations of the Task Force include: use of signage to demarcate the multi-use area, with dogs to be kept on leash in all other areas; establishing a minimum 200 foot buffer zone to separate the multi-use area from the existing perimeter trail; maintaining a portion of the multi-use area to minimize the growth of foxtails; and providing a quarterly review of the program to determine any significant negative impacts on wildlife, vegetation, or on the public which would allow for reconsideration of the proposed boundaries and preparation of a mitigation plan, if necessary.

This assessment provides a description of the existing biological resources in the park vicinity, a discussion of the potential effects of the proposed off-leash use, and recommendations to minimize adverse impacts and define appropriate monitoring to accurately determine effects of the pilot program.

### BACKGROUND AND METHODS

This assessment is based on the review of available information on biological resources from the region and project vicinity, and a field reconnaissance of the site. Information reviewed

included: the *North Waterfront Park Master Plan* (City of Berkeley, 1979), the *Berkeley Waterfront Plan, Amendment to the City's Master Plan* (City of Berkeley, 1986), the *Wetland Habitat Feasibility Study, North Waterfront Park* (LSA, 1993), the *East Bay Shoreline Feasibility Study*, (State of California, 1982), the *North Waterfront Park Land Use Plan Environmental Impact Report* (Spectrum Northwest, 1978), the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (CNPS, 1994) and other references on California flora (Munz, 1973; Holland, 1986; Hickman, 1993; Sawyer and Keeler-Wolf, 1995), the *Guide to California Wildlife Habitat Relationships System* and Volumes I, II, and III of *California's Wildlife* (California Department of Fish and Game, various dates), the *Notice of Review* for federally-listed and candidate animals (U.S. Fish and Wildlife Service, 1996), the California Department of Fish and Game's (CDFG) list of special animals and plants (CDFG, 1996), and a record search by the California Natural Diversity Data Base (CNDDDB). The record search by the CNDDDB provided mapped information on the known extent of sensitive natural communities and reported occurrences of special-status species for northwestern Alameda County (CNDDDB, 1997).

A field reconnaissance survey of the proposed 20-acre off-leash area and surrounding parklands was conducted on 4 September 1997. The perimeter of the 20-acre area had previously been chalked and flagged to clearly delineate the proposed boundary. Walking transects were made around the perimeter of the 20-acre area, across it using several bisecting trails and roads, and along the perimeter trail outside the proposed off-leash area. The reconnaissance served to determine vegetation and general wildlife habitat, habitat suitability for special-status species, and an understanding of both legal and illegal dog use in the area.

## SETTING

### Vegetation and Associated Wildlife

Vegetative cover in Cesar Chavez Park is composed of irrigated turf, limited native landscape plantings, and non-native grassland and ruderal (weedy) species. The southern half of the park is maintained as irrigated turf, with some native scrub and grassland plantings along the bluffs at the western edge of the park. The northern half of the park where the off-leash area has been proposed generally supports a cover of annual grasses and weedy forbs. A few coyote brush shrubs (*Baccharis pilularis*) and a single clump of sapling willow (*Salix lasirolepis*) occurs in the northeastern portion of the park. The western, northern, and eastern edges of the park are bordered by the open water habitat of the bay, with extensive rip-rapping and no vegetation along the shoreline. Existing development occurs to the south of the park.

The existing cover in the proposed off-leash area varies from sparse to barren ground, to areas with a dense cover of grasses and ruderal species. Most of the grassland species are non-native annuals, dominated by wild oat (*Avena fatua*) and brome (*Bromus* sp.). Other species occurring in the grasslands include: plantain (*Plantago* sp.), field mustard (*Brassica campestris*), clover (*Trifolium* sp.), and bristly ox-tongue (*Picris echioides*). A few clumps of sweet fennel (*Foeniculum vulgare*) and pampas grass (*Cortaderia jubata*) occur along the northern edge of the proposed off-leash area, but these species currently do not form extensive stands.

The grasslands are of limited value of wildlife due to the poorly developed cover and extent of past disturbance. The numbers and diversity of wildlife species observed during the field reconnaissance were very low, possibly because of the short amount of time spent in the field,

but also in part due to the limited cover provided by the grasslands. Species actually observed within the proposed off-leash area include: savannah sparrow, white-crowned sparrow, rock dove, Botta's pocket gopher, and fly overs by double-crested cormorant and several species of gull. Other species reported from the vicinity in the past include: feral cat, black-tailed jackrabbit, Norway rat, mourning dove, western meadowlark, killdeer, and several other granivorous bird species. A number of predatory birds may occasionally forage in the open grasslands, such as American kestrel, turkey vulture, black-shouldered kite, and northern harrier, but no raptor nesting activity or signs were observed during the reconnaissance or are believed to occur in the area.

## Wetlands

Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface or ground water, and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level due to their high inherent value to fish and wildlife, use as storage areas for storm and flood waters, and water recharge, filtration and purification functions. The CDFG and U.S. Army Corps of Engineers (Corps) have jurisdiction over modifications to river banks, lakes, stream channels and other wetland features.<sup>1</sup>

A preliminary wetland assessment was conducted during the field reconnaissance to determine the possible extent of habitat subject to Corps jurisdiction. Based primarily on vegetative criteria, wetlands are absent within the proposed off-leash area. Concrete-lined ditches serve to collect and convey runoff in a non-erosive manner near the southeastern, southwestern, and northern edges of the off-leash area, but vegetation is absent along these structures.

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<sup>1</sup> The CDFG and Corps have jurisdiction over modifications to stream channels, river banks, lakes, and other wetland features. Jurisdiction of the Corps is established through the provisions of §404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into "waters" of the United States without a permit, including wetlands and unvegetated "other waters of the U.S.". The Corps uses three mandatory technical criteria (hydrophytic vegetation, hydric soils, and wetland hydrology) to determine whether an area is a jurisdictional wetland. All three of the identified technical criteria must be met for an area to be identified as a wetland under Corps jurisdiction, unless the area has been modified by human activity. Aggregate wetland impacts (defined as direct fill or indirect effects of fill) of less than one acre do not require an Individual 404 permit. Certain activities in wetlands or "waters" are automatically authorized, or granted a General Permit which allows the filling of wetlands where impacts do not exceed one acre. The Corps assumes discretionary approval over proposed project which may impact between one and ten acres, issuing either a Nationwide or an Individual Permit. An Individual Permit would be automatically required where 10 acres or more would be affected by a project.

The U.S. Fish and Wildlife Service (USFWS) classification system is used by the CDFG to determine wetlands. This classification system is generally more encompassing than that used by the Corps, requiring that only one of the criteria be met for an area to be considered wetlands, rather than all three as required by the Corps. Jurisdictional authority of the CDFG over wetland areas is established under §1601-1606 of the Fish and Game Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed, or bank of any lake, river, or stream. The Fish and Game Code stipulates that it is "unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake" without notifying the Department, incorporating necessary mitigation, and obtaining a Streambed Alteration agreement. The Wetlands Resources Policy of the CDFG states that the Fish and Game Commission will "strongly discourage development in or conversion of wetlands...unless, at a minimum, project mitigation assures there will be no net loss of either wetland habitat values or acreage". The Department is also responsible for commenting on projects requiring Corps permits under the Fish and Wildlife Coordination Act of 1958.

## Special-Status Species

Special-status species<sup>2</sup> are plants and animals that are legally protected under the state and/or federal Endangered Species Acts<sup>3</sup> or other regulations, as well as other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts and other essential habitat. Species with legal protection under the Endangered Species Acts often represent major constraints to development, particularly when they are wide ranging or highly sensitive to habitat disturbance and where proposed development would result in a "take"<sup>4</sup> of these species.

No special-status species have been reported from the park or immediately surrounding area by the CNDDDB. Due to the man-made nature of the park and absence of suitable habitat, no special-status plant species were encountered or are believed to occur in the proposed off-leash area. Similarly, the absence of suitable habitat and extent of human activity, limits the likelihood of any breeding activity by special-status animal species. The off-leash area and surrounding grasslands most likely provide marginal foraging habitat for several species of raptors, including northern harrier (*Circus cyaneus*) and black-shouldered kite (*Elanus caeruleus*). Northern harrier has been identified as Species of Special Concern<sup>5</sup> by the CDFG and black-shouldered kite is a fully protected species<sup>6</sup>, but neither have legal protective status under the state or federal Endangered Species Acts. Active nests of raptors are protected under the Migratory Bird Treaty

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<sup>2</sup> Special-status species include: designated rare, threatened, or endangered and candidate species for listing by the CDFG; designated threatened or endangered and candidate species for listing by the USFWS; species considered rare or endangered under the conditions of Section 15380 of the *California Environmental Quality Act (CEQA) Guidelines* (State of California, 1994), such as those plant species identified on lists 1A, 1B and 2 in the *Inventory of Rare and Endangered Vascular Plants of California* (California Native Plant Society, 1994); and possibly other species which are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those included on list 3 in the *California Native Plant Society Inventory* or identified as animal "Species of Special Concern" by the CDFG.

<sup>3</sup> The FESA of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The CESA of 1984 parallels the policies of FESA and pertains to native California species.

<sup>4</sup> "Take" as defined by the Federal Endangered Species Act (FESA) means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect" a threatened or endangered species. "Harm" is further defined by the USFWS to include the killing or harming of wildlife due to significant obstruction of essential behavior patterns (i.e., breeding, feeding, or sheltering) through significant habitat modification or degradation. The CDFG also considers the loss of listed species habitat as take, although this policy lacks statutory authority and case law support under the CESA.

Two sections of FESA contain provisions which allow or permit "incidental take." Section 10(a) provides a method by which a state or private action which may result in take may be permitted. The applicant must provide the USFWS with an acceptable conservation plan and publish notification for a permit in the Federal Register. Section 7 pertains to a federal agency which proposes to conduct an action which may result in take, requiring consultation with USFWS and possible issuance of a jeopardy decision. Under the CESA, take can be permitted under Section 2081 of the Fish and Game Code. The applicant must enter into a habitat management agreement with the CDFG, which defines the permitted activities and provides adequate mitigation.

<sup>5</sup> Species of Special Concern generally have no legal protective status but are of concern to the CDFG because of severe decline in breeding populations in California. Nests and communal roosts are recognized as significant biological features.

<sup>6</sup> California fully protected species may not be possessed or taken at any time.

Act<sup>7</sup> and Section 3503.5 of the State Fish and Game Code. However, the lack of nesting substrate and extent of human activity basically precludes nesting activity by these and other raptors in the off-leash area of the park.

One species of concern, burrowing owl (*Athene cunicularia*) has been known to occur on former landfill sites in the Bay Area. The presence of owls, including burrowing owl, short-eared owl (*Asio flammeus*), and barn owl, is apparently mentioned in an Environmental Impact Report on the Park Marina Shopping Center Development Project in 1971 (State of California, 1982), but again no occurrences of either burrowing owl or short-eared owl have been reported by the CNDDB.

## ENVIRONMENTAL ASSESSMENT

### Significance Criteria

The CEQA Guidelines identify potentially significant environmental effects on biological resources to include:

- Impacts on a population or essential habitat of special-status plant or animal species;
- substantial interference with the movement of any resident or migratory fish or wildlife species; and
- a substantial reduction in habitat for fish, wildlife or plants.

### Potential Impacts and Recommended Mitigation

Based on the results of the background review and habitat suitability analysis conducted during the field reconnaissance, the proposed off-leash use would not affect any established sensitive natural communities, wetlands, or essential habitat for special-status species. It is likely that a number of raptors with special-status may occasionally forage through the grasslands in the northern portion of the park, but suitable nesting habitat is believed to be absent because of the existing human and dog activity.

The effect of the proposed off-leash use on the wildlife habitat value of the northern portion of the park would depend on a number of factors. These include: the extent to which the off-leash area is used by dogs; the duration of the pilot program and whether permitted off-leash dog activity becomes a permanent component of the park use; future management practices within the off-leash area; whether dogs are actually leashed outside the designated off-leash area; and degree to which the northern portion of the park is enhanced with native vegetation and wetland habitat as called for in the 1979 North Waterfront Park Master Plan. While initial implementation of the pilot program would probably not have a significant impact on wildlife use in the short-term (due in part to the current practice of off-leash activity anyway), over the long-term increasing off-leash activity as currently proposed in the recommendations of the Dog Use Task

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<sup>7</sup> The Migratory Bird Treaty Act does not provide protection for habitat of migratory birds, but does prohibit the destruction or possession of individual birds, eggs, or nests in active use without a permit from the USFWS.

Force would significantly affect the habitat value of the northern portion of the park.

Dog and human activity is known to be disruptive to wildlife use, and unleashed dogs would tend to flush any birds and dig for burrowing mammals within the off-leash area. While the poorly developed cover in the ruderal grasslands currently provides only limited wildlife habitat value for a select number of species, establishing off-leash dog activity as a legal use would further limit its habitat value by inviting additional off-leash use. It is questionable whether the delineated boundary of the off-leash area would be respected by dog owners, given the current practice of off-leash activity, the isolated nature of the northern portion of the park, and difficulty City staff would have in monitoring dog activity in this portion of the park. Permitting off-leash use may contribute to additional disruption of wildlife use in locations outside the designated off-leash area, particularly if the boundary is not clearly marked or fenced. In addition, one of the Task Force recommendations calls for maintaining a portion of the off-leash area to minimize the growth of foxtails, which could conceivably include mowing or disking, further reducing the already limited cover for wildlife.

Protecting and enhancing wildlife habitat is just one of numerous policies related to future use in the park. The 1979 North Waterfront Park Master Plan includes a seven-acre freshwater pond and wildlife sanctuary to be located in the "natural zone" of the park. Unless off-leash dog activity is carefully monitored and controlled, which appears to not be the case for much of the northern portion of the park, additional dog activity could be disruptive to the value of a future wildlife sanctuary, conflicting with the intent of the 1979 Plan. Further review and consideration of the relationship between the future wetland habitat/wildlife sanctuary improvements and off-leash use would be appropriate if the pilot program continues.

While the proposed off-leash area currently provides only limited habitat for wildlife, establishing an off-leash area would further limit its existing and potential future habitat value. Unleashed dog activity already occurs in the northern portion of the park and establishment of a designated off-leash area does call for further monitor and control of illegal dog use, and consequently some opportunity to minimize disruption to wildlife in at least part of the northern portion of the park.

### **Recommendations**

The following measures are recommended to alleviate the potential adverse affects of off-leash dog activity on the wildlife habitat value of the northern portion of Cesar Chavez Park.

1. The size of the initial off-leash area should be reduced to a maximum of 10 acres to provide a greater setback between the perimeter trail and future wetland/wildlife sanctuary in the northeastern portion of the park. Decreasing the size of the off-leash area would reduce the extent of wildlife habitat directly affected by possible permanent uncontrolled dog activity and should help reduce the likelihood that owners would unleash or neglect to release their dog while moving between the designated off-leash area and the existing perimeter trail. Signage should be provided along each of the major trails and existing roads indicating off-leash/on-leash boundaries.
2. Signage should be provided at major trail access points into the park and the off-leash area explaining the sensitivity of wildlife and need to control dogs to prevent harassment



at all times.

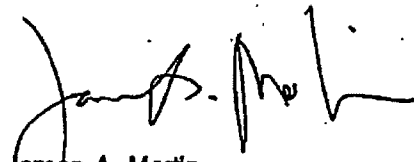
3. Maintenance activities to minimize the growth of foxtails and burs within the off-leash area should be limited in extent and not result in a significant reduction in vegetative cover in the northern portion of the park. These should include the following controls or restrictions:
  - Mowing or disking of the entire off-leash area to control foxtails and burs should be prohibited.
  - Recommended treatment should consist of a late spring mowing either within 20 feet of major trails or roadways in the off-leash area or in a defined two acre portion of the off-leash area. Mowing height should preferably be set between four and six inches of the ground surface to retain some grassland cover for wildlife while removing seed heads. Additional mowings may be necessary in mid to late summer to prevent establishment and spread of yellow star thistle and other late-flowering invasive species.
  
4. If excessive off-leash activity is observed outside the designated off-leash area, appropriate measures should be taken to correct the problem. This should include the following actions to be implemented sequentially as necessary to protect wildlife habitat in the northern portion of the park:
  - Increasing monitoring by City staff and issuance of tickets for all infractions of illegal dog activity.
  - Establishing a fence along at minimum the northern, western, and eastern boundaries of the designated off-leash area. The fencing should be a minimum of four feet in height, with open wire mesh that would contain dogs but not obstruct movement by small mammals. Signage should be provided at all access points to the off-leash area explaining dog use restrictions. Access points through the fencing along the northern, western, and eastern edges of the off-leash area should be kept to a minimum to control dog activity.
  - Prohibiting all dogs from areas in the northern portion of the park outside the fenced off-leash area. This should include the entire portion of the perimeter trail north of the landscaped turf areas. Any gates in the fencing along the northern, western, and eastern boundaries should be permanently locked to prevent dog access to prohibited areas. Signage should be provided clearly indicating that dogs are prohibited along the northern trail segments, and that owners are only allowed to use the off-leash area and turf area to the south. A new trail could be created just inside the fenced area to provide dog owners with a similar walking experience to that provided by the existing perimeter trail.
  - If dog activity continues to be poorly monitored and controlled, unleashed dog activity should be completely restricted from the park.
  
5. Establishment of an off-leash area should not conflict with future plans to create wetland

habitat and a wildlife sanctuary in the northern portion of the park. Additional restrictions on dog use may be appropriate when plans for the wetland/sanctuary are developed and eventually implemented. This may include prohibiting all dog activity within a specified distance from the wetland/sanctuary.

I assume this provides you with the assessment information necessary to complete the initial Study on the pilot program for off-leash dog activity in Cesar Chavez Park. Please feel free to contact me at 510/236-2361 if you have any questions on the assessment or would like any additional information on any of the above recommendations.

Sincerely,

ENVIRONMENTAL COLLABORATIVE



James A. Martin  
Principal

## References

- California Department of Fish and Game, prepared by Jones & Stokes Associates, 1988, *Guide to the California Wildlife Habitat Relationship Systems*, and *Volume 1 Amphibians and Reptiles*, 1988, *Volume II Birds*, 1990, and *Volume III Mammals*, 1990.
- California Department of Fish and Game (CDFG), 1996, Natural Diversity Data Base, Special Animals.
- California Department of Fish and Game (CDFG), 1996, Natural Diversity Data Base, Special Plants.
- California Department of Fish and Game, Natural Diversity Data Base, 1997, record search for the Oakland West 7.5' U.S.G.S. quadrangle.
- California Native Plant Society (CNPS), 1988, *Terrestrial Vegetation of California*.
- California Native Plant Society, 1994, *Inventory of Rare and Endangered Vascular Plants of California*, Special Publication No. 1 (5th Edition).
- City of Berkeley, 1979, *North Waterfront Park Master Plan*.
- City of Berkeley, 1986, *Berkeley Waterfront Plan, Amendment to the City's Master Plan*, adopted by Berkeley City Council on 7 October.
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe, 1979, *Classification of Wetlands and Deepwater Habitats of the United States*, U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C.
- Environmental Laboratory, 1987, *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss., January.
- Hickman, J.C. 1993, *The Jepson Manual: Higher Plants of California*, University of California Press, Berkeley, California.
- Holland, R. 1986, *Preliminary Descriptions of the Terrestrial Natural Communities of California*.
- LSA, 1993, *Wetland Habitat Feasibility Study, North Waterfront Park*.
- Munz, P. and D. Keck, 1973, *A California Flora and Supplement*.
- Peterson, R.T., 1969, *Field Guide to Western Birds*, Houghton Mifflin Company, Boston, Second Edition.
- Reed, P.B, 1988, *National List of Plant Species that occur in Wetlands; California (Region 0)*, National Wetlands Inventory, U.S. Fish and Wildlife Service, Biological Report 88(26.10).
- Sawyer, J.O. and T. Keeler-Wolf, 1995, *A Manual of California Vegetation*, California Native Plant Society.

**Spectrum Northwest, 1978, *North Waterfront Park Land Use Plan, Environmental Impact Report.***

**State of California, 1982, *East Bay Shoreline Feasibility Study.***

**State of California, 1994, *California Environmental Quality Act and Guidelines.***

**Stebbins, R.C., 1985, *A Field Guide to Western Reptiles and Amphibians*, Houghton Mifflin Co., Boston, 2nd Edition.**

**U.S. Fish and Wildlife Service (USFWS), 1996, *Endangered and Threatened Wildlife and Plants; Animal Notice of Review*, Federal Register 50 CFR Part 17.**