CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT 725 FRONT STREET, SUITE 300 SANTA CRUZ, CA 95060 PHONE: (831) 427-4863 FAX: (831) 427-4877 WEB: WWW.COASTAL.CA.GOV



F21a

Prepared October 11, 2021 for October 15, 2021 Hearing

- To: Commissioners and Interested Persons
- From: Madeline Cavalieri, Statewide Planning Manager Mary Matella, Environmental Scientist

Subject: Additional hearing materials for F21a Public Works Plan Number PWP-3-SLO-21-0004-1 (Upper Salinas-Las Tablas Resource Conservation District)

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed



COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS Bruce Gibson District Two Supervisor

Mr. Steve Padilla, Chair California Coastal Commission 276 Fourth Avenue Chula Vista, CA 91910

RE: Public Works Plan, San Luis Obispo County PWP-3-SLO-21-0004-1 Hearing October 15, 2021, Item F21a

Dear Chair Padilla and Commissioners:

l write in support of your staff's recommendation to approve the above-referenced Public Works Plan (PWP), prepared by the Upper Salinas–Las Tablas Resource Conservation District (US-LTRCD). As noted in your staff report, this PWP will improve forest health, restore ecosystems and increase wildfire resilience on important coastal lands in northern San Luis Obispo County.

After extensive discussion with your staff, I believe that the PWP process, with Coastal Zone specific guidance, provides an effective and efficient means to achieve multiple goals of enhancing coastal resources and increasing fire safety in developed communities. I appreciate the efforts of Commission staff to develop an efficient approach to assuring Coastal Act consistency for this and other projects developed under the California Vegetation Treatment Program (CalVTP).

The US-LTRCD PWP will, for instance, facilitate long-needed action to reduce fire danger in the community of Cambria, which is built in a unique Monterey pine forest. Recent drought has caused significant tree mortality and fuel accumulation – the fire threat to 3,000 structures spread throughout 3,000 acres of the forest is significant. The PWP will simultaneously improve forest health and reduce fire danger.

I urge your support of this Public Works Plan. Thank you.

Sincerely,

BRUCE GIBSON Supervisor, District Two San Luis Obispo County

CAMBRIA FOREST COMMITTEE

TO CONSERVE AND MANAGE THE NATIVE FOREST OF CAMBRIA



California Coastal Commission (via email) Central Coast District Office 725 Front Street, Suite 300 Santa Cruz, CA 95060

October 7, 2021

Subject: PWP-3-SLO-21-0004-1, Agenda Item 21, October 15, 2021

Dear Commissioners and Staff,

Thank you for the opportunity to review and comment on the proposed Covell Ranch Forest Health Fuels Reduction Project in Cambria, CA.

We have reviewed the draft CalVTP Project Specific Analysis, the Coastal Vegetation Treatment Standards in PSA Attachment F and the Public Works Plan. We support the project goals of improving the health of the Monterey Pine and Coast Live Oak forest on the Covell Ranch, and we have the following suggestions to improve the long-term results of the project.

The proposed removal of 70 to 80 percent of Monterey Pines and Coast Live Oaks less than 8 inches diameter is excessive. The PSA states that tree density will be reduced from 500 trees per acre to 200 trees per acre. Over the 665 acre project, removal of this many trees will have an immediate adverse impact on the health of the forest.

The pine forest on the Covell Ranch is under stress from prolonged drought. It is unlikely that the projected vigorous regeneration of the forest will occur under current conditions. Healthy trees of all sizes should be retained to become the large trees of the future and to maximize absorption of CO2. Only dead and diseased trees should be removed. Arbitrary goals of trees per acre, minimum trunk diameters and ratios of oaks to pines do not account for local growing conditions and do not advance the goal of a healthy and safe forest. We recommend that the Commission include a condition of approval to ensure that healthy trees are not removed.

The fire prevention goals of this project are well served by the shaded fuel break and defensible space zones specified in the PSA. We support the proposed treatments in these areas, and we oppose expansion of defensible space treatments to the remaining areas of the forest. The goal of this project should not be to create a visually pleasing "park-like" setting, but should be to retain a mosaic of old and young growth with diverse habitat structure to maintain wildlife cover and forage, absorb CO2, sequester carbon and prevent soil erosion.

The proposed use of mechanized mastication on an estimated 634 acres of Monterey Pine and Coast Live Oak forest understory is not acceptable. The resulting extensive disturbance of existing native vegetation and animal habitat will create hotter and dryer conditions in the understory by reducing shaded areas, and will stimulate growth of flammable invasive vegetation such as French Broom, Pampas Grass and dry annual grass varieties. We recommend that the Commission include a condition of approval to require use of hand crews to cut and scatter dead branches to minimize the collateral damage caused by mechanical mastication. Use of hand crews to cut up dead material can be costeffective if they focus on dead trees and branches and do not try to duplicate the results of mechanical mastication by cutting down all understory vegetation.

We recommend adding a requirement to create at least two test plots of one acre each prior to beginning full project operations. These test plots will be used demonstrate the different outcomes of larger versus smaller diameter tree removal criteria, larger versus smaller numbers of retained trees per acre, and the different results of mechanical mastication versus hand crew cutting and scattering dead branches. Representatives of interested agencies and local organizations should be offered field tours of the test plots, and their observations and recommendations should be used as input to adaptive management of the project operations.

After work is completed on Treatment Units 1A and 1B, representatives of interested agencies and local organizations should be offered field tours of each completed area to provide input to adaptive management as described above. Similar tours should be conducted after work is completed on all subsequent Treatment Units. We suggest that interested organizations such as The California Native Plant Society, the Cambria Forest Committee and Greenspace the Cambria Land Trust be included on the field tours.

We suggest that the draft PSA and Attachment F Coastal Vegetation Treatment Standards be modified to achieve the project's long term forest health and fire safety goals while minimizing unnecessary short and long term adverse impacts to this sensitive habitat area. As an alternative to modifying the draft project documents, the Commission could impose conditions of approval as outlined above. Thank you for considering our suggestions to improve the beneficial impact of the Covell Ranch Project.

Yours truly,

J. Crosby Swartz

Crosby Swartz, President Cambria Forest Committee forest@cambriaforestcommittee.org

John G Sud

John Seed, President Greenspace, The Cambria Land Trust johnseed@gmail.com

From:	Mitcham, Chad J
To:	Coastal Statewide Planning
Cc:	<u>Kirkland, Debora L; Takano, Leilani</u>
Subject:	Public Comment on October 2021 Agenda Item Friday 21a - Public Works Plan No. PWP-3-SLO-21-0004-1
Date:	Thursday, October 7, 2021 5:23:05 PM
Attachments:	Correspondence for USFWS comment RE 20211015 Hearing Item 21a Public Works Plan No. PWP-3-SLO-21- 0004-1.pdf

Dear Commissioners,

We provide these comments based on our coordination with CAL FIRE on the Covell Ranch Forest Health Fuels Reduction Project (project). Our coordination involved providing guidance that is intended to avoid take of the federally threatened California red-legged frog (*Rana draytonii*). Upon our initial review of the Project Specific Analysis (PSA), we were concerned with the extent of the proposed vegetation treatment and the subsequent, potential impacts to California red-legged frogs and their habitat. Primarily, we were concerned that vegetation treatment activities would result in the excessive removal of understory vegetation and downed material, which is necessary to provide shelter for dispersing and foraging California red-legged frogs. Subsequently, on September 27, 2021, we attended a site visit with CAL FIRE and other interested parties, during which we observed two pre-flagged treatment areas. Based on this site visit and a discussion regarding specific aspects of the pre-flagged treatment areas, we became comfortable that an adequate amount of understory vegetation and downed material would remain following treatment activities. We provide measures below, which were discussed with CAL FIRE that, in addition to the measures included in the PSA, we believe are necessary to avoid take of California red-legged frogs. We request that you include the following measures in any project approval you provide to CAL FIRE.

- 1. CAL FIRE will coordinate with the Service following the implementation of two treatment demonstration plots, providing the Service with an opportunity to review the work and provide additional recommendations to avoid take of the California red-legged frog, if necessary.
- 2. No mechanized work will be conducted 24 hours following a rain event of 0.2 inch or greater.
- 3. We recommend the inspection of all burn piles by environmentally trained staff, a registered professional forester, or a qualified biologist prior, to ignition to locate California red-legged frogs that may be using the piles as refugia.
- 4. If California red-legged frogs are observed at any time, work that could impact the species will stop and the Ventura Fish and Wildlife Office immediately contacted.
- 5. We request that the Service receive all future reporting associated with all phases of the Covell Ranch project. We request to remain regularly informed regarding planning, design and implementation of activities in Treatment Unit 1, as well as future Covell Ranch treatment design, planning, and implementation. This open line of communication will facilitate an adaptive management process both CAL FIRE and the Service have committed to.

For your information, we have attached correspondence between the Service and CAL FIRE regarding our previous coordination. We have appreciated working with CAL FIRE on this project, and the time and effort they have committed to work with us to avoid take of California red-legged frogs. We hope to maintain this productive relationship, and that similar collaboration can be achieved for future California Vegetation Treatment Program projects planned within our

jurisdiction.

Chad Mitcham Acting Assistant Field Supervisor Ventura Fish and Wildlife Office U.S. Fish and Wildlife Service

Re: [EXTERNAL] Covell Ranch Forest Health and Fuels Reduction VTP - Site Visit

Kirkland, Debora L <debora_kirkland@fws.gov>

To: Sanderson, Brandon@CALFIRE < brandon.sanderson@fire.ca.gov>

🗕 1 attachments (144 KB)

crf_survey_guidance_aug2005.pdf;

Hi Brandon,

The PSA is s II in my queue. I briefly looked it over to see if a California red-legged frog habitat assessment was included but did not find one.

I have a. ached the California red-legged frog survey guideline. The first part of the guidelines describes how to conduct a site assessment and what informa? on should be included in your report regarding the subject proposed project loca? on. When you go out to the site Friday, it would be good to obtain this necessary informa? on. I recommend having a biologist trained in assessing California red-legged frog habitat conduct the assessment. San Luis Obispo County may have staff that could assist you with this.

Thank you again for inving me to come out to the site. I am starving for field days! I wish I could make it!

Talk to you soon,

Debora

Debora Kirkland, Fish & Wildlife Biologist Ventura Fish & Wildlife Office Department of the Interior Unified Regions 8/10 2493 Portola Road Suite B Ventura, California 93003 debora kirkland@fws.gov

> I am currently working from home and infrequently checking my office voicemail. Please email me if you'd like to schedule a phone call or meeting. Thank you!

"I only went out for a walk, and finally concluded to stay out till sundown, for going out, I found, was really going in." - John of the Mountains: The Unpublished Journals of John Muir, (1938)

From: Sanderson, Brandon@CALFIRE <brandon.sanderson@fire.ca.gov> Sent: Wednesday, July 7, 2021 2:14 PM Mail - Kirkland, Debora L - Outlook

To: Kirkland, Debora L <debora_kirkland@fws.gov>

Subject: RE: [EXTERNAL] Covell Ranch Forest Health and Fuels Reducion VTP - Site Visit

We haven't had any response from CDFW regarding the project overall.

Did USFWS have any comments/recommenda^Dons to provide regarding the PSA?

Thank you, -Brandon

Brandon Sanderson

Environmental Scien[®]st

CAL FIRE / SLU	
Resource Management	
635 N. Santa Rosa St.	
San Luis Obispo, CA 93405	
Office: 805-528-2160 x201	
Cell: 805-903-3491	
www.calfireslo.org	

From: Kirkland, Debora L <debora_kirkland@fws.gov>
Sent: Wednesday, July 7, 2021 1:52 PM
To: Sanderson, Brandon@CALFIRE <brandon.sanderson@fire.ca.gov>
Subject: Re: [EXTERNAL] Covell Ranch Forest Health and Fuels Reducion VTP - Site Visit

Warning: this message is from an external user and should be treated with caution. Hi there,

Thank you so much for letting me know but I will not be able to make it. Is anyone from CDFW going to be there?

Please let me know.

Thank you,

Deb

Debora Kirkland, Fish & Wildlife Biologist Ventura Fish & Wildlife Office Mail - Kirkland, Debora L - Outlook

Department of the Interior Unified Regions 8/10 2493 Portola Road Suite B Ventura, California 93003 debora kirkland@fws.gov

> I am currently working from home and infrequently checking my office voicemail. Please email me if you'd like to schedule a phone call or meeting. Thank you!

"I only went out for a walk, and finally concluded to stay out till sundown, for going out, I found, was really going in." - John of the Mountains: The Unpublished Journals of John Muir, (1938)

From: Sanderson, Brandon@CALFIRE <<u>brandon.sanderson@fire.ca.gov</u>> Sent: Wednesday, July 7, 2021 1:16 PM To: Kirkland, Debora L <<u>debora_kirkland@fws.gov</u>> Subject: [EXTERNAL] Covell Ranch Forest Health and Fuels Reduc[®] on VTP - Site Visit

This email has been received from outside of DOI - Use cau on before clicking on links, opening a achments, or responding.

Debora,

Sorry for this late no located at 5694 Bridge St, Cambria. Will you be able to attend?

10/7/21, 10:45 AM

Mail - Kirkland, Debora L - Outlook



https://goo.gl/maps/KB7gFsTyekj2QE8L6

Thank you, -Brandon

Brandon Sanderson

10/7/21, 10:45 AM

Environmental Scien[®]st

CAL FIRE / SLU

Resource Management 635 N. Santa Rosa St. San Luis Obispo, CA 93405 Office: 805-528-2160 x201 Cell: 805-903-3491 www.calfireslo.org



U.S. Fish and Wildlife Service

Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog



August 2005

I. Introduction

The U.S. Fish and Wildlife Service (Service) issued guidance on conducting site assessments and surveys for the California red-legged frog (*Rana aurora draytonii*) (CRF) on February 18, 1997 (1997 Guidance). Since then, the Service has reviewed numerous CRF site assessments and surveys results, accompanied wildlife biologists in the field during the preparation and performance of site assessments and CRF surveys, and consulted with species experts on the effectiveness of the 1997 Guidance. Based on our review of the information, the Service has determined that the survey portion of the 1997 Guidance is less likely to accurately detect CRF than previously thought, especially in certain portions of the species range and particularly where CRF exist in low numbers. In response to the need for new guidance, the Service has prepared this *Revised Guidance on Site Assessment and Field Surveys for the California Red-legged Frog* (Guidance).

Similar to the 1997 Guidance, two procedures are recommended in the new Guidance to accurately assess the likelihood of CRF presence in the vicinity of a project site: (1) an assessment of CRF locality records and potential CRF habitat in and around the project area and, (2) focused field surveys of breeding pools and other associated habitat to determine whether CRF are likely to be present.

Because CRF are known to use aquatic, riparian, and upland habitat, they may be present in any of these habitat types, depending on the time of year, on any given property. For sites with no suitable aquatic breeding habitat, but where suitable upland dispersal habitat exists, it is difficult to support a negative finding with the results of any survey guidance. Therefore, this Guidance focuses on site assessments and surveys conducted in and around aquatic and riparian habitat.

This Guidance was developed by the Service's Sacramento Fish and Wildlife Office in coordination with the Ventura Fish and Wildlife Office. Input by field biologists and scientists experienced in surveying for the CRF was also used in the development of this Guidance.

If the following Guidance is followed in its entirety, the results of the site assessments and surveys will be considered valid by the Service for two (2) years, unless determined otherwise on a case-by-case basis by the appropriate Service Fish and Wildlife Office. After two (2) years, new surveys conducted under the most current Service Guidance may be required, if deemed necessary by the appropriate Service Fish and Wildlife Office.

Modifications of this Guidance for specific projects or circumstances may be approved by the appropriate Fish and Wildlife Office; however, we strongly recommend that all modifications be reviewed and approved by the Service prior to implementation.

II. Permit Requirements

Unless otherwise authorized, individuals participating in site assessments and surveys for CRF may **NOT** take the California red-legged frog during the course of site assessments or survey activities. Take may only be authorized via section 7 or section 10 of the Endangered Species Act of 1973, as amended. Typically, take associated with survey activities is authorized via issuance of section 10(a)(1)(A) permits. For reference, an application for a section 10(a)(1)(A) permit is available through the appropriate Fish and Wildlife Office or online at: http://forms.fws.gov/3-200-55.pdf.

The site assessment and survey methods recommended in this Guidance do NOT require the surveyor to have a permit. As stated below, the surveyor must be otherwise qualified to conduct the surveys.

It is the responsibility of the surveyor to ensure all other applicable permits are obtained and valid (e.g., state scientific collection permits), and that permission from private landowners or land managers is obtained prior to accessing a site and beginning site assessments and surveys.

III. Site Assessments

To prevent any unnecessary loss of time or use of resources, it is essential that completed site assessments be submitted to the appropriate Service Fish and Wildlife Office for review in order to obtain further guidance from the Service before conducting surveys.

Surveyors are encouraged to implement the decontamination guidelines provided in Appendix B before conducting a site assessment to prevent the spread of parasites and diseases to CRF and other amphibians.

Careful evaluation of the following information about CRF and their habitats in the vicinity of a project or other land use activities is important because this information indicates the likelihood of the presence of CRF. This information will help determine whether it is necessary to conduct field surveys.

To conduct a site assessment for CRF, complete the data sheet in Appendix D and return it with any necessary supporting documentation to the appropriate Service Fish and Wildlife Office for review prior to initiating surveys. The following information is critical to completing a proper site assessment:

1. Is the site within the current or historic range of the CRF?

Since knowledge of the distribution of the CRF is likely to change as new locality information becomes available, biologists are expected to contact the appropriate Fish and Wildlife Office (see section IV below) to determine if a project site is within the range of this species.

2. Are there known records of CRF at the site or within a 1.6-kilometer* (1-mile) radius of the site?

The biologist should consult the California Natural Diversity Data Base (CNDDB) maintained by the California Department of Fish and Game's (CDFG) Natural Heritage Division as a starting point to determine if there are reported localities of CRF within a 1.6-kilometer (1-mile) radius of the site. Information on the CNDDB is attached to the end of this document. Data entry into the CNDDB is not always current nor do all surveyors submit reports to the CNDDB, thus it is essential that other information sources on local occurrences of CRF be consulted. These sources may include, but are not limited to, biological consultants, local residents, amateur herpetologists, resource managers and biologists from municipal, State, and Federal agencies, environmental groups, and herpetologists at museums and universities. The biologist should report to the Service all known CRF records at the project site and within a 1.6-kilometer (1mile) radius of the project boundaries. One-point-six (1.6) kilometers (1 mile) was selected as a proximity radius to a project site based on telemetry data collected by Bulger et al. (2003), rounded to the nearest whole mile. This distance may be subject to change when new data becomes available, or based on site-specific conditions, so it is advised that surveyors check with the appropriate Service Fish and Wildlife Office to ensure they are using the most up-to-date information.

* **IMPORTANT**: One-point-six (1.6) kilometers (1 mile) radius is a general guideline. The appropriate Service Fish and Wildlife Office will advise surveyors of the most appropriate distance for each specific project location on a case-by-case basis.

3. What are the habitats within the project site and within 1.6 kilometers* (1 mile) of the project boundary?

In order to properly characterize the habitat within 1.6 kilometers (1 mile) of the project site, individuals conducting site assessments must visit the project site and as much of the surrounding habitat within 1.6 kilometers (1 mile) of the project site as possible. Aerial photographs, maps, and other resources should be consulted as well to ensure all possible accessible habitats are considered. Based on this reconnaissance assessment, the surveyor shall describe the upland and aquatic habitats within the project site and within 1.6 kilometers (1 mile) of the project boundary. The aquatic habitats should be mapped and characterized (*e.g.*, ponds vs. creeks, pool vs. riffle, ephemeral vs. permanent (if ephemeral, give date it goes dry), vegetation (type, emergent, overhanging), water depth at the time of the site assessment, bank full depth, stream gradient (percent slope), substrate, and description of bank). The presence of

bullfrogs (*Rana catesbeiana*) and other aquatic predators such a centrarchid fishes (bass, perch, sunfish) should be documented even though their presence does not negate the presence of CRF. Upland habitats should be characterized by including a description of upland vegetation communities, land uses, and any potential barriers to CRF movement. The information provided in Appendix A serves as a guide to the features that will indicate possible CRF habitat.

4. **Report the results of the site assessment**

A site assessment report shall be provided to the appropriate Fish and Wildlife Office for review. Reports should include, but are not limited to, the following information:

- 1) Copies of the data sheet provided at Appendix D;
- 2) Copies of field notes and all other supporting documentation including:
 - A. A list of all known CRF localities within 1.6 kilometers* (1 mile) of the project site boundaries;
 - B. Photographs of the project site (photopoints shall be indicated on an accompanying map);
 - C. A map of the site showing all of the habitat types and other important features as well as the location of any species detected during the site assessment within 1.6 kilometers (1 mile) of the project site boundaries. Maps shall be either copies of those portions of the U.S. Geological Service 7.5-minute quadrangle map(s) *or* geographic information system (GIS) data;
 - D. A description of the project and/or land use that is being proposed at the site.

Based on the information provided in the site assessment report, the Service will provide guidance on how CRF issues should be addressed, including whether field surveys are appropriate, where the field surveys should be conducted, and whether incidental take authorization should be obtained through section 7 consultation or a section 10 permit pursuant to the Endangered Species Act.

IV. Field Surveys

Surveyors are encouraged to implement the decontamination guidelines provided in Appendix B before conducting surveys to prevent the spread of parasites and diseases to CRF and other amphibians.

To avoid and minimize the potential of harassment or harm to CRF, no additional surveys will be conducted in an area once occupancy has been established, unless the surveying effort is part of a Service-approved project to determine actual numbers of frogs at a site.

The Service should be notified in writing (e.g., email) by the surveyor within three (3) working

<u>days once a CRF is detected.</u> The Service will provide guidance to the surveyor regarding the need to collect additional information such as population size, age class, habitat use, *etc*.

A. Qualifications of Surveyors

Surveyors must be familiar with the distinguishing physical characteristics of all life stages of the CRF, other anurans of California, and with introduced, exotic species such as the bullfrog and the African clawed frog (*Xenopus Laevis*) prior to conducting surveys according to this Guidance.

Surveyors must submit their qualifications to the Service along with their survey results.

A field guide should be consulted (*e.g.*, Wright and Wright 1949; Stebbins 2003) to confirm the identification of amphibians encountered during surveys. Surveyors also should be familiar with the vocalizations of the CRF and other amphibians found in California. Recordings of these vocalizations are available through various sources (*e.g.*, Davidson 1995). Surveyors that do not have experience with the species are required to obtain training on locating and identifying CRF adult, larval and egg stages before survey results are accepted. Training may include attendance at various workshops that have an emphasis on the biology of the California red-legged frog, accompanied by an appropriate level of field identification training; field work with individuals who possess valid 10(a)(1)(A) permits for the CRF; and experience working with ranids and similar taxa.

In some localities more intensive surveys (*e.g.*, dip-netting larvae and adults) may be desirable to document the presence of CRF. In order to conduct such focused surveys a valid section 10(a)(1)(A) permit is required (refer to introduction section for information on how to apply for a section 10(a)(1)(A) permit). Applicants will be considered qualified for a section 10(a)(1)(A) permit if they meet the Service's most current qualification requirements. At a minimum, prospective applicants must:

- 1) Possess a Baccalaureate degree in biology, ecology, a resource management-related field, or have equivalent relevant experience;
- 2) Have completed course work in herpetology and study-design/survey-methodology or have equivalent relevant experience;
- 3) Have verifiable experience in the design and implementation of amphibian surveys or research or have equivalent relevant experience;
- 4) Have verifiable experience handling and identifying a minimum of 10 CRF, or similar ranid species, comprised of a minimum of 5 adults and a combination of larva and juveniles;
- 5) Obtain a minimum of 40 hours of field experience through assisting in surveys for the CRF during which positive identification is made;
- 6) Have familiarity with suitable habitats for the species and be able to identify the major vegetative components of communities in which California red-legged frog surveys or

research may be conducted.

7) Have familiarity with and be able to identify native and non-native amphibians that may co-occur with the listed species.

B. Survey Periods

Surveys may begin anytime during January and should be completed by the end of September. Multiple survey visits conducted throughout the survey-year (January through September) increases the likelihood of detecting the various life stages of the CRF. For example, adult frogs are most likely to be detected at night between January 1 and June 30, somewhere in the vicinity of a breeding location, whereas, sub-adults are most easily detected during the day from July 1 through September 30.

Due to the geographic and yearly variation in egg laying dates, it is not possible to specify a range of dates that is appropriate for egg surveys throughout the range of the CRF. The following table summarizes the best approximated times to survey for CRF egg masses.

Geographic Area	Best Survey Period*
Northern California along the coast and interior to the	
Coast Range (north of Santa Cruz County)	January 1 and February 28
Southern California along the coast and interior through the	February 25 and April 30
Coast Range (south of, and including Santa Cruz County)	
Sierra Nevada Mountains and other high-elevation	Should not begin before April 15
locations	

Site specific conditions may warrant modifications to the timing of survey periods, modifications must be made with the Service's approval prior to conducting the surveys.

Survey Methodology

This Guidance recommends a total of <u>up to</u> eight (8) surveys to determine the presence of CRF at or near a project site. Two (2) day surveys and four (4) night surveys are recommended during the breeding season; one (1) day and one (1) night survey is recommended during the non-breeding season. Each survey must take place at least seven (7) days apart. At least one survey must be conducted prior to August 15^{th} . The survey period must be over a minimum period of 6 weeks (*i.e.*, the time between the first and last survey must be at least 6 weeks). Throughout the species' range, the non-breeding season is defined as between July 1 and September 30.

If CRF are identified at any time during the course of surveys, no additional surveys will be conducted in the area, unless the surveying effort is part of a Service-approved project to determine actual numbers of frogs at a site.

The following methodology shall be followed unless otherwise specified, or approved by the

appropriate Service Fish and Wildlife Office:

- Upon arrival at the survey site, surveyors should listen for a few minutes for frogs calling, prior to disturbing the survey site by walking or looking for eye shine using bright lights. If CRF calls are identified, the surveyor should note this information on the survey data sheet and note the approximate location of the call. Once the survey begins, the surveyor should pay special attention to the area where the call originated in an attempt to visually identify the frog.
- 2) The most common method of surveying for CRF is the visual-encounter survey. This survey is conducted either during daylight hours or at night by walking entirely around the pond or marsh or along the entire length of a creek or stream while repeatedly scanning for frogs. This procedure allows one to scan each section of shore from at least two different angles. Surveyors should begin by first working along the entire shoreline, then by entering the water (if necessary and no egg masses would be crushed or disturbed), and visually scanning all shoreline areas and all aquatic habitats identified in the site assessment. Generally, surveyors shall focus on all open water to at least 2 meters (6.5 feet) up the bank. When wading, surveyors must take maximum care to avoid disturbing sediments, vegetation, or larvae. When walking on the bank, surveyors shall take care to not crush rootballs, overhanging banks, and stream-side vegetation that might provide shelter for frogs. Surveyed the next day/night that weather conditions allow (both visits would constitute one day/night survey).
- 3) Day surveys may be conducted on the same day as a night survey.

The main purpose of day surveys during the breeding season is to look for larvae, metamorphs, and egg masses; the main purpose of day surveys during the non-breeding season is to look for metamorphosing sub-adults, and non-breeding adults. Daytime surveys shall be conducted between one hour after sunrise and one hour before sunset.

4) Night surveys

The main purpose of night surveys is to identify and locate adult and metamorphosed frogs. Conditions and requirements for conducting night surveys are as follows:

- A. Night surveys must commence no earlier than one (1) hour after sunset.
- B. Due to diminished visibility, surveys should not be conducted during heavy rains, fog, or other conditions that impair the surveyor's ability to accurately locate and identify frogs.
- C. Nighttime surveys shall be conducted with a Service-approved light such as a Wheat Lamp, Nite Light, or sealed-beam light that produces less than 100,000 candle watt. Lights that the Service does not accept for surveys are lights that are either too dim or too bright. For example, Mag-Light-type lights and other

types of flashlights that rely on 2 or 4 AA's/AAA's, 2 C's or 2 D batteries. Lights with 100,000 candle watt or greater are too bright and also would not meet Service requirements.

- D. The Service approved light must be held at the surveyor's eye level so that the frog's eye shine is visible to the surveyor.
- E. The use of binoculars is a must in order to effectively see the eye shine of the frogs. Surveys conducted without the use of binoculars may call in to question the validity of the survey.
- 5) Weather conditions.

Weather and visibility conditions must be consistent throughout the duration of the survey; if weather conditions become unsuitable, the survey must be completed at another time when conditions are better suited to positively locating and identifying frogs. Suitable conditions are as follows:

- A. Air temperature at the survey site must be at least 10 degrees Celsius (50 degrees Fahrenheit). Frogs are less likely to be active when temperatures are below 10 degrees Celsius (50 degrees Fahrenheit).
- B. Wind speed must not exceed 8 kilometers/hour (5 miles/hour) at the survey site. High wind speeds affect temperatures and the surveyor's ability to hear frogs calling.
- C. Surveys must be conducted under clear to partly cloudy skies (high clouds are okay) but not under dense fog or during heavy rain, as stated above. Surveys may be conducted during light rains.

Surveyors should carefully consider weather conditions prior to initiating a survey. Ask yourself, "Can I collect accurate, reliable data under the existing weather conditions" prior to proceeding with the survey. Weather conditions will be taken into account when the data is reviewed by the appropriate Service Fish and Wildlife Service Office.

6) Decontamination of equipment

In an effort to minimize the spread of terrestrial and aquatic pathogens, all aquatic survey equipment including chest waders, wet suits, float tubes, kayaks, shall be decontaminated before entering potential CRF habitat using the guidelines in Appendix B. Careful attention shall be taken to remove all dirt from boots, chest waders, wetsuits, float tubes, kayaks, and other equipment before placing equipment into the water.

7) Unidentified larvae, sub-adults, and adults

If the larval life stage is the only life stage detected and the larvae are not identified to species (or similarly, if sub-adult or adult frogs are observed but not identified to

species), the surveyor must either return to the habitat to identify the frog in another life stage or obtain the appropriate permit (*e.g.*, section 10(a)(1)(A) permit) authorization allowing the surveyor to handle CRF and larvae. In order for the Service to consider a survey to be complete, all frogs encountered must be accurately identified.

8) Reporting results of the surveys

A species survey report shall be provided to the appropriate Fish and Wildlife Office for review. Reports should include, but are not limited to, the following information:

- 1. Copies of the data sheets provided at Appendix E;
- 2. Copies of field notes and all other supporting documentation including:
 - A. Photographs of all CRF observed during the survey and of the habitat where each individual was located, if possible without harming or harassing the individual;
 - B. A map of the site showing the location of any species detected during the survey. Maps shall be either copies of those portions of the U.S. Geological Service 7.5-minute quadrangle map(s) *or* geographic information system (GIS) data;

Based on the information provided in the site assessment report and the survey results, the Service will provide guidance on how CRF issues should be addressed through the section 7 or section 10 processes.

All information on CRF distribution resulting from field surveys shall be sent to the California Natural Diversity Database (CNDDB). CNDDB forms shall be completed, as appropriate, for each listed species identified during the survey(s) and submitted to the California Department of Fish and Game, Wildlife Habitat Data Analysis Branch, 1807 13th Street, Suite 202, Sacramento, California 95814, with copies submitted to the appropriate Service Fish and Wildlife Office. Each form sent to the CDFG shall have an accompanying 1:24,000 scale USGS map (or an exact scale photocopy of the appropriate portion(s) of the map) -or- Global Information System (GIS) data coverage of the site. Copies of the form can be obtained from the CDFG at the above address (telephone: 916-324-3812) or online at: <u>http://www.dfg.ca.gov/whdab/html/animals.html</u>. Additional information about the CNDDB is available in Appendix C.

The Service may not accept the results of field surveys conducted under this Guidance for any of the following reasons:

- A. if the appropriate Service Fish and Wildlife Office was not contacted to review the results of the site assessment prior to field surveys being conducted;
- B. if field surveys were conducted in a manner inconsistent with this Guidance or with

- survey methods not previously approved by the Service;C. if field surveys were incomplete;D. if surveyors were not adequately qualified to conduct the surveys;
- E. if the reporting requirements, including submission of CNDDB forms, were not fulfilled.

IV. Service Contacts

There are three Service Fish and Wildlife Offices within the range of the CRF (see Map 1). The appropriate office to contact regarding site assessments or survey authorization depends on the location where the surveys are to be conducted.

For project sites and land use activities in Santa Cruz, Monterey, San Benito, San Luis Obispo, Santa Barbara, and Ventura Counties, portions of Los Angeles and San Bernardino Counties outside of the Los Angeles Basin, and portions of Kern, Inyo and Mono Counties east of the Sierra Crest and south of Conway Summit, contact:

Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B Ventura, California, 93003 (805/644-1766).

For project sites and land use activities in all other areas of the State south of the Transverse Ranges, contact:

Carlsbad Fish and Wildlife Office Attn: Recovery Permit Coordinator 6010 Hidden Valley Road Carlsbad, California, 92009 (760/431-9440).

For project sites and land use activities in all other areas of the State, contact:

Sacramento Fish and Wildlife Office 2800 Cottage Way, Suite W-2605 Sacramento, California 95825 (916/414-6600). (916/414-6713, fax)

For information on section 10(a)(1)(A) recovery permits, contact:

Regional Office, Eastside Federal Complex 911 N.E., 11th Avenue Portland, Oregon 97232-4181 (503/231-6241)



* These are independent offices overlapping with the Sacramento Fish and Wildlife Office. Their work primarily focuses on salmonid restoration, fishery monitoring and Forest Plan Implementation.

Map 1. Map of California showing jurisdictional boundaries of Service Fish and Wildlife Offices.

References

- Davidson, C. 1995. Frog and toad calls of the Pacific Coast: Vanishing Voices. Library of Natural Sounds, Cornell Laboratory of Ornithology, Ithaca, New York. 27 pp. +1 cassette.
- Stebbins, R.C. 2003. A field guide to western reptiles and amphibians. Third edition. Houghton Mifflin Company, New York, New York. 533 pp.
- Wright, A.H. and A.A. Wright. 1949. Handbook of frogs and toads of the United States and Canada. Third Edition. Comstock Publishing Company, Ithaca, New York. xii+640 pp.

Appendix A. California red-legged frog identification and ecology.

1. Identification

The following information may aid surveyors in the identification of California red-legged frogs and similar species. However, all surveyors are expected to consult field guides (Wright and Wright 1949; Davidson 1995; Stebbins 2003) for further information.

General Description

The California red-legged frog (*Rana aurora draytonii*), is a relatively large aquatic frog ranging from 4 to 13 centimeters (1.5 to 5 inches) from the tip of the snout to the vent. From above, the California red-legged frog can appear brown, gray, olive, red or orange, often with a pattern of dark flecks or spots. The skin usually does not look rough or warty. The back of the California red-legged frog is bordered on either side by an often prominent dorsolateral fold of skin running from the eye to the hip. The hindlegs are well-developed with large webbed feet. A cream, white, or orange stripe usually extends along the upper lip from beneath the eye to the rear of the jaw. The undersides of adult California red-legged frogs are white, usually with patches of bright red or orange on the abdomen and hindlegs. The groin area can show a bold black mottling with a white or yellow background.

Adults

Positive diagnostic marks should be used to accurately distinguish California red-legged frogs from other species of frogs that may be observed. A positive diagnostic mark is an attribute of the animal that will not be found on any other animal likely to be encountered at the same locality. The following features are positive diagnostic marks that, if observed, will distinguish California red-legged frogs from foothill yellow-legged frogs (*Rana boylii*) and bullfrogs (*Rana catesbeiana*):

- a. Prominent dorsolateral folds (thick upraised fold of skin running from eye to hip) on any frog greater than 5 centimeters (2 inches) long from snout to vent. Young yellow-legged frogs can show reddish folds; these usually fade as the frogs mature.
- b. Bright red dorsum.
- c. Well defined stripe as described above running along upper lip.

Since California red-legged frogs are often confused with bullfrogs, surveyors should note those features that might be found on bullfrogs that will rarely be observed on California red-legged frogs. These features are:

- a. Absence of the dorsolateral fold.
- b. Bright yellow on throat.
- c. Uniform bright green snout.
- d. Tympanum (ear disc) distinct and much larger than eye.

Please note that some frogs may lack all of the above characteristics given for both California red-legged frogs and bullfrogs. Surveyors should regard such frogs as unidentified, unless it is clearly identified as another species.

California red-legged frogs are cryptic because their coloration tends to help them blend in with their surroundings, and they can remain immobile for great lengths of time. When an individual California red-legged frog is disturbed, it may jump into the water with a distinct "plop." The California red-legged frog may do this either when the surveyor is still distant or when a surveyor is very near. Bullfrogs exhibit similar behavior but will often emit a "squawk" as they dive into the water. Because a California red-legged frog is unlikely to make such a sound, a "squawk" from a fleeing frog will be considered sufficient to positively identify the frog as a bullfrog.

Larvae

Tadpoles may be trapped and handled only by those with a valid 10(a)1(A) permit. California red-legged frog larvae range from 14 to 80 millimeters (0.5 to 3.25 inches) in length. They are greenish to generally brownish color with darker marbling and lack distinct black or white spotting or speckling. Large California red-legged frog larvae often have a wash of red coloration on their undersides and a very small single row of evenly spaced whitish or gold flecks along the side where the dorsolateral fold will develop. Other features to look for to identify California red-legged frog larvae include: eyes set well in from the outline of the head (contrasts with treefrogs (*Hyla* spp.)), oral papillae on both the sides of the mouth and the bottom of the mouth (contrasts with *Bufo* spp.), well developed oral papillae on the sides of the mouth (contrasts with other subspecies of red-legged frogs (*Rana aurora* spp.) and spadefoot toads (*Scaphiopus* spp.)), generally mottled body and tail with few or no distinct black spots on tail fins (contrasts with bullfrogs), and two to three tooth rows on the top and bottom (contrasts with foothill yellow-legged frogs).

Eggs

California red-legged frogs breed during the winter and early spring from as early as late November through April and May. Adults engage in courtship behaviors that result in the female depositing from 2,000 to 6,000 eggs, each measuring between 2 and 3 millimeter (0.1 inches). California red-legged frog eggs are typically laid in a mass attached to emergent vegetation near the surface of the water, where they can be easily dislodged. However, egg masses have been detected lying on the bottom of ponds. The egg mass is well defined and about the size of a softball. Eggs hatch within 6 to 14 days after deposition at which time the newly hatched larvae are delicate and easily injured or killed. California red-legged frog larvae transform into juvenile frogs in 3.5 to 7 months.

During the time that red-legged frog egg surveys are conducted, other amphibian eggs may be found including those of Pacific treefrogs, spadefoot toads, California tiger salamanders, and newts. Bullfrogs and foothill yellow-legged frogs lay their eggs later in the season. Field guides should be consulted for additional information on egg identification.

2. Habitat

California red-legged frogs occur in different habitats depending on their life stage, the season, and weather conditions. Rangewide, and even within local populations, there is much variation in how frogs use their environment; in some cases, they may complete their entire life cycle in a particular habitat (*i.e.*, a pond is suitable for all life stages), and in other cases, they may seek multiple habitat types (U.S. Fish and Wildlife Service 2002).

Breeding habitat

All life history stages are most likely to be encountered in and around breeding sites, which are known to include coastal lagoons, marshes, springs, permanent and semi-permanent natural ponds, ponded and backwater portions of streams, as well as artificial impoundments such as stock ponds, irrigation ponds, and siltation ponds. California red-legged frog eggs are usually found in ponds or in backwater pools in creeks attached to emergent vegetation such as *Typha* and *Scirpus*. However, they have been found in areas completely denuded of vegetation. Creeks and ponds where California red-legged frogs are found most often have dense growths of woody riparian vegetation, especially willows (*Salix* spp.) (Hayes and Jennings 1988). The absence of *Typha, Scirpus*, and *Salix* at an aquatic site does not rule out the possibility that the site provides habitat for California red-legged frogs, for example stock ponds often are lacking emergent vegetation yet they provide suitable breeding habitat. California red-legged frog larvae remain in these habitats until metamorphosis in the summer months (Storer 1925; Wright and Wright 1949). Young California red-legged frogs can occur in slow moving, shallow riffle zones in creeks or along the margins of ponds.

Summer habitat

California red-legged frogs often disperse from their breeding habitat to forage and seek summer habitat if water is not available. In the summer, California red-legged frogs are often found close to a pond or a deep pool in a creek where emergent vegetation, undercut banks, or semi-submerged rootballs afford shelter from predators. California red-legged frogs may also take shelter in small mammal burrows and other refugia on the banks up to 100 meters from the water any time of the year and can be encountered in smaller, even ephemeral bodies of water in a variety of upland settings (Jennings and Hayes 1994; U.S. Fish and Wildlife Service 2002).

Upland habitat

California red-legged frogs are frequently encountered in open grasslands occupying seeps and

springs. Such bodies may not be suitable for breeding but may function as foraging habitat or refugia for dispersing frogs. During periods of wet weather, starting with the first rains of fall, some individuals make overland excursions through upland habitats (U.S. Fish and Wildlife Service 2002).

3. Movement

California red-legged frogs may move up to 3 kilometers (1.88 miles) up or down drainages and are known to wander throughout riparian woodlands up to several dozen meters from the water (Rathbun *et al.* 1993). Dispersing frogs have been recorded to cover distances from 0.40 kilometer (0.25 mile) to more than 3.2 kilometers (2 miles) without apparent regard to topography, vegetation type, or riparian corridors (Bulger 1998). California red-legged frogs have been observed to make long-distance movements that are straight-line, point to point migrations rather than using corridors for moving in between habitats. Dispersal distances are considered to be dependent on habitat availability and environmental conditions. On rainy nights California red-legged frogs will often move away from the water after the first winter rains, causing sites where California red-legged frogs were easily observed in the summer months to appear devoid of this species. Additionally, California red-legged frogs will sometimes disperse in response to receding water which often occurs during the driest time of the year.

References for Appendix A

- Bulger, J. 1998. Wet season dispersal and habitat use by juvenile California red-legged frogs (*Rana aurora draytonii*) in forest and rangeland habitats of the Santa Cruz Mountains. Research proposal.
- Davidson, C. 1005. Frog and toad calls of the Pacific Coast: Vanishing Voices. Library of Natural Sounds, Cornell Laboratory of Ornithology, Ithaca, New York. 27 pp. +1 cassette.
- Hayes, M.P. and M.R. Jennings. 1988. Habitat correlates of distribution of the California red-legged frog. (*Rana aurora draytonii*) and the foothill yellow-legged frog (*Rana boylii*):Implications for management. Pages 144-158 In: R.C. Szaro, K.E. Severson, and D.R. Patton (technical coordinators), Proceedings of the symposium on the management of amphibians, reptiles, and small mammals in North America. United States Department of Agriculture, Forest Service, General Technical Report (RM-166):1-458.
- Jennings, M.R. and M.P. Hayes. 1994. Amphibian and reptile species of special concern in California. Final report to the California Department of Fish and Game, Inland Fisheries Division, Rancho Cordova, California, under contract (8023). iii+255 pp.
- Rathbun, G.B., M.R. Jennings, T.G. Murphy, and N.R. Siepel. 1993. Status and ecology of sensitive aquatic vertebrates in lower San Simeon and Pico Creeks, San Luis Obispo County, California. U.S. Fish and Wildlife Service, National Ecology Research Center, San Simeon, California. Prepared for the California Department of Parks and Recreation. 103 pp.
- Stebbins, R.C. 2003. A field guide to western reptiles and amphibians. Third edition. Houghton Mifflin Company, New York, New York. 533 pp.
- Storer, T.1925. A synopsis of the Amphibia of California. University of California Publications in Zoology 27:1-342.
- U.S. Fish and Wildlife Service. 2002. Recovery plan for the California red-legged frog (*Rana aurora draytonii*). Portland, Oregon. 173 pp.
- Wright, A.H. and A.A. Wright. 1949. Handbook of frogs and toads of the United States and Canada. Third Edition. Comstock Publishing Company, Ithaca, New York. xii+640 pp.

Appendix B. Recommended Equipment Decontamination Procedures

In an effort to minimize the spread of pathogens that may be transferred as result of activities, surveyors should follow the guidance outlined below for disinfecting equipment and clothing after entering a pond and before entering a new pond, unless the wetlands are hydrologically connected to one another:

- i. All organic matter should be removed from nets, traps, boots, vehicle tires and all other surfaces that have come into contact with water or potentially contaminated sediments. Cleaned items should be rinsed with clean water before leaving each study site.
- ii. Boots, nets, traps, hands, *etc.* should be scrubbed with either a 75% ethanol solution, a bleach solution (0.5 to 1.0 cup per 1.0 gallon of water), Quat- 128^{TM} (1:60), or a 6% sodium hypochlorite 3 solution. Equipment should be rinsed clean with water between study sites. Cleaning equipment in the immediate vicinity of a pond or wetland should be avoided (*e.g.*, clean in an area at least 100 feet from aquatic features). Care should be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.
- iii. Used cleaning materials (liquids, *etc.*) should be disposed of safely, and if necessary, taken back to the lab for proper disposal. Used disposable gloves should be retained for safe disposal in sealed bags.
- iv. Additionally, the surveyors shall implement the following when working at sites with known or suspected disease problems: disposable gloves should be worn and changed between handling each animal. Gloves should be wetted with water from the site or distilled water prior to handling any amphibians. Gloves should be removed by turning inside out to minimize cross-contamination.

Appendix C. General instructions for filling out CNDDB field survey forms

The Natural Diversity Data Base (NDDB) is the largest, most comprehensive database of its type in the world. It presently contains more than 33,000 site specific records on California's rarest plants, animals, and natural communities. The majority of the data collection effort for this has been provided by an exceptional assemblage of biologists throughout the state and the west. The backbone of this effort is the field survey form. We are enclosing copies of Natural Diversity Data Base (NDDB) field survey forms for species and natural communities. We would greatly appreciate you recording your field observations of rare, threatened, endangered, or sensitive species and natural communities

(elements) and sending them to us on these forms.

We are interested in receiving forms on elements of concern to us; refer to our free publications: *Special Plants List, Special Animals List,* and *Natural Communities List* for lists of which elements these include. Reports on multiple visits to sites that already exist in the NDDB are as important as new site information as it helps us track trends in population/stand size and condition. Naturally, we also want information on new sites. We have enclosed an example of a field survey form that includes the information we like to see. It is especially important to include a xeroxed portion of a USGS topographic quad with the population/stand outlined or marked (see back of enclosed example).

Without the map, your information will be mapped less accurately, as written descriptions of locations are frequently hard to interpret. Do not worry about filling in every box on the form; only fill out what seems most relevant to your site visit. Remember that your name and telephone number are very important in case we have any questions about the form.

If you are concerned about the sensitivity of the site, remember that the NDDB can label your element occurrence "Sensitive" in the computer, thus restricting access to that information. The NDDB is only as good as the information in it, and we depend on people like you as the source of that information. Thank you for your help in improving the NDDB.

Copies of the NDDB form can be obtained from the CDFG at the above address (telephone: 916-324-3812) *or* online at: <u>http://www.dfg.ca.gov/whdab/html/animals.html</u>.

Appendix D. California Red-legged Frog Habitat Site Assessment Data Sheet

This data sheet is to assist in the data collection of California red-legged frog habitat in the vicinity of projects or other land use activities, following the August 2005, *Revised Guidance on Site Assessment and Field Surveys for California Red-legged Frogs* (Guidance), issued by the U.S. Fish and Wildlife Service. Prior to collecting the data requested on this form, the biologist should be familiar with and understand the Guidance.

The "Site Assessments" section of the Guidance details the data needed to complete a site assessment. When submitting a complete site assessment to the Service (one that has been done following the Guidance), one data sheet should be included for each aquatic habitat identified. If multiple aquatic habitats are identified within the project site, then multiple data sheets should be completed. A narrative description of the aquatic, riparian, and upland habitats should be provided to characterize the breeding habitat within the project site and the breeding and dispersal habitat within 1.6 kilometers (1 mile) of the project site. In addition to completing this data sheet, field notes, photographs, and maps should be provided to the appropriate Fish and Wildlife Service Office, as requested in the "Site Assessments" section of the Guidance.

Appendix D. California Red-legged Frog Habitat Site Assessment Data Sheet

Site Assessment reviewed by				
	(FWS Field Office)	(date)	(biologist)	
Date of Site Assessment:	(mm/dd/yyyy) (Last name)	(first name)	(Last name)	(first name)
	(Last name)	(first name)	(Last name)	(first name)

Site Location:

1

•

(County, General location name, UTM Coordinates or Lat./Long. or T-R-S).

ATTACH A MAP (include habitat types, important features, and species locations)

Proposed pr	oject nai	me:	
Brief descri	ption of	proposed	l action:

1) Is this site within the current or historic range of the CRF (circle one)? YES NO

2) Are there known records of CRF within 1.6 km (1 mi) of the site (circle one)? YES NO If yes, attach a list of all known CRF records with a map showing all locations.

GENERAL AQUATIC HABITAT CHARACTERIZATION

(if multiple ponds or streams are within the proposed action area, fill out one data sheet for each)

Size:

Maximum depth: _____

Vegetation: emergent, overhanging, dominant species:

Substrate: _____

Perennial or Ephemeral (circle one). If ephemeral, date it goes dry:

Appendix D. California Red-legged Frog Habitat Site Assessment Data Sheet

STREAM:

Bank full width: _____ Depth at bank full: _____ Stream gradient: _____

Are there pools (circle one)? YES NO If yes, Size of stream pools: Maximum depth of stream pools:

1 1 ------

Characterize non-pool habitat: run, riffle, glide, other:

Vegetation: emergent, overhanging, dominant species:

Substrate: _____

Bank description:

Perennial or Ephemeral (circle one). If ephemeral, date it goes dry:

Other aquatic habitat characteristics, species observations, drawings, or comments:

Necessary Attachments:

- 1. All field notes and other supporting documents
- 2. Site photographs
- 3. Maps with important habitat features and species location

Appendix E. California Red-legged Frog Survey Data Sheet

This data sheet is to assist in the data collection during surveys for California red-legged frogs in areas with potential habitat. This data sheet is intended to assist in the preparation of a final report on the field surveys as detailed in the August 2005, Revised Guidance on Site Assessment and Field Surveys for California Red-legged Frogs (Guidance) issued by the U.S. Fish and Wildlife Service (Service). Before completing this data sheet, a site assessment should have been conducted using the Guidance and the Service should have been contacted to determine whether surveys are required. Prior to collecting the data requested on this form, the biologist should be familiar with and understand the Guidance. To avoid and minimize the potential of harassment to California red-legged frogs, all survey activities shall cease once an individual California red-legged frog has been identified in the survey area, unless prior approval has been received from the appropriate Service Fish and Wildlife Office. The Service shall be notified within three (3) working days by the surveyor once a California red-legged frog is detected, at which point the Service will provide further guidance. Surveys should take place in consecutive breeding/non-breeding seasons (i.e., the entire survey period, including breeding and nonbreeding surveys should not exceed 9 months). It is important that both the breeding and nonbreeding survey be conducted during the time period specified in the Guidance. Site specific conditions may warrant modifications to the timing of survey periods, modifications must be made with the Service's approval. The survey consists of two (2) day and four (4) night surveys during the breeding season and one (1) day and one (1) night surveys during the non-breeding season.

All California red-legged frog life stages should be surveyed for. Surveyors may detect larvae but not be able to identify this life stage to species as handling any life stage of the California red-legged frog necessitates a valid 10(a)(1)(A) permit. If the larval life stage is the only life stage detected and the larvae are not identified to species, the surveyor <u>must</u> either return to the habitat to identify the frog in another life stage or have a valid 10(a)(1)(A) permit allowing the surveyor to handle California red-legged frogs and larvae. In order for the Service to consider a survey to be complete, all frogs encountered must be accurately identified.

Appendix E. <u>California Red-legged Frog Survey Data Sheet</u>

Survey results reviewed by				
	FWS Field Office)	(date)		(biologist)
Date of Survey:	Survey I Survey I	Biologist: _ Biologist: _	(Last name) (Last name)	(first name) (first name)
Site Location:				
(County, Gener	al location name,	UTM Coord	inates or Lat./Long.	or T-R-S).
ATTACH A MA	\mathbf{P} (include habitat	types, impor	tant features, and spe	ecies locations)
Proposed project name: Brief description of proposed a	action:			-
Type of Survey (circle one): 1	DAY NIGHT		BREEDING	NON-BREEDING
Survey number (circle one):	1 2	3	4 5	6 7 8
Begin Time:		End	Time:	
Cloud cover:		Prec	ipitation:	
Air Temperature:		Wate	er Temperature:	
Wind Speed:		Visit	oility Conditions	:
Moon phase:		Hum	nidity:	
Description of weather condi	tions:			
Brand name and model of lig Were binoculars used for the Brand model and power of	ght used to conc e surveys (circle binoculars:	luct surve one)?	ys: YES NO	

Appendix E. California Red-legged Frog Survey Data Sheet

Species	# of indiv.	Observed (O) Heard (H)	Life Stages	Size Class	Certainty of Identification

AMPHIBIAN OBSERVATIONS

Describe potential threats to California red-legged frogs observed, including non-native and native predators such as fish, bullfrogs, and raccoons:

Other notes, observations, comments, etc.

Necessary Attachments:

- 4. All field notes and other supporting documents
- 5. Site photographs
- 6. Maps with important habitat features and species locations



IN REPLY REFER TO: 08EVEN00-2021-CPA-0088

United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE Ecological Services Ventura Fish and Wildlife Office 2493 Portola Road, Suite B Ventura, California 93003



September 2, 2021

Brandon Sanderson CAL FIRE / SLU Unit 635 North Santa Rosa Street San Luis Obispo, California 93405

Subject: Comments on the Covell Ranch Vegetation Treatment Program, Cambria, San Luis Obispo County, California

Dear Brandon Sanderson:

We received your April 16, 2021, letter, requesting comments on the California Department of Forestry and Fire Protection's (CAL FIRE) California Vegetation Treatment Program (CalVTP) on the Covell Ranch property near Cambria in San Luis Obispo County, California. Specifically, you are requesting comments on proposed avoidance and minimization measures that would be implemented to avoid take of the federally threatened California red-legged frog (*Rana draytonii*), and reduce impacts to other sensitive resources. Proposed avoidance and minimization measures are described in the 2008 Information Needs and Guidelines for Timber Harvest Plans for U.S. Fish and Wildlife Service Technical Assistance Analysis California Red-legged Frogs (Service 2008), received by us on July 28, 2021. We received the final draft CAL FIRE CalVTP Project Specific Analysis for Covell Ranch (PSA) (Auten Resource Consulting 2021) on July 8, 2021.

The mission of the U.S. Fish and Wildlife Service (Service) is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. The Service's responsibilities also include administering the Endangered Species of 1973, as amended (Act). The Act prohibits the unpermitted "take" of listed species [16 U.S.C. 1538(a)(l)(B)]. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Such taking may be authorized by the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

The CalVTP is a State-wide program to reduce the chance of large, damaging wildfires by reducing fire hazards on wildland in California. The purpose of the Covell Ranch Forest Health Fuels Reduction Project VTP (project) is to improve Monterey pine (*Pinus radiata*) forest health

and reduce the threat and intensity of wildfire by removing dense understory, ladder fuels, dead or dying trees, and vegetation on 665 acres. The project is described as an Ecological Restoration Treatment Type intended to restore ecosystem processes, native stand conditions, and forestland resiliency by removing vegetation and trees through mechanical and manual vegetation removal, pile burning, and herbicide applications.

The project would occur in stages, and the Covell Ranch was divided into five treatment areas for this purpose. The PSA describes the biological resources of the entire 665-acre project area, but the Biological Assessment in the PSA focused on Treatment Areas 1 and 2, as they are proposed to be treated first, and describes those areas as densely vegetated forest uplands with a dense understory bisected with Class II and Class III riparian areas. The PSA states that Leffingwell Creek in Treatment Area 2, is known to have an active channel with standing water. During a reconnaissance survey, the standing water was described as less than 8 inches deep, and the report concluded that it was too shallow for California red-legged frog breeding at the time of the survey. The PSA also describes a tributary to San Simeon Creek, on the northern edge of the project area in Treatment Area 5 that has greater seasonal water flow and likely has better aquatic breeding potential for the California red-legged frog. The PSA then determined that the uplands were unsuitable for California red-legged frogs, and concluded that there are no special status wildlife species occurring in the uplands in Treatment Areas 1 and 2. However, your letter indicates that you are assuming presence of the California red-legged frog in the Class II and III drainages in the project area. The PSA determined that with adequate riparian area mechanized equipment setbacks in place, and by conducting pre-activity surveys to detect sensitive resources, adverse impacts to California red-legged frogs or their aquatic habitat would be avoided.

Critical habitat was designated for the California red-legged frog in 2010, and the Covell Ranch is within unit SLO-2 (Service 2010). Designated critical habitats are areas of habitat that are believed to be essential to the conservation of the species. When designating critical habitat for a species, we consider whether an area contains the Primary Constituent Elements (PCEs). The PCEs for the California red-legged frog are aquatic breeding habitat, non-breeding aquatic and riparian habitat, upland habitat, and dispersal habitat. The PCEs are based our current knowledge of the life-history, biology, and ecology of the California red-legged frog. The California redlegged frog's PCEs are described in the 2010 Critical Habitat Designation as:

- (1) <u>Aquatic Breeding Habitat.</u> Standing bodies of fresh water (with salinities less than 4.5 parts per thousand), including natural and manmade (e.g., stock) ponds, slow-moving streams or pools within streams, and other ephemeral or permanent water bodies that typically become inundated during winter rains and hold water for a minimum of 20 weeks in all but the driest of years.
- (2) <u>Aquatic Non-Breeding Habitat.</u> Freshwater pond and stream habitats, as described above, that may not hold water long enough for the species to complete its aquatic life cycle but which provide for shelter, foraging, predator avoidance, and aquatic dispersal of juvenile and adult California red-legged frogs. Other wetland habitats considered to meet these criteria include, but are not limited to: plunge pools within intermittent creeks, seeps, quiet water refugia within streams during high water flows, and springs of sufficient flow to withstand short-term dry periods.
- (3) Upland Habitat. Upland areas adjacent to or surrounding breeding and non-breeding

aquatic and riparian habitat up to a distance of 1 mile in most cases (i.e., depending on surrounding landscape and dispersal barriers) including various vegetation types such as grassland, woodland, forest, wetland, or riparian areas that provide shelter, forage, and predator avoidance for the California red-legged frog. Upland features are also essential in that they are needed to maintain the hydrologic, geographic, topographic, ecological, and edaphic features that support and surround the aquatic, wetland, or riparian habitat. These upland features contribute to: (a) Filling of aquatic, wetland, or riparian habitats; (b) maintaining suitable periods of pool inundation for larval frogs and their food sources; and (c) providing nonbreeding, feeding, and sheltering habitat for juvenile and adult frogs (e.g., shelter, shade, moisture, cooler temperatures, a prey base, foraging opportunities, and areas for predator avoidance). Upland habitat should include structural features such as boulders, rocks and organic debris (e.g., downed trees, logs), small mammal burrows, or moist leaf litter.

(4) <u>Dispersal Habitat</u>. Accessible upland or riparian habitat within and between occupied or previously occupied sites that are located within 1 mile of each other, and that support movement between such sites. Dispersal habitat includes various natural habitats, and altered habitats such as agricultural fields that do not contain barriers to dispersal (e.g., heavily traveled roads without bridges or culverts). Dispersal habitat does not include moderate- to high-density urban or industrial developments with large expanses of asphalt or concrete, nor does it include large lakes or reservoirs over 50 ac (20 ha) in size, or other areas that do not contain those features identified in PCE 1, 2, or 3 as essential to the conservation of the species.

The PSA states that upland habitat within the project area primarily consists of forested areas with dense understory, which also happens to characterize ideal upland and dispersal habitat for California red-legged frogs. The description of Leffingwell Creek and the tributary to San Simeon Creek, as provided in the PSA, indicates that these are California red-legged frog non-breeding aquatic habitats at the very least, and potentially suitable breeding habitats. In cases such as these, we assume that that these creeks provide suitable breeding habitat, unless proven otherwise by protocol level surveys. Class III drainages in the project area provide suitable non-breeding aquatic habitat as well, likely improving in quality during normal rainfall years. All forested upland and dispersal habitat in the project area is well within the dispersal range of suitable breeding habitats both within the project site and at nearby, offsite locations, and also is well within dispersal distance of four known California red-legged frog occurrences located less than 2 miles to the northwest, 1 mile to the west, 1 mile to the east, and 0.25 mile to the south of the project (CNDDB 2021). Based on this information, it is our opinion that the upland and dispersal habitat in the project area are likely utilized by California red-legged frogs, and provide the habitat needed for the survival and recovery of the species.

The avoidance and minimization measures proposed are referenced from "Information Needs and Guidelines for Timber Harvesting Plans for US Fish and Wildlife Service Technical Assistance Analysis California Red-legged Frogs (USFWS, March 2008)", a document that describes aquatic California red-legged frog habitat and the setbacks needed to protect suitable habitat. The 2008 document only discusses aquatic habitat and not dispersal or upland habitat. Additionally, vegetation removal activities proposed on the Covell Ranch differ from the select tree thinning activities described in the 2008 document. The 2008 document does not describe measures to avoid impacts to California red-legged frogs from clearing of understory in upland or dispersal habitat. Therefore, we believe that the measures described in the 2008 document are not adequate to avoid take of California red-legged frogs during the proposed activities.

Excluding use of mechanized equipment in riparian areas may reduce the likelihood of adverse impacts to breeding and non-breeding aquatic habitats, but does little to offset the magnitude of vegetation removal in upland and dispersal habitat that would result in take of California red-legged frogs that is being proposed. Pre-activity surveys in the dense upland forest understory are not adequate to avoid adverse impacts to California red-legged frogs that would result from the degradation of 665 acres of dispersal and upland habitat. California red-legged frogs can be difficult to detect in uplands like those described in the project area, and it is likely that individuals could be overlooked during pre-activity surveys and killed during vegetation clearing and pile burning activities. Further, the removal of dense understory in forested habitat utilized by California red-legged frogs. Ultimately, we believe that the project is likely to result in significantly impairing essential behavioral patterns, including breeding, feeding, and sheltering.

Other sensitive resources within the project area are listed plants and serpentine soils. The PSA described meeting on site with a botanist representing the California Native Plant Society on March 24, to establish a schedule for special status plant surveys appropriate given the limited rainfall during the 2020-2021 wet season. As a result, special status plant surveys were conducted on April 6, April 13, and May 6, 2021. Special status plants were flagged to identify exclusion zones to avoid during vegetation clearing. During a phone conversation with Debora Kirkland of my staff, Brandon Sanderson confirmed there were no serpentine soils in the project area (B. Sanderson, CAL FIRE, pers. comm. 2021). We agree that the measures proposed to avoid impacts to these special status plant species and sensitive soil resources are adequate.

We agree that fire safety for the community of Cambria and the health of the Monterey pine forest are high priorities. However, we believe that the avoidance measures for the proposed activities are not adequate to avoid take of California red-legged frogs. Because impacts to California red-legged frogs and their habitat would result from the proposed activities, we request to work with you to design a project that can meet the objectives of reducing fire risk and improve forest health at the Covell Ranch, while avoiding the large-scale degradation of habitat utilized by the California red-legged frog. If the project cannot be modified to avoid take of California red-legged frogs and the loss of their habitat, we recommend that CAL FIRE obtain an incidental take permit under section 10(a)(1)(B) of the Act prior to conducting the proposed activities. If you have any questions, please contact Debora Kirkland of my staff by electronic mail at debora_kirkland@fws.gov.

Sincerely,

Leilani Takano Assistant Field Supervisor

Cc: Madeline Cavalieri, California Coastal Commission Schani Siong, County of San Luis Obispo Kerry Brown, County of San Luis Obispo Jonathan Gee, CAL FIRE San Luis Obispo Unit Mitchell Riley McFarland, Auten Resource Consulting Steve Auten, Auten Resource Consulting Dan Turner, San Luis Obispo County Community Fire Safe Council Andrew Johnson, Upper Salinas-Las Tablas Resource Conservation District

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In litteris

Sanderson, Brandon. 2021. CAL FIRE, San Luis Obispo County Fire Unit. Phone call with Debora Kirkland, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, Ventura, California. June 8, 2021.

Covell Ranch VTP Discussion

Takano, Leilani <leilani_takano@fws.gov>

Thu 9/16/2021 2:13 PM

To: steve.auten.arc@gmail.com <steve.auten.arc@gmail.com>; jonathan.gee@fire.ca.gov <jonathan.gee@fire.ca.gov>; brandon.sanderson@fire.ca.gov <brandon.sanderson@fire.ca.gov>; andy.usltrcd@gmail.com <andy.usltrcd@gmail.com>; devin.usltrcd@gmail.com <devin.usltrcd@gmail.com>; riley.mcfarland.arc@gmail.com <riley.mcfarland.arc@gmail.com>; hayleybarnes.usltrcd@gmail.com <hayleybarnes.usltrcd@gmail.com>; firesafeslo@gmail.com <firesafeslo@gmail.com> C: Kirkland, Debora L <debora_kirkland@fws.gov>; Mitcham, Chad J <chad_mitcham@fws.gov>; Henry, Steve <steve_henry@fws.gov>

Dear Jonathan,

Thank you to you and your team for mee ng with us today to discuss the proposed Covell Ranch Forest Health Fuels Reduc on Project.

During our call, we conveyed the reasoning behind our belief that the en re project area contains suitable (breeding, non-breeding aqua c, upland, and dispersal) habitat for the species. We described how and when California red-legged frogs are likely to u lize various habitats on site to meet the biological needs of their essen al func ons.

We inquired about project specific details, and your team described those ac vi es while also direc ng us to review A achment F of the Covell Ranch Project Specific Analysis that describes the project. Based on our review of A achment F, and your team's verbal descrip on of project ac vi es during the mee ng, we believe that the project may require modifica on in order to avoid take of the California red-legged frog. UI mately, we prefer to work with CAL FIRE to achieve a no-take scenario in order to avoid the need to obtain an incidental take permit to implement the project. CAL FIRE/you indicated your willingness to work with us to achieve this goal.

We understand that the project is intended to result in a mosaic of vegeta on once implemented, and we agree that a mosaic paern of treatment is preferred; however, California red-legged frogs must be provided suitable areas of abundant refugia throughout each treatment unit immediately a. er project ac vive sample, due to the importance of aqua chabitats for the species, and as we conveyed during the mee needing, we believe that significant no-work buffer zones should apply to all streams and wetlands within each treatment unit. We also believe that suitable refugia must be allowed to persist throughout each treatment unit to ensure California red-legged frogs are able to find cover from predators during their dispersal, and a diverse prey base for forage.

We expressed our overall support of the project and our desire to con? nue to work with CAL FIRE to develop ways to avoid adverse impacts to California red-legged frogs while the project moves forward. We are also commi? ed to mee? ng with you and your team onsite, at the earliest opportunity, to ensure we are familiar with exis? ng habitat condi? ons. We believe that next steps should include discussion and agreement on how to achieve a no-take scenario, which in our opinion includes modifying treatment applica? ons for the purpose of allowing the persistence of areas of suitable refugia for the species within the project area. This is likely to involve simply reducing the extent of vegeta? on management ac? ons within each treatment tract. We provide detailed informa? on below that if achieved, would likely result in a no-take project scenario:

Aquanc Habitat

- Complete avoidance of all aqual c and wetland habitats defined by the presence of hydrophyl c vegetal on on site with increased no-work avoidance buffers.
- All refueling, maintenance, and staging of equipment and vehicles would occur outside wetland and riparian no-work zones and in a loca? on from where a spill would not drain directly toward aqua? c habitat (e.g., on a slope that drains away from the water).

Upland Habitat

- Maintaining the func[®] on of the upland habitat by retaining vegeta[®] on connec[®] vity throughout the forest understory.
- Avoiding crealon of large expanses of open areas where dispersing California red-legged frogs could be vulnerable to predalon and desiccalon.
- Complete and thorough inspec² on of dense li² er (downed trees, snags, vegeta² on) prior to modifica² on or leaving in place as refugia, thorough inspec² on of burn piles by a qualified biologist prior to burning to locate California red-legged frogs.
- If California red-legged frogs are observed at any 2me, project ac2vi2es in that area will stop and the Service immediately no2fied.

9/22/21, 9:23 PM

Mail - Kirkland, Debora L - Outlook

- The number of access routes, size of staging areas, and the total area of the ac2vity would be limited to the minimum necessary to achieve the project goals. Environmentally Sensi2ve Areas would be delineated to confine access routes and construc2 on areas to the minimum area necessary to complete construc2 on and minimize the impact to California red-legged frog habitat; this goal includes loca2 ng access routes and construc2 on areas outside of wetlands and riparian areas.
- If the project proponent or sponsoring agency determines the use of herbicides is necessary for their project, they would coordinate further with the Service to develop suitable avoidance and minimizal on measures for herbicide use for their project.

We are commiled to conenuing to working with you to achieve the goals of the project in a manner that will avoid take of the California red-legged frog. Please review our recommendations above and provide us with your response on how to achieve these goals, at your earliest convenience.

We look forward to con nuing to work with you to develop appropriate avoidance and minimiza? on measures that we agree would result in a no-take scenario. Although we an cipate finding common ground with CAL FIRE in terms of avoidance of the species for this project, if we are unable to come to agreement we also expressed our commitment to working with CAL FIRE to implement Minimiza? on Measure BIO-2c in the CalVTP Environmental Impact Report to create minimiza? on measures and expedi? ously develop a Habitat Conserva? on Plan to apply for an incidental take permit for the 10-year project. We hope to be involved in future PSA's early in their development phase to assist CAL FIRE to design project that meets project goals while avoiding impacts to federally listed species. Thank you again for CAL FIRE's coordina? on the subject project.

Sincerely,

Leilani

Leilani Takano
Assistant Field Supervisor
U.S. Fish and Wildlife Service
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, CA 93003

[EXTERNAL] RE: Covell Ranch VTP Discussion with USFWS

Sanderson, Brandon@CALFIRE <brandon.sanderson@fire.ca.gov>

Tue 9/28/2021 3:03 PM

To: Takano, Leilani <leilani_takano@fws.gov>; Kirkland, Debora L <debora_kirkland@fws.gov>; Mitcham, Chad J <chad_mitcham@fws.gov>

Cc: Henry, Steve <steve_henry@fws.gov>; kevincooper@resoluteassoc.com <kevincooper@resoluteassoc.com>; Nielson, Len@CALFIRE <Len.Nielson@fire.ca.gov>; Carr, Rick@CALFIRE <Rick.Carr@fire.ca.gov>; Engel, Jonna@Coastal <jonna.engel@coastal.ca.gov>; Matella, Mary@Coastal <Mary.Matella@coastal.ca.gov>; Cavalieri, Madeline@Coastal <Madeline.Cavalieri@coastal.ca.gov>; steve.auten.arc@gmail.com <steve.auten.arc@gmail.com>; Gee, Jonathan@CALFIRE <Jonnathan.gee@fire.ca.gov>; andy.usltrcd@gmail.com <andy.usltrcd@gmail.com>; devin.usltrcd@gmail.com <devin.usltrcd@gmail.com>; riley.mcfarland.arc@gmail.com <riley.mcfarland.arc@gmail.com>; hayleybarnes.usltrcd@gmail.com <firesafeslo@gmail.com>; Johnson, Shannon@CALFIRE <Shannon.Johnson@fire.ca.gov>; O'Neil, Dennis@CALFIRE <Dennis.ONeil@fire.ca.gov>; legorova, Liza@CALFIRE <Liza.legorova@fire.ca.gov>; O'Neil, Dennis@CALFIRE <Liza.legorova@fire.ca.gov>; O'Neil, Dennis@CALFIRE <Liza.legorova@fire.ca.gov>; O'Neil, Dennis@fire.ca.gov>; O'Neil, Dennis@fire.ca.gov>; legorova, Liza@fire.ca.gov>; legorova@fire.ca.gov>; O'Neil, Dennis@fire.ca.gov>; legorova@fire.ca.gov>; legor

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Dear Leilani,

Thank you for your a en on and review of the Project Specific Analysis (PSA) for the Covell Ranch Forest Health Fuels Reduc on Project (project). CAL FIRE is in receipt of your comment le er dated September 2, 2021 (le er) and email dated September 16, 2021. We have par cipated in two virtual conference calls on September 16 and September 23, 2021, where we further discussed the project treatment and protec ons measures as they relate to California red-legged frog (CRLF) habitat and a ended a site visit with U.S. Fish and Wildlife Service (USFWS) biologists Deborah Kirkland and Chad Mitcham on September 27, 2021. We value your comments and collabora on regarding the project goals and wildlife protec ons measures iden fied in the PSA. We feel the project can move forward with the current mi ga ons and protec on measures detailed in the PSA.

CAL FIRE would like to thank Ms. Kirkland and Mr. Mitcham for a ending the Covell Ranch VTP project site visit this past Monday the 27th. We believe it was a very construct ve mee ng with discussion and visualiza on of the site specific project goals and objec ves, including vegeta on treatment prescrip ons and appropriate wildlife protec on measures proposed for the project. In addi on to a endance by USFWS and CAL FIRE, members of the California Coastal Commission (Jonna Engel), Upper Salinas-Las Tablas Resources Conserva on District (Andrew Johnson & Haley Barnes), Auten Resources Consul ng (Riley McFarland & Steve Auten), San Luis Obispo County Fire Safe Council (Dan Turner) and Resolute Associates (Kevin Cooper, contract biologist) a ended the site visit. We looked at mechanical vegeta ve fuel treatment applica ons within the exis ng shaded fuel break in Treatment Area 1 (along Bridge Street and the Wildland Urban Interface (WUI)) and Treatment Area 3 (south of the historic mill site access road). We also looked at two sample flagged vegeta on treatment prescrip on blocks (as detailed in the PSA), with variable vegeta ve structure, within and adjacent to a Class III (Treatment Area 1) and Class II watercourse (Leffingwell Creek within Treatment Area 2). We observed various understory and overstory reten on prescrip ons including woodrat vegeta ve buffer patches, toyon and oak microhabitats, downed dead and standing dead woody material, Class II work exclusion zones and Class III equipment exclusion zones, and live healthy Monterey pine tree stand preserva on.

This project focuses on restoring one of five naturally occurring Monterey pine stands in the world to na ve ecological condi ons for long-term forest health, wildlife abundance, carbon sequestra on, and resilience of rare botanical alliances. The Monterey pine forest on Covell Ranch has been iden fied as a rare, important forestland in need of restora ve management focused on forest health and fire preven on. The goal for the project is to increase the health and vigor of the Monterey pine forest and associated habitat by conduc ng ecologically restora ve forest health treatments that increase climate resiliency and biological diversity and reduce the severity of wildfire near the community of Cambria. As observed during the site visit, the Covell Ranch Monterey pine forests are fire dependent communi es relaying on periodic fire or forest management ac vi es to maintain the ecological func on of the forest habitat, including the occurrence of many species within that habitat. To mimic natural low to moderate intensity ground fire, mechanical

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Mail - Kirkland, Debora L - Outlook

treatments are used to restore the Monterey pine forest habitat and alleviate fire risk to the local community of Cambria as outlined in the PSA. The removal of understory vegeta on would mimic a natural disturbance that encourages forest succession to occur resul ng in greater biological diversity and habitat resilience. We believe that this type of forest health and fuel reduc on project can benefit CRLF and the Monterey pine forest while s II protec ng the public safety of Cambria.

Approximately 320 hours of field verifica on, layout, and reconnaissance level surveys have occurred to date on the 665-acre project area by CAL FIRE, registered professional foresters, assistant foresters, and a qualified biologist. The PSA iden fies that poten ally suitable aqua c and upland habitat for CRLF occurs and assumes presence of CRLF on site. CRLF has not been observed within the project by the qualified professionals that have been conduc ng the project layout and environmental compliance review. If CRLF is observed on the project site, the no fica on process will include the USFWS per the PSA SPR BIO-2.

Your le er states, "that the project is likely to result in significant habitat modifica on or degrada on that will result in death or injury to CRLF by significantly impairing essen al behavioral paerns, including breeding, feeding, and sheltering." During conference calls and as outlined in your le er and September 21 email, USFWS expressed concern with the nature of understory vegeta on treatment proposed. You suggest, "modifying treatment applica ons for the purpose of allowing the persistence of areas of suitable refugia for the species within the project area" including, "complete avoidance of all aqua c and wetland habitats defined by the presence of hydrophy c vegeta on on site with increased no-work avoidance buffers." Complete avoidance with increased no-work buffers of all aqua c and wetland habitats within the treatment area would not meet the fire protec on objec ves of the project for the community of Cambria. The PSA proposes a mul tude of avoidance and minimiza on measures to avoid adverse effects to CRLF and its habitat and is consistent with the Specific Project Requirements (SPRs) and Mi ga on Measures (MMs) outlined in the California Vegeta on Treatment Program (CalVTP) Programma c Environmental Impact Report (PEIR), and with recovery goals and ac ons outlined in the USFWS 2002 Recovery Plan for the California Red-legged Frog (Recovery Plan). For example:

- 1. Biological resources training will occur for workers prior to opera ons.
- 2. The exclusion of mechanical and hand work treatments in Class II Watercourse and Lake Protec on Zones (WLPZs) along Leffingwell Creek and tributary to San Simeon Creek (**50-foot buffer; 100-foot wide** corridor total). The exclusion of mechanical and hand work treatments within 300-foot buffer during wet season when water is present (**600-foot total**).
- 3. The exclusion of mechanical treatments in Class III Equipment Exclusion Zones (EEZs) (**30-foot buffer; 60-foot wide corridor total**).
- 4. Suspension of mechanical and herbicide treatments if the Na onal Weather Service forecast is a "chance" (30 percent or more) of rain within the next 24 hours. Opera ons may not resume while soils remain saturated.
- 5. Control of invasive species such as French broom and cape ivy.
- 6. Down dead trees >12 inches diameter to remain in place where feasible unless they create a significant fire hazard.
- 7. Understory vegeta on, brush, and shrubs <u>under the drip lines of trees</u> shall be cut and mas cated <u>leaving root systems intact for resproung except</u>:

a. The contractor shall not mas cate, or remove through handwork, hydrophy c riparian species such as Bracken fern, carex spp., rushes, and blue elderberry.

b. Where significant stands of toyon occur under the drip line of trees, Contractor shall maintain a component of these shrubs at a spacing between 75 – 100 feet for each species occurrence, whose shrub crown is approximately 15-25 feet wide.

- 8. <u>Outside of the drip line of retained trees</u>, brush and shrubs shall be cut and mas cated <u>leaving root systems intact for respround</u> to achieve a <u>horizontal crown separa</u> on of approximately 50-75 feet. Spacing may be closer to 50 feet on flaer ground and 75 feet on steeper ground or completely removed to provide defensible space when in proximity to infrastructure or near homes within treatment areas. <u>Remaining</u> <u>clumps of brush and shrubs should not exceed approximately 15-25 feet in diameter and will consist of healthy appearing specimens where feasible.</u>
 - a. Considera on shall be given to maintaining a diversity of understory vegeta on, brush, and shrub species in these areas.

As provided above and observed during the site visit, a mosaic of understory vegeta on and con guous habitat will remain untreated for the aqua c and upland dispersal of CRLF across the project site. Addi onally, treated understory will quickly regenerate providing a more diverse healthier habitat for CRLF to persist. As part of our conference calls and site visit discussions, per the PSA MM BIO-2a (PSA pg. 97), mul ple demonstra on treatment plots within various vegetated habitat structure may be reviewed by USFWS prior to full project treatment opera ons. If USFWS determines that habitat func on for CRLF is not being maintained, CAL FIRE will coordinate with USFWS, through an adap ve management process, to determine the appropriate level of habitat func on for CRLF on the project site that s II meets the fire protec on objec ves of the project. In addi on, CAL FIRE invites USFWS to observe the vegeta on treatments for each Treatment Area post opera on to become more familiar with prescrip ons implemented on the ground.

Thank you for your me and considera on regarding the Covell Ranch Forest Health Fuels Reduc on Project. We look forward to working with USFWS during the project term. I have included a reference document direc ng you to protec on measures detailed in the PSA in response to comments provided in your September 16th email. Please feel free to contact me if you have any further ques ons or comments concerning this project.

Thank you,

Brandon Sanderson

Environmental Scien st

CAL FIRE / SLU

Resource Management 635 N. Santa Rosa St. San Luis Obispo, CA 93405 Office: 805-528-2160 x201 Cell: 805-903-3491 www.calfireslo.org

Covell Ranch CalVTP CRLF Protection Measure References

USFWS Email comments 9/16/2021

 (paragraph 4) CRLF must be provided suitable areas of abundant refugia throughout each treatment unit immediately after project activities are implemented. Significant no-work buffer zones should apply to all streams and wetlands within each treatment unit. Suitable refugia must be allowed to persist throughout each treatment unit.

Reference:

- A. The exclusion of mechanical and hand work treatments in Class II Watercourse and Lake Protection Zones (WLPZs) along Leffingwell Creek and tributary to San Simeon Creek (50foot buffer). No equipment will be used within the WLPZ. Vehicles and equipment will not be serviced within the WLPZ. No burn piles will be established in the WLPZ or EEZ. SPR BIO-4, SPR HYD-4 (pg. 44, [49/224]; 70, [75/224]; CVTS 173; [178/224]).
- B. The exclusion of mechanical treatments in Class III Equipment Exclusion Zones (EEZs) 25foot buffer. SPR BIO-4, SPR HYD-4 (pg. 44, [49/224]; 70, [75/224]; CVTS 173; [178/224]).
- C. USFWS CRLF Take Avoidance 2008 Guidelines PSA Impact BIO-2 (pg. 36-37; [41/224]): Wet season (October 15 – April 15)
 - For Class III watercourse, when dry, maintain a 30-foot buffer, trees felled away from watercourse. (60 ft buffer total).

- For Class II watercourses (Leffingwell Ck & San Simeon Ck trib.) and intermittent ponds/wetlands that <u>meet the definition of suitable habitat</u>, where water is present, 300 foot no cut buffer, where dry, 30-foot no cut buffer, no equipment within 75 feet of annual high-water mark, trees felled away from suitable habitat.

Suitable aquatic habitat definition from 2008 Guidelines as identified on the project site – Intermittent water that persists through late July.

50 ft WLPZ buffer supersedes 30-foot Guideline buffer (600 ft or 100 ft buffer total).

Dry season (April 16 - October 14)

-All <u>suitable habitat</u> must maintain a 30-foot no-cut buffer; no equipment within the no cut buffer; trees felled away from suitable habitat. (60 ft total).

D. Retain at least 75 percent of the overstory and 50 percent of the understory canopy of native riparian vegetation. Native riparian vegetation will be retained in a well distributed multi-storied stand composed of a diversity of species similar to that found before the start of treatment activities. SPR BIO-4 (pg. 93, [98/224]).

- *E.* Woodrat nests should receive a buffer of 5 10 feet. (pg. 174, [179/224] CVTS).
- F. Micro stands of oak trees (with a radius of approximately 25 feet from the center) shall remain untouched by any treatments and be spaced approximately 75-100 feet apart when the frequency and composition of hardwood allows it. (pg. 175, [180/224] CVTS).
- G. Down dead trees >12 inches diameter may be masticated for access around treatment areas but, should remain in place where feasible unless they create a significant fire hazard and shall be separated by at least 10 feet from any other logs and left on site. (pg. 176, [181/224] CVTS).
- H. All understory vegetation, brush, and shrubs <u>under the drip lines of trees</u> shall be cut and masticated <u>leaving root systems intact for resprouting</u> except:
 a. The contractor <u>shall not masticate</u>, or remove through handwork, <u>hydrophytic</u> riparian species such as Bracken fern, carex spp., rushes, and blue elderberry.

b. Where significant stands of toyon occur under the drip line of trees, Contractor shall maintain a component of these shrubs at a spacing between 75 – 100 feet for each species occurrence, whose shrub crown is approximately 15-25 feet wide. (pg. 177, [182/224] CVTS).

1. <u>Outside of the drip line of retained trees</u>, brush and shrubs shall be cut and masticated <u>leaving root systems intact for resprouting</u> to achieve a <u>horizontal crown separation of</u> <u>approximately 50-75 feet</u>. Spacing may be closer to 50 feet on flatter ground and 75 feet on steeper ground or completely removed to provide defensible space when in proximity to infrastructure or near homes within treatment areas. <u>Remaining clumps of brush and</u> <u>shrubs should not exceed approximately 15-25 feet in diameter and will consist of healthy appearing specimens where feasible.</u>

a. <u>Consideration shall be given to maintaining a diversity of understory vegetation,</u> <u>brush, and shrub species in these areas.</u> (pg. 177, [182/224] CVTS).

As detailed above, a mosaic of understory vegetation and contiguous habitat will remain untreated for the aquatic and upland dispersal of CRLF across the project site. Additionally, treated understory will quickly regenerate providing a more diverse healthier habitat for CRLF to persist.

2. Aquatic Habitat

<u>Complete avoidance of all aquatic and wetland habitats defined by the presence of hydrophytic vegetation on site with increased no-work avoidance buffers.</u>

Reference:

See above aquatic and wetland habitat avoidance buffers and hydrophytic vegetation removal restrictions including USFWS 2008 CRLF Guideline restrictions.

3. <u>All refueling, maintenance, and staging of equipment and vehicles would occur outside</u> <u>wetland and riparian no-work zones and in a location from where a spill would not drain</u> <u>directly toward aquatic habitat (e.g., on a slope that drains away from the water).</u>

Reference:

SPR BIO-4 (pg. 44, [49/224] & pg. 93, [98/224]): Design Treatment to Avoid Loss or Degradation of Riparian Habitat Function.

No mechanical equipment will be utilized within the zones established for the protection of watercourses except where equipment crossing zones are established on Class III streams.

➤ All equipment and staging areas shall occur within upland areas and shall avoid wetland, riparian, or stream channel habitats. No equipment is allowed within wetland, riparian or stream channel habitats.

➤ Proper best management practices (BMP's) shall be used to minimize erosion. No hazardous materials and/or sedimentation shall be discharged into wetland, riparian, or stream channel habitats.

SPR HAZ-1 (pg. 104, [109/224]): Maintain All Equipment: The project proponent will maintain all diesel- and gasoline-powered equipment per manufacturer's specifications, and in compliance with all state and federal emissions requirements. Maintenance records will be available for verification. Prior to the start of treatment activities, the project proponent will inspect all equipment for leaks and inspect everyday thereafter until equipment is removed from the site. Any equipment found leaking will be promptly removed. This SPR applies to all treatment activities and treatment types, including treatment maintenance.

SPR HYD-4 (pg. 106, [111/224]): Identify and Protect Watercourse and Lake Protection Zones:

- Equipment, including tractors and vehicles, must not be driven in wet areas or WLPZs, except over existing roads or watercourse crossings where vehicle tires or tracks remain dry.
- Equipment used in vegetation removal operations will not be serviced in WLPZs, within wet meadows or other wet areas, or in locations that would allow grease, oil, or fuel to pass into lakes, watercourses, or wet areas.

4. Upland Habitat

Maintaining the function of the upland habitat by retaining vegetation connectivity throughout the forest understory.

Response:

See response and references to paragraph 4 above. As previously stated, a mosaic of understory vegetation and contiguous habitat will remain untreated for the aquatic and upland dispersal of CRLF across the project site. Additionally, treated understory will quickly regenerate providing a more diverse healthier habitat for CRLF to persist.

5. <u>Avoiding creation of large expanses of open areas where dispersing California red-legged</u> <u>frogs could be vulnerable to predation and desiccation.</u>

Response:

Based on prescription provided in the CVTS we will not be creating large expanses of open areas. (CVTS pg. 169-179; [174-184/224]).

6. <u>Complete and thorough inspection of dense litter (downed trees, snags, vegetation) prior</u> <u>to modification or leaving in place as refugia, thorough inspection of burn piles by a</u> <u>qualified biologist prior to burning to locate California red-legged frogs.</u>

Response:

Thorough inspection of dense litter (downed trees, snags, vegetation) and burn piles prior to modification of the entire project sites 665 acres is unfeasible. The PSA does propose to:

Impact BIO-2 (pg. 36-37; [41/224]): Reconnaissance-level surveys will be conducted at both locations (Leffingwell Ck & Trib. to San Simeon Ck) throughout the life of this PSA prior to initial and maintenance treatments in portions of Unit 2 and Unit 5 within 300 feet of Leffingwell Creek and Unit 5 where treatments occur within 300 feet of the tributary to San Simeon Creek. No pile burning will occur within 300 feet of Leffingwell Creek or the Tributary to San Simeon Creek. No herbicide will be applied within 300 feet of Leffingwell Creek or the Tributary to San Simeon Creek.

MM BIO-2a (pg. 97-98; [102/224]): Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Listed Wildlife Species and California Fully Protected Species:

If California Fully Protected Species or species listed under ESA or CESA are observed during reconnaissance surveys (conducted pursuant to SPR BIO-1) or focused or protocol-level surveys (conducted pursuant to SPR BIO-10), the project proponent will avoid adverse effects to the species by implementing the following:

Avoid Mortality, Injury, or Disturbance of Individuals

- The project proponent will implement one of the following 2 measures to avoid mortality, injury, or disturbance of individuals:
 - 1. Treatment will not be implemented within the occupied habitat. Any treatment activities outside occupied habitat will be a sufficient distance from the occupied habitat such that mortality, injury, or disturbance of the species will not occur, as determined by a qualified RPF or biologist using the most current and commonly-accepted science and considering published agency guidance; OR
 - 2. Treatment will be implemented outside the sensitive period of the species' life history (e.g., outside the breeding or nesting season) during which the species may be more susceptible to disturbance, or disturbance could result in loss of eggs or young. For species present year-round, CDFW and/or USFWS/NOAA Fisheries will be consulted to determine if there is a period of time within which treatment could occur that would avoid mortality, injury, or disturbance of the species.

Maintain Habitat Function

• While performing review and surveys a qualified RPF or biologist will identify any habitat features that are necessary for survival (e.g., habitat necessary for breeding, foraging, shelter, movement) of the affected wildlife species. These habitat features will be marked, and treatments applied to the features will be designed to minimize or avoid the loss or degradation of suitable habitat for listed species during treatments. Identification and treatment of these features will be based on the life history and habitat requirements of the affected species and the most current, commonly accepted science.

7. <u>If California red-legged frogs are observed at any time, project activities in that area will</u> <u>stop and the Service immediately notified.</u>

Reference:

PSA Impact BIO-2 (pg. 36-37; [41/224]). Any observations of CRLF prior to or during treatments will result in a "cease operations" order within 100 feet and a qualified biologist will be consulted to determine appropriate protection measures for this species.

SPR BIO-2 (pg. 92-93; [98/224]): Require Biological Resource Training for Workers:

The qualified RPF, biologist, or biological technician will immediately contact CDFW or USFWS, as appropriate, if any wildlife protected by the California Endangered Species Act (CESA) or Federal Endangered Species Act (ESA) is encountered and cannot leave the site on its own (without being handled).

MM BIO-2a (pg. 97-98; [102/224]): Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Listed Wildlife Species and California Fully Protected Species: If California Fully Protected Species or species listed under ESA or CESA are observed during reconnaissance surveys (conducted pursuant to SPR BIO-1) or focused or protocollevel surveys (conducted pursuant to SPR BIO-10), the project proponent will avoid adverse effects to the species by implementing the following: See above.

8. If the project proponent or sponsoring agency determines the use of herbicides is necessary for their project, they would coordinate further with the Service to develop suitable avoidance and minimization measures for herbicide use for their project.

Reference:

(pg. 12 & 15; [17/224]) Herbicides will not be utilized within WLPZs or EEZs and will be predominantly focused where invasive French broom is expected to occur (e.g., sunlight openings).

PSA Impact BIO-2 (pg. 36-37; [41/224]) CRLF Specific Measures: No herbicide will be applied within 300 feet of Leffingwell Creek or the Tributary to San Simeon Creek.

SPR GEO-1: (pg. 59; [64/224]) (pg. 101; [106/224]) Suspend Disturbance during Heavy Precipitation: The project proponent will suspend mechanical, prescribed herbivory, and herbicide treatments if the National Weather Service forecast is a "chance" (30 percent or more) of rain within the next 24 hours.

Impact HAZ-2: (pg. 64; [69/224]) Herbicide application. <u>SPR HAZ-5 - 9: (pg. 66; [71/224]) Herbicide application. (pg. 104; [109/224])</u> Impact HYD-4: (pg. 68-69; [74/224]) Herbicide application. <u>SPR HYD -5: (pg. 71; [76/224]) Herbicide application. (pg. 107; [112/224])</u> SPR BIO-4: (pg. 94; [99/224]) Herbicide application.

*In response to USFWS's concerns about CAL FIRE's coordination with USFWS regarding project vegetation treatments as they relate to retention of understory vegetation habitat structure for CRLF, please see PSA MM BIO-2a Avoid Mortality, Injury, or Disturbance and Maintain Habitat Function for Listed Wildlife Species and California Fully Protected Species (pg. 97-98; [102-103/224]).

PSA Impact BIO-2 (pg. 36-37; [41/224]) CRLF Specific Measures:

Reconnaissance-level surveys will be conducted at both locations throughout the life of this PSA prior to initial and maintenance treatments in portions of Unit 2 and Unit 5 within 300 feet of Leffingwell Creek and Unit 5 where treatments occur within 300 feet of the tributary to San Simeon Creek. No pile burning will occur within 300 feet of Leffingwell Creek or the Tributary to San Simeon Creek. No herbicide will be applied within 300 feet of Leffingwell Creek or the Tributary to San Simeon Creek. This Project Specific Analysis, although not a timber harvesting plan, utilizes the USFWS March 2008 guidelines scenarios) (Attachment K) to describe conditions for which take is not likely to occur when presence is known or assumed and utilizes Scenario III for wet season operations and Scenario IV for Dry season operations:

Scenario III: Suitable habitat within 2 miles of harvest units or in units and harvest activities planned within 300 feet of suitable habitat during the wet season. No take is estimated under the following conditions:

- For Class III watercourse, when dry, maintain a 30-foot buffer, trees felled away from watercourse. (60 ft total).

- For Class II watercourses and intermittent ponds/wetlands that meet the definition of suitable habitat, where water is present, 300 foot no cut buffer, where dry, 30-foot no cut buffer, no equipment within 75 feet of annual high-water mark, trees felled away from suitable habitat.

50 ft WLPZ buffer supersedes (600 ft or 100 ft total).

➤ Scenario IV: Suitable habitat within 2 miles of harvest units or in units and harvest activities planned within 300 feet of suitable habitat during the dry season.

- All suitable habitat must maintain a 30-foot no-cut buffer; no equipment within the no cut buffer; trees felled away from suitable habitat. (60 ft total).

Any observations of CRLF prior to or during treatments will result in a "cease operations" order within 100 feet and a qualified biologist will be consulted to determine appropriate protection measures for this species.

Re: [EXTERNAL] RE: Covell Ranch VTP Discussion with USFWS

Takano, Leilani <leilani_takano@fws.gov>

Thu 9/30/2021 3:19 PM

To: Sanderson, Brandon@CALFIRE <brandon.sanderson@fire.ca.gov>; Kirkland, Debora L <debora_kirkland@fws.gov>; Mitcham, Chad J <chad_mitcham@fws.gov>

Cc: Henry, Steve <steve_henry@fws.gov>; kevincooper@resoluteassoc.com <kevincooper@resoluteassoc.com>; Nielson, Len@CALFIRE <Len.Nielson@fire.ca.gov>; Carr, Rick@CALFIRE <Rick.Carr@fire.ca.gov>; Engel, Jonna@Coastal <jonna.engel@coastal.ca.gov>; Matella, Mary@Coastal <Mary.Matella@coastal.ca.gov>; Cavalieri, Madeline@Coastal <Madeline.Cavalieri@coastal.ca.gov>; steve.auten.arc@gmail.com <steve.auten.arc@gmail.com>; Gee, Jonathan@CALFIRE <Jonathan.gee@fire.ca.gov>; andy.usltrcd@gmail.com https://doi.org/10.1016/journal.com; devin.usltrcd@gmail.com <devin.usltrcd@gmail.com>; riley.mcfarland.arc@gmail.com <riley.mcfarland.arc@gmail.com>; hayleybarnes.usltrcd@gmail.com; hayleybarnes.usltrcd@gmail.com>; firesafeslo@gmail.com>; legorova, Liza@CALFIRE <Shannon.Johnson@fire.ca.gov>; O'Neil, Dennis@CALFIRE <Dennis.ONeil@fire.ca.gov>; legorova, Liza@CALFIRE <Liza.legorova@fire.ca.gov>; O'Neil, Dennis@CALFIRE <Liza.legorova@fire.ca.gov>; O'Neil@fire.ca.gov>; O'Neil@fire.ca.gov>; legorova, Liza@fire.ca.gov>; legorova, Liza@fire.ca.gov>; legorova@fire.ca.gov>; l

Dear Brandon,

Thank you for your below email, following the previous day's site visit. A ending the site visit with your team was valuable for us to clearly understand the work being proposed. Chad Mitcham and Debora Kirkland of my staff appreciated the me your team spent in presen ng two pre-flagged treatment areas in order to provide an on-the-ground review on how the proposed forest health and fuels reduc on treatments would be applied. Within the upland and Class III watercourse example sites, you demonstrated that an adequate amount of understory and downed material would remain in place following treatment, which would provide structure for California red-legged frogs to use for shelter and feeding. At the Class II watercourse site, you demonstrated the seasonal no-work buffers, which are intended to avoid poten al breeding habitat that may be present. You defined these seasonal buffers in the Project Specific Analysis (PSA) Impact BIO-2 that references the 2008 U.S. Fish and Wildlife Service Informa on Needs and Guidelines for Timber Harvest Plans for U.S. Fish and Wildlife Service Technical Assistance Analysis California Red-legged Frogs (herea. er, referred to as USFWS THP guidance). You provided details of the seasonal buffers in the all achment to your September 28, 2021, email. Your team assured my staff that the example (pre-flagged) treatment areas were representally of the treatments to be applied in Treatment Unit 1, as well as Treatment Unit 2, if and when funding for that work is secured.

The USFWS THP guidance is referenced in the Project Specific Analysis for the Covell Ranch Forest Health Fuels Reduc² on Project (project) to define suitable habitat for the California red-legged frog. As discussed, when defining suitable habitat for the California red-legged frog, we refer to the defini² ons provided in the 2005 Revised Guidance on Site Assessments and Field Surveys for the California red-legged Frog provided to you via email on July 8, 2021, and in our September 2, 2021, le² er for aqua² c breeding and non-breeding habitat, upland habitat, and dispersal habitat. To define the aqua² c habitat avoidance measures for projects, u² lizing the defini² ons 2005 revised guidance and provided in the September 2, 2021, le² er to define suitable aqua² c breeding and non-breeding habitat is appropriate.

Thank you for providing references for the California red-legged frog protec[®] on measures as an a[®] achment to your September 28, 2021, email. You provided loca[®] ons and text in the project documents that addressed our recommended avoidance measures. You explained that it was not feasible for a qualified biologist to inspect burn piles for California red-legged frogs prior to igni[®] on for the 665-acre project site. However, we learned during the site visit that pile burning is an[®] cipated to predominantly be for French broom, will be located at least 300 feet from Class II watercourses, and due to the proximity to the Cambria community, will occur during the wet season aided by accelerant as a highly managed discreet ac[®] vity. We believe that it is possible that California red-legged frogs could u[®] lize piles for shelter as they disperse after breeding, even if the piles are located outside the riparian exclusion zones. Therefore, we ask that you implement MM BIO-2 and SPR BIO-10 because it is prudent to require that burn piles be inspected by environmentally-trained staff familiar with the California red-legged frogs are not present prior to igni[®] on (measure 1). Environmentally-trained staff includes a qualified Biologist or a supervised trained designee.

We referred to the project documents for the defini2 on of the wet season when considering avoidance measures for the California red-legged frog. In the PSA SPR GEO-4, CAL FIRE defines the wet season for the project area as occurring between mid-October through April, and from the USFWS THP guidance, wet season starts with the first frontal rain system deposi2 ng a minimum of 0.25 inch of rain after October 15 and ends on April 15. In order to further minimize the likelihood of take for the California red-legged frog, mechanized work should be avoided 24 hours after a rain event defined as any precipita on resul? In one of through out the year, to avoid dispersing California red-legged frogs (measure 2).

We appreciate CAL FIRE's invita[®] on to revisit the project area after you create two 1-acre demonstra[®] on plots this year. The purpose of the demonstra[®] on plots are to assist contractors to prepare their bids, and for the California Na[®] ve Plant Society, as well as the USFWS, to observe results of the treatments. We appreciate your invita[®] on to see the demonstra[®] on plots when they are complete and

10/7/21, 2:12 PM

Mail - Kirkland, Debora L - Outlook

look forward to the con nued coordina on with CAL FIRE through an adap ve management process, as outlined in your email, and the opportunity to provide recommenda ons to further minimize the likelihood of take of California red-legged frog, if necessary.

Addilonally, you described the reporling requirements under the California Vegetalion Treatment Program that requires USFWS nolficalion if federally listed species are observed during and after the project phases. We request that you provide courtesy copies of any and all follow-up reporling on the results of the proposed Treatment Unit 1 work, and nolficalion when future work within the Covell Ranch is proposed, during the 10-year project term. Throughout the 10-year project term, we remain available to provide technical assistance and request that you contact us as early as possible, if needed.

In summary, based on our assessment of the pre-flagged treatment areas and addii onal informaion you provided during our site visit; the measures outlined in the all achment to your September 28, email; the implementaion of the two measures (iden if ied as measures 1 and 2) detailed above; and the opportunity for the Service to revisit the project area after demonstraion plots are completed, we conclude that project aciviles are likely to avoid take of California red-legged frogs. Addiionally, we believe that following applicaion of treatments, adequate cover, in the form of downed woody material and herbaceous vegetaion, would remain on-site and would be adequate to avoid take of the species, in terms of harm through the proposed habitat modificaion.

We appreciate CAL FIRE's commitment to conserve the California red-legged frog and the implementa[®] on of the protec[®] ve measures for the species. We look forward to collabora[®] ng with CAL FIRE as the project moves forward, and as addi[®] onal future fuels reduc[®] on projects are proposed within our jurisdic[®] on.

Thank you,

Leilani

Leilani Takano Assistant Field Supervisor U.S. Fish and Wildlife Service Ventura Fish and Wildlife Office 2493 Portola Road, Suite B Ventura, CA 93003

From: Sanderson, Brandon@CALFIRE <brandon.sanderson@fire.ca.gov>

Sent: Tuesday, September 28, 2021 3:02 PM

To: Takano, Leilani <leilani_takano@fws.gov>; Kirkland, Debora L <debora_kirkland@fws.gov>; Mitcham, Chad J <chad_mitcham@fws.gov>

Cc: Henry, Steve <steve_henry@fws.gov>; kevincooper@resoluteassoc.com <kevincooper@resoluteassoc.com>; Nielson, Len@CALFIRE <Len.Nielson@fire.ca.gov>; Carr, Rick@CALFIRE <Rick.Carr@fire.ca.gov>; Engel, Jonna@Coastal <jonna.engel@coastal.ca.gov>; Matella, Mary@Coastal <Mary.Matella@coastal.ca.gov>; Cavalieri, Madeline@Coastal <Madeline.Cavalieri@coastal.ca.gov>; steve.auten.arc@gmail.com

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Subject: [EXTERNAL] RE: Covell Ranch VTP Discussion with USFWS

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Leilani,

Thank you for your all endon and review of the Project Specific Analysis (PSA) for the Covell Ranch Forest Health Fuels Reducion Project (project). CAL FIRE is in receipt of your comment led ended September 2, 2021 (led er) and email dated September 16, 2021. We have pardicipated in two virtual conference calls on September 16 and September 23, 2021, where we further discussed the project treatment and protecilons measures as they relate to California red-legged frog (CRLF) habitat and all ended a site visit with U.S. Fish and Wildlife Service (USFWS) biologists Deborah Kirkland and Chad Mitcham on September 27, 2021. We value your comments and collaboralison regarding the project goals and wildlife protecilons measures iden lifed in the PSA. We feel the project can move forward with the current milligalions and protecilon measures detailed in the PSA.

CAL FIRE would like to thank Ms. Kirkland and Mr. Mitcham for all ending the Covell Ranch VTP project site visit this past Monday the 27th. We believe it was a very construcive meeing with discussion and visualization of the site specific project goals and objectives, including vegetation treatment prescriptions and appropriate wildlife protection measures proposed for the project. In addition to all endance by USFWS and CAL FIRE , members of the California Coastal Commission (Jonna Engel), Upper Salinas-Las Tablas Resources Conservation District (Andrew Johnson & Haley Barnes), Auten Resources Consulting (Riley McFarland & Steve Auten), San Luis Obispo County Fire Safe Council (Dan Turner) and Resolute Associates (Kevin Cooper, contract biologist) all ended the site visit. We looked at mechanical vegetative fuel treatment applications within the existing shaded fuel break in Treatment Area 1 (along Bridge Street and the Wildland Urban Interface (WUI)) and Treatment Area 3 (south of the historic mill site access road). We also looked at two sample flagged vegetation treatment prescription blocks (as detailed in the PSA), with variable vegetative structure, within and adjacent to a Class III (Treatment Area 1) and Class II watercourse (Leffingwell Creek within Treatment Area 2). We observed various understory and overstory retention prescriptions including woodrat vegetative buffer patches, toyon and oak microhabitats, downed dead and standing dead woody material, Class II work exclusion zones and Class III equipment exclusion zones, and live healthy Monterey pine tree stand preservation.

This project focuses on restoring one of five naturally occurring Monterey pine stands in the world to na[®]ve ecological condi[®]ons for long-term forest health, wildlife abundance, carbon sequestra[®]on, and resilience of rare botanical alliances. The Monterey pine forest on Covell Ranch has been iden[®]fied as a rare, important forestland in need of restora[®]ve management focused on forest health and fire preven[®]on. The goal for the project is to increase the health and vigor of the Monterey pine forest and associated habitat by conduc[®]ng ecologically restora[®]ve forest health treatments that increase climate resiliency and biological diversity and reduce the severity of wildfire near the community of Cambria. As observed during the site visit, the Covell Ranch Monterey pine forests are fire dependent communi[®]es relaying on periodic fire or forest management ac[®]vi[®]es to maintain the ecological func[®]on of the forest habitat, including the occurrence of many species within that habitat. To mimic natural low to moderate intensity ground fire, mechanical treatments are used to restore the Monterey pine forest habitat and alleviate fire risk to the local community of Cambria as outlined in the PSA. The removal of understory vegeta[®]on would mimic a natural disturbance that encourages forest succession to occur resul[®]ng in greater biological diversity and habitat resilience. We believe that this type of forest health and fuel reduc[®]on project can benefit CRLF and the Monterey pine forest while s[®]ll protec[®]ng the public safety of Cambria.

Approximately 320 hours of field verifica[®] on, layout, and reconnaissance level surveys have occurred to date on the 665-acre project area by CAL FIRE, registered professional foresters, assistant foresters, and a qualified biologist. The PSA iden[®] fies that poten[®] ally suitable aqua[®] c and upland habitat for CRLF occurs and assumes presence of CRLF on site. CRLF has not been observed within the project by the qualified professionals that have been conduc[®] ng the project layout and environmental compliance review. If CRLF is observed on the project site, the no[®] fica[®] on process will include the USFWS per the PSA SPR BIO-2.

Your led er states, "that the project is likely to result in significant habitat modificad on or degradad on that will result in death or injury to CRLF by significantly impairing essend a behavioral paderns, including breeding, feeding, and sheltering." During conference calls and as outlined in your led er and September 21 email, USFWS expressed concern with the nature of understory vegetad on treatment proposed. You suggest, "modifying treatment applicad ons for the purpose of allowing the persistence of areas of suitable refugia for the species within the project area" including, "complete avoidance of all aquad and wetland habitats defined by the presence of hydrophyd vegetad on on site with increased no-work avoidance buffers." Complete avoidance with increased no-work buffers of all aquad and wetland habitats within the treatment area would not meet the fire protecd on objecd ves of the project for the community of Cambria. The PSA proposes a muld tude of avoidance and minimizad on measures to avoid adverse effects to CRLF and its habitat and is consistent with the Specific Project Requirements (SPRs) and Midgad on Measures (MMs) outlined in the California Vegetad on Treatment Program (CalVTP) Programmad c Environmental Impact Report (PEIR), and with recovery goals and acd ons outlined in the USFWS 2002 Recovery Plan for the California Red-legged Frog (Recovery Plan). For example:

1. Biological resources training will occur for workers prior to opera ons.

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Mail - Kirkland, Debora L - Outlook

- 2. The exclusion of mechanical and hand work treatments in Class II Watercourse and Lake Protec on Zones (WLPZs) along Leffingwell Creek and tributary to San Simeon Creek (**50-foot buffer; 100-foot wide** corridor total). The exclusion of mechanical and hand work treatments within 300-foot buffer during wet season when water is present (**600-foot total**).
- 3. The exclusion of mechanical treatments in Class III Equipment Exclusion Zones (EEZs) (**30-foot buffer; 60-foot wide corridor total**).
- 4. Suspension of mechanical and herbicide treatments if the Na onal Weather Service forecast is a "chance" (30 percent or more) of rain within the next 24 hours. Opera ons may not resume while soils remain saturated.
- 5. Control of invasive species such as French broom and cape ivy.
- 6. Down dead trees >12 inches diameter to remain in place where feasible unless they create a significant fire hazard.
- 7. Understory vegeta on, brush, and shrubs <u>under the drip lines of trees</u> shall be cut and mas cated <u>leaving root systems intact for resproung except</u>:

a. The contractor shall not mas cate, or remove through handwork, hydrophy c riparian species such as Bracken fern, carex spp., rushes, and blue elderberry. b. Where significant stands of toyon occur under the drip line of trees, Contractor shall maintain a component of these shrubs at a spacing between 75 – 100 feet for each species occurrence, whose shrub crown is approximately 15-25 feet wide.

8. <u>Outside of the drip line of retained trees</u>, brush and shrubs shall be cut and mas cated <u>leaving root systems intact for respround</u> to achieve a <u>horizontal crown separa</u> on of approximately 50-75 feet. Spacing may be closer to 50 feet on flaer ground and 75 feet on steeper ground or completely removed to provide defensible space when in proximity to infrastructure or near homes within treatment areas. <u>Remaining</u> clumps of brush and shrubs should not exceed approximately 15-25 feet in diameter and will consist of healthy appearing specimens where feasible.
a. Considera on shall be given to maintaining a diversity of understory vegeta on, brush, and shrub species in these areas.

As provided above and observed during the site visit, a mosaic of understory vegeta² on and con²guous habitat will remain untreated for the aqua² c and upland dispersal of CRLF across the project site. Addi² onally, treated understory will quickly regenerate providing a more diverse healthier habitat for CRLF to persist. As part of our conference calls and site visit discussions, per the PSA MM BIO-2a (PSA pg. 97), mul² ple demonstra² on treatment plots within various vegetated habitat structure may be reviewed by USFWS prior to full project treatment opera² ons. If USFWS determines that habitat func² on for CRLF is not being maintained, CAL FIRE will coordinate with USFWS, through an adap² ve management process, to determine the appropriate level of habitat func² on for CRLF on the project site that s² ll meets the fire protec² on objec² ves of the project. In addi² on, CAL FIRE invites USFWS to observe the vegeta² on treatments for each Treatment Area post opera² on to become more familiar with prescrip² ons implemented on the ground.

Thank you for your Ime and consideral on regarding the Covell Ranch Forest Health Fuels Reduce on Project. We look forward to working with USFWS during the project term. I have included a reference document direcence direcence group you to protece on measures detailed in the PSA in response to comments provided in your September 16th email. Please feel free to contact me if you have any further quese on some on comments provided in your September 16th email.

Thank you, -Brandon

Brandon Sanderson

Environmental Scien[®]st

CAL FIRE / SLU

Resource Management 635 N. Santa Rosa St. San Luis Obispo, CA 93405 Office: 805-528-2160 x201 Cell: 805-903-3491 www.calfireslo.org



October 8, 2021

California State Coastal Commission Central Coast District Office 725 Front Street, Suite 300 Santa Cruz, CA 95060

Submitted electronically to: CentralCoast@coastal.ca.gov

Re: PWP-3-SLO-21-0004-1 (Upper Salinas-Las Tablas Resource Conservation District Forest Health and Fire Resilience Public Works Plan)

Dear Honorable Commissioners and Staff:

The California Native Plant Society, San Luis Obispo Chapter (CNPS-SLO) has followed the abovecaptioned project proposal with considerable interest, and we have certain concerns about it, which have been conveyed to the project sponsors. Of greatest concern to us is the fact that we cannot tell from the project documentation whether areas within the Cambria Monterey pine forest are to be treated differently from the fuel break areas that have already been constructed there or not. The PSA as presented in the public Works Plan appears to include measures such as mastication in almost the entirety of the 600-plus acres of Covell Ranch. As the Cambria Monterey Pine Forest is a Sensitive habitat per the Manual of California Vegetation (Sawyer, Keeler-Wolf and Evens, 2009), and constitutes an Environmentally Sensitive Habitat Area (ESHA) in the Coastal zone, we are concerned about the impacts to this habitat from this type of activity.

We maintain that the construction of the existing fuel break areas along Bridge Street resulted in significant loss of wildlife habitat quality, including loss of the shrub layer of the forest, and limbing of remaining trees up to eight or ten feet above ground level. The result in our view has been creation of a rather sterile environment, with little habitat for small mammals, ground-nesting birds, and other native wildlife to the forest, and a ground cover of non-native annual grasses. We do not support having the standards that have resulted in such an environment in the fuel break areas extended to the entire forest.

We have proposed to the project sponsors that a series of tests be undertaken prior to any large-scale work on this project. In a field meeting on July 9, 2021, representatives of the project sponsors agreed in principle to this request. However, there has been no formal agreement beyond that, so we do not know (1) how many test plots there would be (we suggested at least two), (2) how large they would be (we suggested one acre each), or (3) what is to be tested and in what manner.

We proposed a protocol of removal of small pines (less than 4 inches dbh) only, as opposed to the proposal for 8 inches dbh. Then, if it was agreed after review that trees up to a larger size for thinning was appropriate, they would be removed, and so on, until an agreed upon size for thinning was reached. This was to be followed by separate protocol applied to oaks, toyons, coffeeberries, and other shrubs



within the test plots, in which certain individuals would be cut to the ground and others left alone, rather than limbing shrubs into an unnatural shape. In this way agreement would be reached on what the treated areas would look like before any large-scale treatments were undertaken.

We appreciate that the project sponsors have agreed in principle to a test (or tests), however we remain concerned that our understandings have not progressed beyond that first step. Recent discussions have been vague and unsatisfactory, and we look to your Commission to support our efforts to achieve an acceptable balance between thinning for fire safety and retention of the high wildlife habitat values that currently exist in the Cambria Monterey pine forest. For these reasons, we request that your Commission include a requirement for following these protocols in any approval granted for this project. The following language, as an example, could easily be inserted into either Item 5 or 6 in Attachment F of the Public Works Plan (Covell Ranch CalVTP, page 172):

Conduct Testing to Ensure Protection of the Ecosystem. To ensure that unintended habitat conversion does not occur as a result of the proposed techniques, and to ensure the continuance of a mosaic of appropriate native plants by age, size, and class that support the overall Monterey pine forest habitat, a minimum of two 1-acre test plots shall be set up and implemented in Treatment Area 1 prior to any work. Separate removal protocols for pines (based on dbh), oaks, toyons, coffeeberries, and other shrubs shall be developed in consultation with a biologist/ecological expert and/or the California Native Plant Society, with a focus on retaining healthy trees and understory. Protocols shall prioritize hand work over mastication. Before-work and after-work photographs shall be taken from strategic locations, and results transmitted to the Commission within 14 days of implementation. Results shall then be incorporated as adaptive management input to the project operations.

We also recommend that your Commission continue to require project-specific environmental analyses for any future projects of this type that fall under your jurisdiction. We are impressed with the preproject analysis that was done for the Covell Ranch project, which we believe was done at your Commission's direction; however, we are concerned that relying simply upon the Programmatic EIR for the Statewide Vegetation Treatment Plan (CalVTP) could lead to missing or overlooking many locally significant biological features that would be revealed by a required local analysis. This is because the intent—or at least the effect—of the CalVTP has been to facilitate fire treatment through limitations (intentional or not) on the extent of environmental analysis that might otherwise be required under CEQA.

Thank you for your consideration of these comments. If you have any questions, you may contact Neil Havlik of our Conservation Committee at: neilhavlik@aol.com.

Sincerely,

C Waling Mun Melissa Mooney

Melissa Mooney President, CNPS San Luis Obispo Chapter

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