

## TERMS AND CONDITIONS

To be exempt from the prohibitions of section 9 of the Act, Reclamation must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline reporting and monitoring requirements. These terms and conditions are non-discretionary.

1. The following terms and conditions implement reasonable and prudent measure 1:

- a. If any San Joaquin kit foxes are found in work areas, they must not be relocated or removed, as these activities could result in unnecessary adverse effects to the species. If a San Joaquin kit fox is encountered in the work area, work must immediately cease in that area and the Service promptly contacted to determine the best procedure to continue minimizing adverse effects to the species. Contact the Ventura Fish and Wildlife Office at (805) 644-1766.
- b. If one California red-legged frog or one California tiger salamander is found dead or injured, or if 5 California red-legged frogs or 5 California tiger salamanders are relocated, Reclamation must contact our office immediately so we can review the project activities to determine if additional protective measures are needed. Project activities that are likely to cause additional take should cease during this review period because the exemption provided under section 7(o)(2) would lapse and any additional take would not be exempt from the section 9 prohibitions.

2. The following term and condition implements reasonable and prudent measure 2:

Reclamation and SBCWD must request our approval of any biologists that they or their contractors employ to conduct project activities associated with the California red-legged frog, California tiger salamander, and San Joaquin kit fox, pursuant to this biological opinion. Such requests must be in writing, and be received by the Ventura Fish and Wildlife Office at least 30 days prior to any such activities being conducted. Please be advised that possession of a 10(a)(1)(A) permit for the covered species does not substitute for the implementation of this measure. Authorization of Service-approved biologists is valid for this project only.

3. The following terms and conditions implement reasonable and prudent measure 3:

- a. Prior to the onset of any project related activities, the Service-approved biologist must identify appropriate locations to receive California red-legged frogs and California tiger salamanders from the project area in the event that they need to be relocated. These locations must be in proximity to the project site, contain suitable habitat, not be affected by project activities, and be free of exotic predatory species (i.e., bullfrogs, crayfish) to the best of the approved biologist's knowledge.



- b. To avoid the increased risk of amphibians moving in the project area if substantial rainfall (greater than 0.5 inch of rain in a 24-hour period) occurs, work activities must cease under such conditions until the Service-approved biologist has surveyed the work area for dispersing frogs and/or salamanders. Work activities must not resume until the Service-approved biologist has determined that California red-legged frogs and/or California tiger salamanders that are likely to be killed or injured by work activities are no longer present in the work site.
- c. To avoid transferring disease or pathogens between aquatic habitats during the course of surveys or handling of California red-legged frogs, the Service-approved biologist must follow the Declining Amphibian Populations Task Force (DAPTF) Fieldwork Code of Practice (DAPTF 1998; Appendix B). When implementing the DAPTF Fieldwork Code of Practice, the Service-approved biologist may substitute a bleach solution (0.5 to 1.0 cup of bleach to 1.0 gallon of water) for the ethanol solution. Care must be taken so that all traces of the disinfectant are removed before entering the next aquatic habitat.

## REPORTING REQUIREMENTS

Pursuant to 50 CFR 402.14(i)(3), Reclamation must report the progress of the action and its impact on the species to the Service as specified in this incidental take statement. Reclamation must submit the report to the Service's Ventura Fish and Wildlife Office (2493 Portola Road, Suite B, Ventura, California 93003), within 60 days following completion of the proposed project. The report must describe all activities that were conducted under this biological opinion, including activities that were described in the proposed action and required under the terms and conditions. Reclamation must provide reports of the number of California red-legged frogs and/or California tiger salamanders relocated from the project area and any that are killed or injured during project related activities; the dates and times of capture, mortality, or injury; specific locations of capture, mortality, or injury; approximate size and age of individuals; and a description of relocation sites. Reclamation must provide reports of any San Joaquin kit foxes killed or injured during project related activities; the dates and times of mortality or injury; specific locations of mortality or injury; and the approximate size and age of individuals.

Upon completion of the project, Reclamation or SBCWD must report all observations of federally listed species to the CDFW for inclusion in the CNDDDB.

## DISPOSITION OF DEAD OR INJURED SPECIMENS

As part of this incidental take statement and pursuant to 50 CFR 402.14(i)(1)(v), upon locating a dead or injured California red-legged frog, California tiger salamander, or San Joaquin kit fox, immediate notification must be made by telephone and in writing to the Ventura Fish and Wildlife Office ((805) 644-1766). The report must include the date, time, location of the carcass, a photograph, cause of death or injury, if known, and any other pertinent information. Care must be taken in handling injured animals to ensure effective treatment and care, and in handling dead



specimens to preserve biological material in the best possible state. Injured animals must be transported to a qualified veterinarian. Should any treated California red-legged frogs, California tiger salamanders, or San Joaquin kit foxes survive, the Service should be contacted regarding the final disposition of the animals. We recommend that any dead California red-legged frogs and California tiger salamanders found in the action area be tested for amphibian disease due to the increased occurrence of amphibian chytridiomycosis in California; however, this recommendation is discretionary and to be determined by Reclamation upon contacting the Ventura Fish and Wildlife Office at the discovery of a dead California red-legged frog or California tiger salamander. If Reclamation chooses to submit specimens for testing they can be sent to Southern Illinois University Carbondale for low-cost testing. Reclamation may contact Gretchen Padgett-Flohr (Department of Zoology, Life Sciences II, Southern Illinois University Carbondale, Carbondale, Illinois 62901; (618) 201-5533; [gpadgettflohr@aol.com](mailto:gpadgettflohr@aol.com)) to determine if dead specimens are candidates for testing. If Reclamation chooses not to submit dead California red-legged frogs and California tiger salamanders for testing, they must be placed with the California Academy of Sciences (Contact: Jens Vindum, Collections Manager, California Academy of Sciences Herpetology Department, Golden Gate Park, San Francisco, California, 94118, (415) 750-7037). Any San Joaquin kit fox found dead must be provided to the California Department of Fish and Game. Contact the CDFW warden or wildlife biologist for Monterey County at telephone (831) 649-2870.

#### CONSERVATION RECOMMENDATIONS

Section 7(a)(1) of the Act directs Federal agencies to use their authorities to further the purposes of the Act by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat, to help implement recovery plans, or to develop information.

1. We recommend the construction of amphibian tunnels under the road that divides the drying beds from the water treatment plant to retain connectivity to grasslands northeast of the relict wetland.
2. We recommend that the Service-approved biologist(s) relocate any other native reptiles or amphibians found within work areas to suitable habitat outside of project areas if such actions are in compliance with State laws.

The Service requests notification of the implementation of any conservation recommendations so we may be kept informed of actions minimizing or avoiding adverse effects or benefitting listed species or their habitats.

#### REINITIATION NOTICE

This concludes formal consultation on the West Hills Water Treatment Plant. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency

involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded, (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion, (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion, or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, the exemption issued pursuant to section 7(o)(2) will have lapsed and any further take would be a violation of section 4(d) or 9. Consequently, we recommend that any operations causing such take cease pending reinitiation.

If you have any questions, please call Douglass Cooper of my staff at (805) 644-1766, extension 272.



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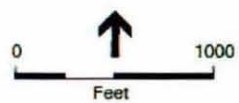
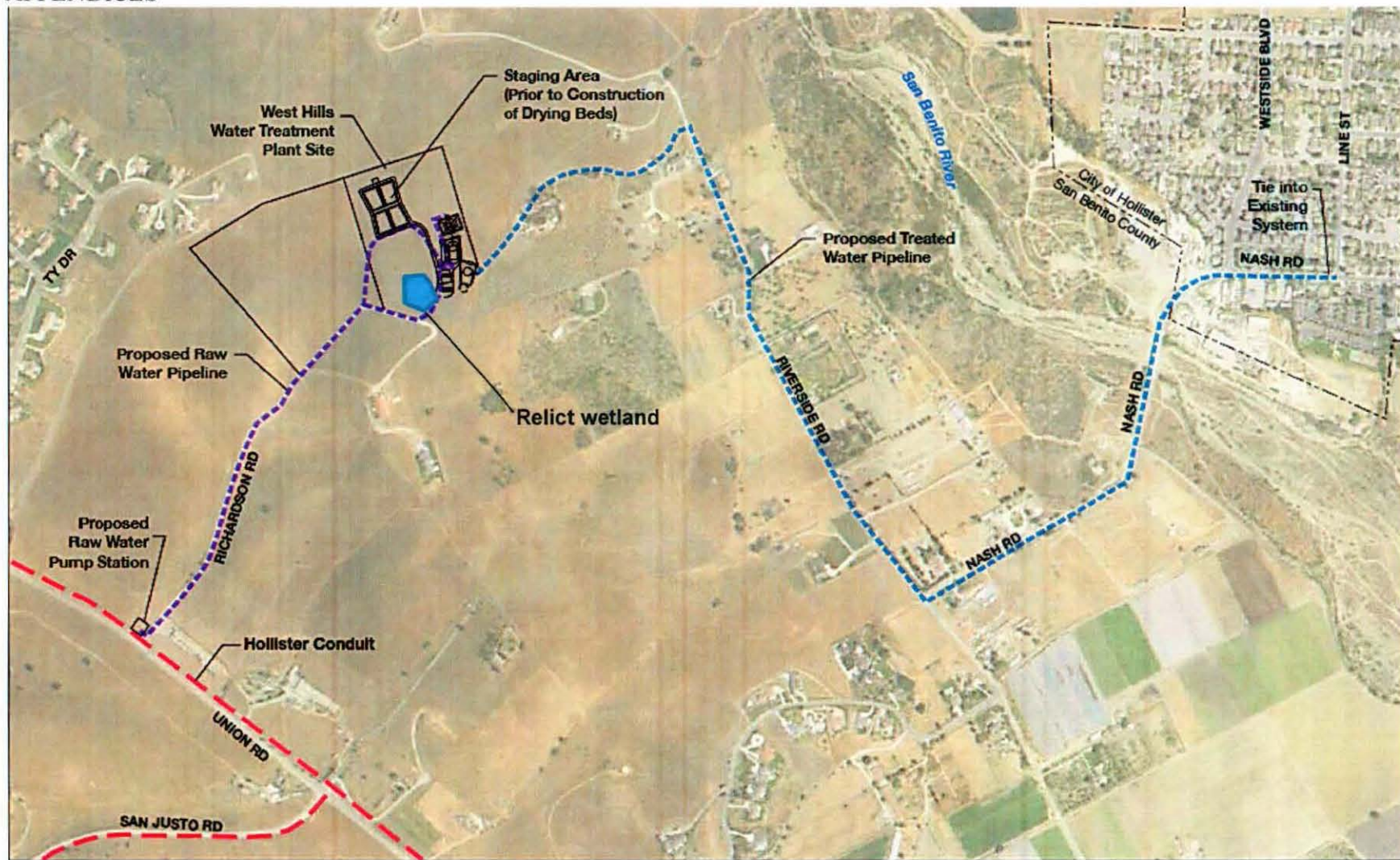
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## APPENDICES



Appendix A: Aerial overview of the proposed water treatment plant location and the extent of the pipelines out from the facility. Also shown is the location of the relict wetland that is proposed to be left intact and avoided for the life of the project.



## Appendix B

### The Declining Amphibian Populations Task Force Fieldwork Code of Practice

A code of practice, prepared by the Declining Amphibian Populations Task Force (DAPTF), provides guidelines for use by anyone conducting field work at amphibian breeding sites or in other aquatic habitats. Observations of diseased and parasite-infected amphibians are now being frequently reported from sites all over the world. This has given rise to concerns that releasing amphibians following a period of captivity, during which time they can pick up unapparent infections of novel disease agents, may cause an increased risk of mortality in wild populations. Amphibian pathogens and parasites can also be carried in a variety of ways between habitats on the hands, footwear, or equipment of fieldworkers, which can spread them to novel localities containing species which have had little or no prior contact with such pathogens or parasites. Such occurrences may be implicated in some instances where amphibian populations have declined. Therefore, it is vitally important for those involved in amphibian research (and other wetland/pond studies including those on fish, invertebrates and plants) to take steps to minimize the spread of disease and parasites between study sites.

1. Remove mud, snails, algae, and other debris from nets, traps, boots, vehicle tires and all other surfaces. Rinse cleaned items with sterilized (e.g., boiled or treated) water before leaving each study site.
2. Boots, nets, traps, etc., should then be scrubbed with 70 percent ethanol solution (or sodium hypochlorite 3 to 6 percent) and rinsed clean with sterilized water between study sites. Avoid cleaning equipment in the immediate vicinity of a pond or wetland.
3. In remote locations, clean all equipment as described above upon return to the lab or "base camp". Elsewhere, when washing machine facilities are available, remove nets from poles and wash with bleach on a "delicates" cycle, contained in a protective mesh laundry bag.
4. When working at sites with known or suspected disease problems, or when sampling populations of rare or isolates species, wear disposable gloves and change them between handling each animal. Dedicate sets of nets, boots, traps, and other equipment to each site being visited. Clean and store them separately and the end of each field day.
5. When amphibians are collected, ensure the separation of animals from different sites and take great care to avoid indirect contact between them (e.g., via handling, reuse of containers) or with other captive animals. Isolation from un-sterilized plants or soils which have been taken from other sites is also essential. Always use disinfected/disposable husbandry equipment.



6. Examine collected amphibians for the presence of diseases and parasites soon after capture. Prior to their release or the release of any progeny, amphibians should be quarantined for a period and thoroughly screened for the presence of any potential disease agents.
7. 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 (DAPTF 1998).