



Wetland Notes

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Determining Whether a Listed Species Occurs on a Project Site

Federally-listed species are protected under the Endangered Species Act and Federal, State and local land use and permitting decisions are often based on their potential presence (or lack thereof) on a site. Accordingly, determining whether a listed species occurs on a site is very important for any project, yet often extremely difficult. The State maintains a data base of listed species by location (the California Natural Diversity Data Base or CNDDB) but it is often missing many species records. We recently completed a cumulative impact assessment for red-legged frogs (*Rana aurora draytonii*; RLF) in the Dublin area and found a total of 46 known sightings, of which only eleven were in the CNDDB.

A consultant can also complete protocol-level surveys for the species ("protocol-level" means the survey methodology has been approved by the US Fish and Wildlife Service [Service]). However, these are not always practicable due to timing requirements, costs, weather or other considerations. Even where protocol-level surveys are completed, atypical weather conditions or other issues may lead the Service to discount the results.

A third clue as to a species potential presence is whether the site is included within its "critical habitat" (CH; the area defined by the Service as critical to the survival of the species). However, many thousands of acres are often included within CH, and much of that is admittedly marginal habitat.

Finally, a consultant can carefully review the habitat on-site and compare it with the habitat requirements of the species and make a professional judgment regarding the potential use of a site by any particular species. However, listed species may use habitat types outside that described in the available literature or the consultants experience due to a variety of factors. In short, a conclusive determination as to whether a listed species occurs on a project site can be elusive.

To be assured that a project is not likely to effect listed species, consultants often submit species- and project-specific "Preliminary Assessments" or, more exactly, "Requests for Technical Assistance" (RTAs) to the Service for its review. We recently submitted an RTA to the Service for both the RLF and salt marsh harvest mouse (*Reithrodontomys raviventris*; SMHM). Habitat was marginal for

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510-622-8116 - Fax**

both species on the project site but both occurred in the area and we requested Service assistance to make a determination as to presence or absence of these species.



Salt Marsh Harvest Mouse

Ken Sanchez and Sheila Larson of the Service, agreed with our finding that neither the RLF of SMHM was likely to occur on this site and also verified that our standard RTA format (see sidebar) is useful for the Service. Ken and Sheila also noted that the RTAs should include impact minimization or mitigation measures. While these may not be required, the Service is seeking measures which improve the habitat of the affected area. For example, a stormwater outfall may have minimal impacts but the affected habitat could be improved through planting native species, removing noxious exotics or other, similar measures. These do not need to be expensive or complex features.

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Willow cuttings, for example, can be installed for \$3.00 each, based on our recent bids, in lots of less than 100 cuttings. If trees are not suitable at the site, due to flood control concerns, for example, planting native grasses and related species in rose-pot form can be done on 1-ft centers over 200 square feet for approximately \$500, again based on recent bids. Similarly, removal of noxious exotics can be completed for small areas for similar costs.

As an alternative to consultant-generated RTAs for single projects, public sector environmental specialists have developed regional assessment procedures.

The Contra Costa County Flood Control and Water Conservation District (District), developed a RLF Habitat Suitability Index for County streams in consultation with Service staff as part of the District's proactive approach to listed species issues. The District submits projects for review to the Service with the stream rating as a prominent feature of the submittal and Service staff typically "No Action" projects in streams with low suitability ratings. ♦

This article was prepared by John Zentner (510-622-8110; johnz@zentner.com) with assistance from Sheila Larson of the Service and Cece Sellgren of the District; all errors and omissions remain the responsibility of Zentner and Zentner.

Zentner and Zentner RTA Format

1. **Introduction:** *project location, description of proposed project.*
2. **Methodology:** *literature search, habitat surveys.*
3. **Environmental Setting:** *species-related habitats on-site; species-related habitat within 1 mile of the site (or other appropriate radius depending on the species), other habitats.*
4. **Evaluation:** *species ecology, CNDDDB and other source search results, site suitability.*

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Wetland Notes provides summaries and opinions on matters affecting wetlands, endangered species, and related issues as a public service to foster communication and discussion on these issues. We recommend readers seek specific professional advice before applying the information presented herein to any specific project.

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Land Planning and Restoration

95 Linden Street, Suite 6
Oakland, CA 94607
Tel: 510-622-8110