

California Department of Forestry and Fire Protection Recommendations for Addressing California Red-Legged Frog Take Avoidance in Timber Harvesting Documents

The following discussion pertains to addressing take¹ avoidance of the California red-legged frog (CRF) in timber harvesting documents.

The discussion references the following documents:

1. *Information Needs and Guidelines for Timber Harvest Plans (THPs) for US Fish and Wildlife Service Technical Assistance Analysis [for] California Red-legged Frogs (CRF)* (March 25, 2008).
2. *California Red Legged Frog Take Avoidance Scenarios* (March 25, 2008).
3. Current and Historic CRF Range Map.

The above documents are available at:

http://www.fire.ca.gov/resource_mgt/resource_mgt_forestpractice_pubsmemos_memos.php.

4. *Recovery Plan for the California Red-legged Frog (Rana aurora dratotonii)*. (May 28, 2002) (Recovery Plan)

The document is available at: http://ecos.fws.gov/docs/recovery_plan/020528.pdf.

Addressing CRF Take Avoidance in Timber Harvesting Documents

There are several ways of addressing take avoidance of the CRF in timber harvesting documents, depending on whether timber operations will occur in the current or historic range of the CRF, as mapped in the Recovery Plan.

Timber Operations Proposed in the Current CRF Range

1. Adhering to the U. S. Fish and Wildlife Service's (USFWS') *California Red Legged Frog Take Avoidance Scenarios* (March 25, 2008) (TA Scenarios) using the definitions contained in USFWS' *Information Needs and Guidelines for Timber Harvest Plans (THPs) for US Fish and Wildlife Service Technical Assistance Analysis [for] California Red-legged Frogs (CRF)* (March 25, 2008) (Information Needs). This method involves using the definitions contained in Information Needs with the TA Scenarios. Using the definitions, the plan proponent determines which scenario (I-IV) applies to the proposed timber operations and incorporates the recommended protection measures to avoid take into the timber harvesting document.

¹ Per 16 USC 1532(19) and 50 CFR 10.12: The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

2. Development of a site-specific method of take avoidance. For timber harvesting documents that will propose a site-specific method of take avoidance, the plan proponent should provide a qualified² biological opinion substantiating why, based on site-specific conditions, the proposed protection measures and seasonal restrictions should avoid harm and harassment to the CRF. The proposed take avoidance method should address:
 - a. Definitions of suitable CRF habitat.
 - b. Definitions of wet and dry seasons.
 - c. Appropriate wet and dry seasonal restrictions, including, but not limited to, restrictions near suitable habitat, buffers adjacent to watercourses, lakes, ponds, tanks, wetlands, springs, and wet areas; within-buffer operational limitations (amount of harvesting, heavy equipment limitations, etc.); felling guidelines for timber operations adjacent to sources of water; hazard reduction limitations; herbicide use restrictions; water drafting restrictions; and restrictions to protect upland CRF dispersal.
3. Requesting technical assistance from USFWS. Requests for technical assistance from USFWS for take avoidance of the CRF associated with timber operations should be made through the California Department of Forestry and Fire Protection (CAL FIRE). The informational requirements for the request are described in the USFWS' Information Needs document and apply to timber operations proposed within the historic range of the CRF. CAL FIRE will review the submitted information for completeness and accuracy to assist USFWS in their review, and forward the information provided to USFWS. Please note that this method may involve additional plan review time and that USFWS may not be able to provide technical assistance in many cases.

Plans Located in the Historic (but not Current) CRF Range

4. For plans located within the historic range of the CRF, but outside of the current range, as described in the Recovery Plan, the plan proponent should:
 - a. Demonstrate he or she has done adequate scoping to show presence or non-presence of CRF or its habitat within the logging area and the biological assessment area.
 - b. If CRF is present, then the plan proponent should address take avoidance according to (1), (2) or (3) above.

² A person qualified to provide the biological opinion should have sufficient knowledge about the life history and habitat requirements of the CRF to determine how timber operations may cause harm and harassment and to prescribe appropriate mitigation to avoid take.

- c. If CRF is not present, then the plan proponent should provide discussion in the plan about how harm and harassment to the CRF will be avoided. The plan proponent should identify and describe those protection measures proposed in the plan that will provide protection for areas where suitable CRF aquatic habitat is found. This should include discussion of protection measures afforded riparian-associated areas, including, but not limited to, watercourses, lakes, ponds, tanks, wetlands, wet areas, springs, etc. and any other areas where suitable CRF aquatic habitat may be found. If CRF is not present on the site nor within the biological assessment area, then timber operations should not cause harassment within aquatic and upland areas.

Cumulative Effects

Plan proponents should remember that addressing take of an individual CRF does not necessarily address potential cumulative effects. Thus, potential effects to the CRF from the proposed project in combination with past, present and reasonably foreseeable probable future projects over an appropriate assessment area need to be considered and discussed in the plan.