

## **California Department of Forestry and Fire Protection Recommendations for Addressing San Francisco Garter Snake Take Avoidance in Timber Harvesting Documents**

The following discussion pertains to addressing take<sup>1</sup> avoidance of the San Francisco garter snake (SFGS) within the species' range<sup>2</sup> 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] San Francisco Garter Snake (SFGS)* (March 25, 2008).
2. *San Francisco Garter Snake Take Avoidance Scenarios* (March 25, 2008).

The above documents are available at:

[http://www.fire.ca.gov/resource\\_mgt/resource\\_mgt\\_forestpractice\\_pubsmemos\\_memos.php](http://www.fire.ca.gov/resource_mgt/resource_mgt_forestpractice_pubsmemos_memos.php).

### **Addressing SFGS Take Avoidance in Timber Harvesting Documents**

There are several ways of addressing take avoidance of the SFGS in timber harvesting documents:

1. Adhering to the U. S. Fish and Wildlife Service's *San Francisco Garter Snake 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] San Francisco Garter Snake (SFGS)* (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-II) applies to the proposed timber operations and incorporates the recommended protection measures to avoid take into the timber harvesting document.
2. Development of a site-specific method of take avoidance<sup>3</sup>. For timber harvesting documents that will propose a site-specific method of take avoidance, the plan

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<sup>1</sup> 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.

<sup>2</sup> According to USFWS, the SFGS range is limited to San Mateo County.

<sup>3</sup> CAL FIRE will generally assume SFGS presence on the plan area, based on USFWS' recommendation in their take avoidance guidance, but will entertain contrary evidence as part of a site-specific proposal. If non-presence is used as the basis for take avoidance, the plan proponent should substantiate why the SFGS is not present on the proposed project site and provide for reasonably foreseeable operational changes to avoid take if the SFGS is found during timber operations.

proponent should provide a qualified<sup>4</sup> biological opinion substantiating why, based on site-specific conditions, the proposed protection measures and seasonal restrictions should avoid harm and harassment to the SFGS. The proposed take avoidance method should address:

- a. Definitions of suitable SFGS habitat.
  - b. Appropriate seasonal restrictions, which may include, but not be limited to, operational restrictions near suitable habitat, including watercourses, lakes, ponds, tanks, and wetlands; watercourse crossing use, construction and reconstruction restrictions; skid and logging road construction and reconstruction restrictions; hazard reduction limitations; herbicide use restrictions; and water drafting restrictions.
3. Requesting technical assistance from USFWS. Requests for technical assistance from USFWS for take avoidance of the SFGS 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 in San Mateo County. 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.

### **Additional Considerations**

#### Fully Protected Species Status

The SFGS is a fully protected species under Fish and Game Code § 5050<sup>5</sup>. This means that there is no provision in the law to allow incidental take associated with timber

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<sup>4</sup> A person qualified to provide the biological opinion should have sufficient knowledge about the life history and habitat requirements of the SFGS to determine how timber operations may cause harm and harassment and to prescribe appropriate mitigation to avoid take.

<sup>5</sup> FGC § 5050. (a) (1) Except as provided in Section 2081.7, fully protected reptiles and amphibians or parts thereof may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected reptile or amphibian, and no permits or licenses heretofore issued shall have any force or effect for that purpose. However, the department may authorize the taking of those species for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species. Prior to authorizing the take of any of those species, the department shall make an effort to notify all affected and interested parties to solicit information and comments on the proposed authorization. The notification shall be published in the California Regulatory Notice Register and be made available to each person who has notified the department, in writing, of his or her interest in fully protected species and who has provided an e-mail address, if available, or postal address to the department. Affected and interested parties shall have 30 days after notification is published in the California Regulatory Notice Register to provide any relevant information and comments on the proposed authorization.

(2) As used in this subdivision, "scientific research" does not include any actions taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

operations and take avoidance must be addressed relative to the species in each individual timber harvesting document.

### Cumulative Effects

Plan proponents should remember that addressing take of an individual SFGS does not necessarily address potential cumulative effects. Thus, potential effects to the SFGS 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.

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(3) Legally imported fully protected reptiles or amphibians or parts thereof may be possessed under a permit issued by the department.

(b) The following are fully protected reptiles and amphibians:

- (1) Blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*).
- (2) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).
- (3) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*).
- (4) Limestone salamander (*Hydromantes brunus*).
- (5) Black toad (*Bufo boreas exsul*).