

AGENDA

**Steering Committee Meeting
Butte Regional HCP/NCCP
Wednesday, March 5, 2008
9:00am- 10:30am
BCAG Conference Room**

Agenda:

1. Introductions
2. Update on Status of HCP/NCCP – Chris/Paul
3. Coordination with General Plan Updates – Biological Constraints Analysis, Butte County Meadowfoam Evaluation – Chris/Paul
4. Evaluation of Potential Additional Covered Species (**Handout #1**)- Paul
5. Approach to Addressing Red Legged Frog and California Tiger Salamander (**Attachment #1**) - Paul
6. Action Items and Next Meetings

To: Steering Committee, Butte Regional Conservation Plan
From: Paul Cylinder, SAIC
Date: February 29, 2008
Re: Coverage of California Red-Legged Frog and California Tiger Salamander under the HCP/NCCP

A primary purpose of habitat conservation plans (HCP) and natural community conservation plans (NCCP) is the issuance of incidental take permits by US Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS) and California Department of Fish and Game (DFG) for species covered by the HCP/NCCP. These "Covered Species" include all species for which the applicants and the permitting agencies believe that covered activities could result in take of species protected under the Federal and California Endangered Species Acts (ESA). Determining what species should be included on the Covered Species list for the Butte Regional Conservation Plan has been based on meeting all of the four criteria:

1. Species is known to occur or is likely to occur in the Planning Area
2. Species is listed or is likely to become listed over the term of the permit
3. Species could be affected by covered activities
4. Species' ecology is sufficiently understood to assess impacts and develop conservation measures

Two species that are currently identified as Covered Species under the Butte Regional Conservation Plan need reconsideration by the Steering Committee: California Red-Legged Frog (*Rana aurora draytoni*) and California Tiger Salamander (*Ambystoma californiense*). Both species are listed as "threatened" and legally protected from take under the Federal ESA.

California Red-Legged Frog

The historical range of California red-legged frog included the Planning Area, but presently red-legged frog is not known to occur in the Planning Area. There are two records of red-legged frog in Butte County; both are outside of the Planning Area located about 11 miles east of Paradise (CNDDDB 2006). Critical habitat has been designated for red-legged frog around these two occurrences. A substantial amount of habitat that could be suitable for red-legged frog breeding is found in the planning area including streams, ponds, and stock ponds.

FWS requires, under the ESA Section 7 process, that project proponents in Butte County survey for red-legged frog where suitable habitat is present (Rick Kuyper pers. comm.), however, no red-legged frog have been found to date and therefore no mitigation requirements have been imposed.

Should the Butte Regional Conservation Plan include red-legged frog as a Covered Species? The answer to this question involves an assessment of risk by the permit applicants, i.e., what is the likelihood that a red-legged frog will be found and a take permit needed at some time during build-out under the various general plans?

Recommended Approach to Red-Legged Frog. We recommend identifying California red-legged frog as a **“Provisionally Covered Species.”** Mitigation is not required for removal of potentially suitable habitat outside of the known range of red-legged frog and, as such, we do not recommend including mitigation measures for covered activities under the HCP/NCCP. We do recommend including conservation measures that address red-legged frog habitat within the Planning Area and could contribute to species recovery. Such habitat will already be the focus of conservation for other Covered Species under the HCP/NCCP (e.g., pond turtle, yellow-legged frog, steelhead, and black rail). Under the designation of Provisionally Covered Species, the applicants would not ask to include red-legged frog on the permit, but would include a process for adding the frog to the permit should it become necessary at some future time. For example, the HCP/NCCP could identify a process by which mitigation measures would be developed should a red-legged frog population be found within the Planning Area.

California Tiger Salamander

One historical record of California tiger salamander is known from Butte County at Gray Lodge Waterfowl Management Area. This occurrence was recorded in 1965 and is considered to be extirpated (CNDDDB 2006). Although a substantial amount of habitat that could be suitable for tiger salamander breeding is found in the Planning Area, including vernal pools and stock ponds, Butte County is north of the known range of the species.

FWS does not require project proponents in Butte County to survey for California tiger salamander under the ESA Section 7 process (Rick Kuyper pers. comm.).

Should the Butte Regional Conservation Plan include California tiger salamander as a Covered Species? The answer to this question involves an assessment of risk by the permit applicants, i.e., what is the likelihood that a California tiger salamander will be found and a take permit needed at some time during build-out under the various general plans?

Recommended Approach to California tiger salamander. We recommend identifying California tiger salamander as a **“Provisionally Covered Species.”** Mitigation is not required for removal of potentially suitable habitat outside of the known range of tiger salamander and, as such, we do not recommend including mitigation measures for covered activities under the HCP/NCCP. We do recommend including conservation measures that address tiger salamander habitat within the Planning Area and could contribute to species recovery. Such habitat will already be the focus of conservation for other Covered Species under the HCP/NCCP (e.g., pond turtle, western spadefoot, and various vernal pool plant and invertebrate species). Under the designation of

Provisionally Covered Species, the applicants would not ask to include California tiger salamander on the permit, but would include a process for adding the salamander to the permit should it become necessary at some future time. For example, the HCP/NCCP could identify a process by which mitigation measures would be developed should a California tiger salamander population be found within the Planning Area.