

**Condition 64****California red-legged frog Monitoring**

Prior to project construction, the County shall retain a qualified biologist to conduct pre-construction surveys for the California red-legged frog according to protocol approved by the USFWS. Surveys shall be conducted within all areas that are determined to contain suitable habitat for this species and that occur within 100 feet of proposed construction, or at a distance determined through USFWS consultation.

To avoid potential timing conflicts with the California red-legged frog breeding period, construction activities in the vicinity of California red-legged frog habitat shall be completed between April 1 and November 1. This measure shall apply to construction activities at the Los Osos Valley Road bridge and Los Osos Creek crossing, and all other areas determined during pre-construction surveys to contain suitable habitat for the species, including areas that occur within 100 feet of proposed construction, or at a distance determined through USFWS consultation.

Prior to construction, the County shall retain a USFWS-approved biologist to permanently remove any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The USFWS-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.

Prior to construction, the County shall retain a USFWS-approved biologist to conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.

Prior to construction, the County shall retain a USFWS-approved biologist responsible for monitoring construction activities. Ground disturbance shall not be authorized to begin until written approval is received from the USFWS that the biologist is qualified to conduct the work. Only USFWS-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog. To ensure that diseases are not conveyed between work sites by the USFWS-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times. A USFWS-approved biologist shall be present at the active work sites until such time that the initial survey for California red-legged frogs, instruction of workers, and (upland) habitat disturbance have been completed. After this time, the contractor or County shall designate a qualified person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual receives appropriate training as to the identification of frogs, potential hazards to the species, inappropriate and allowable work activities, and appropriate contacts for immediate, professional biological support. During work activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

All fueling and maintenance of vehicles and other equipment and staging areas shall occur a minimum of 100 feet from all open water, stream, wetland, and riparian habitat. The County shall ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, the EPA shall ensure that the County has prepared a plan to allow a prompt and effective response to any accidental spills. A copy of this plan shall be provided to the Department of Planning and Building. Wet weather storage ponds shall be maintained as to not attract bullfrogs. This will include allowing the ponds to go dry during the summer to disrupt any breeding activity by bullfrogs. The County shall monitor wet weather storage ponds for bullfrog activity.

**Evidence of compliance:**

The County had proposed a treatment plant and sprayfields on the Tonini site. The Tonini site has drainage channels which support California red-legged frog. The Tonini site is no longer part of the Project. Potentially suitable California red-legged frog habitat which will be affected by the Project only occurs in Los Osos Creek at Los Osos Valley Road. Construction there may only occur between June 15 and November 1 and only when the creek channel is dry. Because aquatic habitat will not be affected, impacts to California red-legged frog are not expected to occur.

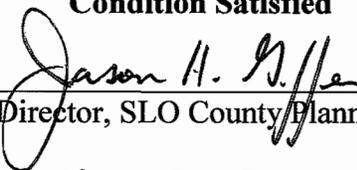
Nevertheless, Public Works Department biologists and/or qualified contract biologists will conduct pre-construction surveys and construction monitoring for California red-legged frog. Because the Tonini site is no longer part of the Project, the USFWS Biological Opinion does not address California red-legged frog, and there is no mechanism for USFWS to approve biologists for this work. Regardless, the County will use only biologists who have previously been approved by USFWS to work with California red-legged frog for preconstruction surveys and construction monitoring. Qualified biologists will follow the requirements in Condition 64.

California red-legged frog training for construction crews will be conducted by qualified County or contract biologists and will include:

- Natural history
- Listing status
- Legal protections
- Penalties for violations
- General project measures being implemented to conserve CRLF
- Boundaries within which the project may be accomplished
- Proper management of trash that may attract predators
- Procedures for fueling and maintenance and staging areas to prevent contamination of habitat
- Know spill response plan and have materials readily available

Part 3.01 of Section 01561 of the General Requirements and Technical Specifications for the Project requires the contractor to conduct fueling and maintenance of vehicles and other equipment and staging areas a minimum of 100 feet from all open water, stream, wetland and riparian habitat. Contractors are also required to manage trash as required by Condition 64; biological monitoring will ensure compliance. Contract provisions also require each contractor to prepare a spill prevention and response plan as noted in Condition 64. The contractor will not be issued a notice to proceed with work until necessary pre-construction submittals have been provided and checked for completeness.

**Condition Satisfied**

  
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Director, SLO County Planning

MAY 2, 2012  
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Date