

INTRA-SERVICE SECTION 7 BIOLOGICAL EVALUATION FORM

Originating Person: Joy Albertson

Telephone Number: 510-792-0022

Date: August 22, 2014

Region: 8

Service Activity: San Francisco Bay National Wildlife Refuge Complex Invasive *Spartina* Program

Pertinent Species and Habitat: Endangered California red-legged frog (*Rana draytonii*), Endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)

Geographic area: San Francisco Bay, CA

Location: San Bruno Creek, San Mateo County, California

Background: On August 14, 2014, the Invasive *Spartina* Project (ISP) Manager requested authorization to change the approved treatment method (2012 Biological Opinion for the ISP) for "Cupids Row", the uppermost reach of San Bruno Creek (Site 18h), from hand-mowing to instead applying the herbicide imazapyr to treat 83.5m² of hybrid *Spartina alterniflora* remaining on the site. "Cupids Row" consists of a small canal owned by San Francisco International Airport (SFO) and surrounded by heavy development (SFO, residential and commercial). The Threatened California red-legged frog and Endangered San Francisco garter snake may occur in low numbers in this area. Endangered California Ridgway's rails do not occur on this site. There is no native *Spartina foliosa* in this area.

SFO has been clearing this canal using a hand-mower each year in September and October as part of their California red-legged frog (CRLF) recovery plan (to improve the habitat for breeding in the winter). ISP has coordinated efforts with SFO for the past several years to eradicate the hybrid *Spartina alterniflora* that is present in the canal. ISP had not previously pursued imazapyr treatment of the hybrid *Spartina* on this site for several reasons: (1) with the dense brackish vegetation in this channel, and the lower salinity, it was presumed that the mowing would weaken the hybrid *Spartina*, and that the *Typha* and other vegetation would gradually exclude it; (2) as a result of a lawsuit by the Center for Biological Diversity, there was an injunction on using a list of 66 pesticides around CRLF (including imazapyr) until EPA produced effects determinations for each pesticide; (3) there were 30 acres of hybrid *Spartina* downstream in the Colma/San Bruno Complex that needed to be controlled, making this small infestation a lower priority at the time.

Now, the three reasons for originally deciding to make hybrid *Spartina* control a lower priority at this site are no longer relevant: (1) the hand-mowing of all vegetation in the channel did not prove to eliminate the hybrid *Spartina* (although it did stop it from spreading within the canal); (2) the final effects determination for imazapyr, along with other peer-reviewed literature on this herbicide, concluded that there are no direct effects of imazapyr on the CRLF; and (3) ISP has confirmed that there is now only 17.9m² of hybrid *Spartina* in the entire remainder of the Colma/San Bruno complex (Site 18), making control in this small portion of Site 18h a very high priority.

Description of proposed action: Request approval to apply imazapyr to the hybrid *Spartina* in late August 2014 in the upper portions of San Bruno Creek (Site 18h). The entire canal, including the *Spartina*, will be hand-mowed by SFO in September, so ISP needs to conduct the application 1-2 weeks ahead of mowing to allow for full herbicide translocation into the rhizomes. A biologist will accompany the herbicide applicator(s) and will first survey the treatment areas prior to herbicide application to ensure no endangered species are present. If any frogs or snakes are present, treatment will be temporarily delayed at that location until the animal(s) leave the area on its own to avoid take. In 2015, ISP will conduct an inventory of the area and subsequently follow up with imazapyr to treat any regrowth.

Determination of effects:

A. Explanation of effects of the action on species: Given the low incidence of California red-legged frogs and San Francisco garter snakes in the area, the limited treatment zone, the EPA's "no effect" determination for imazapyr, and the precautionary step of having an approved biologist survey the site prior to treatment to avoid take of species, we have determined that there will be no effect to listed species from the proposed action.


B. Explanation of actions to be implemented to reduce adverse effects: N/A

Effect determination and response requested:

Determination

Initials

No effect/no adverse modification (species: Endangered California red-legged frog (*Rana draytonii*), Endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*))

 Concurrence

May affect, but is not likely to adversely affect species/adversely modify critical habitat

___ Concurrence

May affect, and is likely to adversely affect species/adversely modify critical habitat

___ *Formal Consultation

Determination

Response requested

No effect on proposed species/no adverse modification of proposed critical habitat

___ Concurrence

Is likely to jeopardize proposed species/adversely modify proposed critical habitat

___ **Conference

*Biological Opinion needed

**Conference: Coordination with ES Field Office needed

Jay Albert
Supervisory Wildlife Biologist

8/22/2014
Date

Refuge Complex Project Leader Evaluation:

A. Concurrence X Non-concurrence _____

B. Formal consultation required _____

C. **Conference required _____

D. **Informal conference required _____

E. Remarks (attach additional pages as needed):

Anne Morfin
Project Leader

8/22/2014
Date