



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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In Reply Refer To:
1-1-95-I-337

January 12, 1995

Lt. Colonel Michael J. Walsh
U.S. Army Corps of Engineers
Regulatory Branch (B. Smith)
211 Main Street
San Francisco, California 94105-1905

Subject: Clarification of the "Terms and Conditions" contained within the Biological Opinion for the Proposed Levee Maintenance Activities and Dredging in Sonoma Creek, Petaluma River, and San Antonio Creek Drainages, Marin and Sonoma Counties, California (Reference Number 1-1-94-F-41)

Dear Lt. Colonel Walsh:

This follows up the January 9, 1995, meeting between Carl Wilcox and Jim Swanson of the California Department of Fish and Game, Grant Davis, a representative from Congresswoman Woolsey's office, Paul Sheffer and Maxine Durney, representing the Sonoma Resource Conservation District, Mike Monroe of the U.S. Environmental Protection Agency and Jim Browning, Ruth Pratt and Matt Vandenberg of my office. The meeting was held to discuss proposed mitigation sites and levee maintenance activities pertaining to the Sacramento splittail (*Pogonichthys macrolepidotus*). The subject of this letter is to provide revised "Terms and Conditions" to the biological opinion issued on September 9, 1994, based on the information below.

The January 9th meeting provided information on the effects of dredging for levee maintenance on the Sacramento splittail that was not considered at the time the biological opinion was prepared. Specifically, information showed that the burrows created during the dredging process would benefit the Sacramento splittail by providing slough areas in the wetlands similar to those that existed historically. The creation of the "sloughs", containing access openings at both ends (i.e., not dead-end sloughs), would allow tidal action to better flood the high marsh plains, thus providing additional spawning habitat for the splittail. Further, because both ends of the created sloughs will be connected to the existing water bodies, splittail will be provided with suitable access to these new areas and adequate escapement during low tides.

Therefore, the following amended "terms and conditions" are provided to implement the original "reasonable and prudent measures" stated in the September 9, 1994, biological opinion on the South Sonoma County Resource Conservation District's proposed levee maintenance activities and dredging in

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Sonoma Creek, Petaluma River, and San Antonio Creek Drainages, Marin and Sonoma Counties, California:

- (a) To minimize take of Sacramento splittail, no dredging shall be conducted between February 28 (29) and June 1. Moreover, if the proposed dredging sites are submerged as a result of unimpaired run-off due to natural storm events, no dredging shall be conducted until the water on the proposed dredge sites has subsided. Because Sacramento splittail utilize flooded areas for spawning and rearing during these time periods, the surrounding habitat areas must remain undisturbed.
- (b) To minimize the impact to the normal behavioral patterns of the Sacramento splittail including, but not limited to, breeding, feeding and sheltering, created sloughs shall be "opened" at both ends to allow for tidal action and free movement into and out of the areas. Further, under no circumstances shall the created sloughs contain pools that may entrap the species and not allow escapement of fish during low tides.

If you have any questions regarding these changes, please contact Matthew Vandenberg of this office at 916-979-2725 for further discussion.

Sincerely,



Joel A. Medlin
Field Supervisor

cc: ARD-ES, Portland, OR
DFG, Attn: Carl Wilcox and Jim Swanson, Yountville, CA
Congresswoman Woolsey's Office, Attn: Grant Davis, San Rafael, CA
Sonoma RCD, Attn: Paul Sheffer, Petaluma, CA
FWS-SFO, Wetlands, Sacramento, CA