

99B-154

4.5 PSP Cover Sheet

Proposal Title: North Fork Weber Creek Acquisition and Habitat Restoration
 Applicant Name: American River Conservancy
 Mailing Address: P.O. Box 562 Coloma, CA. 95613
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Amount of funding requested: \$1,150,000 for 3 years.

Indicate the Topic for which you are applying (check only one box).

- | | |
|--|---|
| <input type="checkbox"/> Fish Passage/Fish Screens | <input type="checkbox"/> Introduced Species |
| <input checked="" type="checkbox"/> Habitat Restoration | <input type="checkbox"/> Fish Management/Hatchery |
| <input type="checkbox"/> Local Watershed Stewardship | <input type="checkbox"/> Environmental Education |
| <input type="checkbox"/> Water Quality | |

Does the proposal address a specified Focused Action? yes no

What county or counties is the project located in? El Dorado County

Indicate the geographic area of your proposal (check only one box):

- | | |
|---|--|
| <input type="checkbox"/> Sacramento River Mainstem | <input type="checkbox"/> East Side Trib: |
| <input type="checkbox"/> Sacramento Trib: | <input type="checkbox"/> Suisun Marsh and Bay |
| <input type="checkbox"/> San Joaquin River Mainstem | <input type="checkbox"/> North Bay/South Bay |
| <input type="checkbox"/> San Joaquin Trib: | <input type="checkbox"/> Landscape (entire Bay-Delta watershed) |
| <input type="checkbox"/> Delta: | <input checked="" type="checkbox"/> Other: American River Basin |

Indicate the primary species which the proposal addresses (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> San Joaquin and East-side Delta tributaries fall-run chinook salmon | <input type="checkbox"/> Spring-run chinook salmon |
| <input type="checkbox"/> Winter-run chinook salmon | <input checked="" type="checkbox"/> Fall-run chinook salmon |
| <input type="checkbox"/> Late-fall run chinook salmon | <input type="checkbox"/> Longfin smelt |
| <input type="checkbox"/> Delta smelt | <input checked="" type="checkbox"/> Steelhead trout |
| <input type="checkbox"/> Splittail | <input type="checkbox"/> Striped bass |
| <input type="checkbox"/> Green sturgeon | <input type="checkbox"/> All chinook salmon |
| <input type="checkbox"/> Migratory birds | <input type="checkbox"/> All anadromous salmonids |
| <input checked="" type="checkbox"/> Other: California red-legged frog | |

Specify the ERP strategic objective and target(s) that the project addresses: Include page numbers from January 1999 version of ERP Volume I and II:

- Restore California red-legged frog to habitats throughout its former range (Vol. I, pg. 329);
- Reduce the contaminants in all aquatic environments in the CALFED region (Vol. I, pg. 506);
- Minimize predation on red-legged frog by non-native fish, bullfrogs and crayfish (Vol. II, pg. 37);
- Establish sustainable continuous riparian habitat along American Basin creeks (Vol. II, pg. 332).

Indicate the type of applicant (check only one box)

- State agency
 Public/Non-profit joint venture
 Local government/district
 University

Federal agency
Non-profit
Private party
Other:

Indicate the type of project (check only one box)

- Planning
 Monitoring
 Research

- Implementation**
 Education

By signing below, the applicant declares the following:

- 1.) The truthfulness of all representations in their proposal;
- 2.) The individual signing the form is entitled to submit the application on behalf of the applicant (if the applicant is an entity or organization); and
- 3.) The person submitting the application has read and understood the conflict of interest and confidentiality discussion in the PSP (Section 2.4) and waives any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent as provided in the Section.

Alan Ehrgott, Executive Director
American River Conservancy

Printed name of applicant

Alan Ehrgott
Signature of applicant

Title Page

Title of Project: North Fork Weber Creek Acquisition and Habitat Restoration

Name and Address
of Primary Contact: Alan Ehrgott, Executive Director
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Participants and
Collaborators: U.S. Bureau of Land Management
U.S. Forest Service
U.S. Bureau of Reclamation
U.S. Fish and Wildlife Service
California Department of Fish and Game
California State Wildlife Conservation Board
El Dorado County
El Dorado Irrigation District
National Fish and Wildlife Foundation
American River Conservancy

Type of Organization
and Tax Status: The American River Conservancy is a 501(c)(3) public benefit,
California non-profit corporation

Tax Identification No. Employer Identification Number: 68-0195752

Executive Summary

North Fork Weber Creek Acquisition and Habitat Restoration

(a) Project Description, Location and Primary Biological / Ecological Objectives

In July, 1997 a breeding population of California red-legged frog (*Rana aurora draytonii*), a federal "threatened" species, was found in Spivey Pond on the North Fork of Weber Creek, in El Dorado County near Placerville. This discovery was the first significant population located within the Sierra Nevada in more than twenty-five years and is considered critical for both research and recovery purposes. In 1998, a partnership of resource agencies coordinated efforts to purchase and restore the 54 acre Spivey Pond site. The completion of this effort is expected at the end of April, 1999.

This Project will advance the conservation and recovery of the California red-legged frog beyond Spivey Pond and into a six mile length of Weber Creek basin. Weber Creek is a tributary to the South Fork American River. The watershed begins at 4,200 feet, just south of U.S. Highway 50 and joins the South Fork at Folsom Reservoir. The location of Spivey Pond and the Weber Creek drainage presents a significant and strategic opportunity to recover the species throughout adjacent drainages and move the species closer to recovery.

CALFED funding would assist the partnership of ten (10) federal, state and local agencies acquire additional reproductive habitat and implement an adaptive management strategy known to restore ecological processes beneficial to the red-legged frog. The removal of environmental stressors to the red-legged frog is also expected to improve aquatic habitat conditions for other co-existing, native species of concern including the foothill yellow legged frog, the western pond turtle and fall-run salmon and steelhead trout downstream.

Central Valley Project (CVP) activities have significantly contributed to the population reduction of the California red legged frog throughout its range. The red-legged frog requires marshes, ponds, and low gradient, deep pool streams with emergent vegetation. In the Central Valley and central Sierra Nevada over ninety (90) percent of these historic wetlands have been diked, drained or filled for agricultural and urban development. The construction of large reservoirs have facilitated the introduction of non-native fishes and other predators. The red-legged frog is recognized by CALFED as an "At-Risk Upstream Native Species (Priority III)". The Conservation Strategy Team has recommended that the CALFED Program make specific contributions to the recovery of the red-legged frog. The applicant and partnership agencies view this project as the best and most economical means to restore the red-legged frog within the Weber Creek basin and demonstrate successful recovery actions suitable to other watersheds.

The Project's primary biological / ecological objectives are: (1) to advance the conservation and recovery of the California red-legged frog and (2) rehabilitate and protect the natural ecosystem processes which support the red-legged frog and other native, co-existing species of concern.

The Project will acquire and protect an ecologically-intact buffer zone of approximately 146 acres of riparian and coniferous forest immediately upstream of Spivey Pond. The Project will acquire and protect an additional 282 acres of reproductive habitat immediately downstream of Spivey Pond. The Project will also: (i) conduct baseline and periodic water quality monitoring; (ii) develop a voluntary program among agencies and landowners to control sedimentation and toxics transport; (iii) use water flow management to control non-native predators; and, (iv) implement an established survey protocol to document species recovery. As these actions are successfully implemented, species recovery within Weber Creek and adjoining watershed basins is expected to occur through *natural recolonization and population expansion.*

(b) Cost, Third Party Impacts, Applicant Qualifications, Monitoring and Data Evaluation

Total Project cost is estimated at one million five hundred five thousand dollars (\$1,505,000) and includes the purchase and restoration of Spivey Pond. Of this total cost \$1,150,000 would come from CALFED. Of the remaining \$355,000 in matching funds, the Partnership has received \$181,000 from the CVPIA and \$49,000 from the National Fish and Wildlife Foundation (NFWF). An

additional \$26,000 from NFWF and \$99,000 from the Wildlife Conservation Board have been approved but not yet received. The receipt and expenditure of these committed yet outstanding matching funds is expected to be complete by the end of April, 1999.

For the purpose of providing funding options, the CALFED portion of the Project cost (\$1,150,000) is divided into two phases:

- Phase I: The acquisition of habitat *upstream* of Spivey Pond with corresponding restoration management, water quality monitoring and biological surveys. Phase I requires \$500,000 in CALFED funding.
- Phase II: The acquisition of habitat *downstream* of Spivey Pond with corresponding restoration management, water quality monitoring and biological surveys. Phase II requires \$650,000 in CALFED funding.

There are no significant adverse or third party impacts. Acquisition of land and easements will be purchased from willing sellers only. Actions requiring access or management of private property will include written permission from the property owner. The small reduction in property tax base to El Dorado County will be offset by a reduction in water treatment and other public infrastructure costs otherwise needed to service the area and by the increased value of water quality to all beneficial uses.

The American River Conservancy (ARC) has been selected by the agency Partnership to be the contracting party responsible for payments, reporting and accounting. The ARC has a 10 year history of successful conservation partnerships with federal, state and local agencies. Most recently the ARC has coordinated the acquisition and habitat restoration of the 54 acre Spivey Pond site. In addition, field and administration personnel from partnership agencies will provide scientific and experiential depth to steering committee oversight.

Project monitoring and data evaluation will be conducted by agency field personnel and reviewed by the steering committee. Baseline and periodic water quality data collection will be gathered and analyzed by field personnel from DFG and the Forest Service using protocols established by the Association of Analytic Chemists (AOAC). Red-legged frog population and reproductive surveys will be conducted by the Biological Resources Division of the U.S. Geological Service with protocols established by the U.S. Fish and Wildlife Service. Data and interpretations will be summarized within quarterly reports to CALFED. Full data sets will be submitted to CALFED's designated data repository following project completion.

(d) Local Support / Coordination with Other Programs and CALFED Objectives.

This project has the local support of El Dorado County, the El Dorado Irrigation District and the American River Conservancy. Owners of property adjacent to the recently acquired Spivey Pond property have been supportive of the red-legged frog recovery efforts. Willing sellers have been identified and it is expected the project can proceed immediately upon CALFED funding authorization.

This project is supported by a partnership of ten agencies (Exhibit #A). Eight of the ten agencies participate on the "red-legged frog recovery project steering committee" which makes operational decisions and would direct the expenditure of CALFED funding. The remaining two agencies, The National Fish and Wildlife Foundation and Wildlife Conservation Board provide acquisition and restoration funding only.

The project is compatible with the following CALFED objectives as specified by the February, 1999 revised draft of the ERP, Volumes I and II:

- Restore California red-legged frog to habitats throughout its former range (Vol. I, pg. 329);
- Reduce the contaminants in all aquatic environments in the CALFED region (Vol. I, pg. 506);
- Minimize predation on red-legged frog by non-native fish, bullfrogs and crayfish (Vol. II, pg. 37);
- Establish sustainable continuous riparian habitat along American Basin creeks (Vol. II, pg. 332).

Project Description

Proposed Scope of Work

This project will protect one of two known reproductive populations of the California red-legged frog in the Sierra Nevada range. In 1998, a partnership of ten agencies worked together to fund the acquisition and habitat restoration of the 54 acre Spivey Pond site on the North Fork Weber Creek. This is the only confirmed population of the red-legged frog in the American River basin. CALFED funding would support further *acquisition* and *habitat restoration* actions to advance the natural recolonization of the red-legged frog throughout the six mile long North Fork Weber Creek project area. This Project is considered an essential second step in the recovery of this federally-listed species.

The proposed acquisition and habitat restoration actions will also benefit other co-existing species of concern, the foothill yellow legged frog, the western pond turtle as well as fall run chinook salmon and steelhead trout downstream.

Two specific acquisition and habitat restoration phases are proposed: (1) habitat acquisition and restoration *upstream* of Spivey Pond; and (2) habitat acquisition and restoration *downstream* of Spivey Pond. The specific work tasks, deliverables and delivery dates for the Project are described below under each of the action categories.

1. Habitat Acquisition and Restoration Upstream of Spivey Pond

The project will acquire conservation easements and fee title to 146 acres of undeveloped riparian and coniferous forest within an approximate 1.5 square miles of watershed immediately above the Spivey Pond site (Project Maps - Exhibits #B, #C and #D). This action is proposed to protect Spivey Pond and its reproductive population of red-legged frog from timber harvest and land development impacts. Timber harvest and residential development activities are known to increase sedimentation (turbidity) and degrade water quality and aquatic habitat. The protection of the upstream forest will maintain habitat structure, protect woody shelter and terrestrial insect populations used for food. The acquisition and protection of intact riparian and conifer forest will also moderate extreme temperature fluctuations and moderate the reduction of stream flows during low water periods.

Phase I Acquisition Worktasks

Task #1: The American River Conservancy will contract with an independent MAI certified real estate appraiser to provide an appraisal for approximately 12 parcels totaling 146 acres of riparian and forest habitat immediately upstream of Spivey Pond. Task completion is expected 2 months following the project start date.

Task #2: Concurrent with the preparation of the appraisal, the American River Conservancy will meet with each of these property owners and confirm both their willingness to sell and the feasibility of conservation easement options. Task completion is expected 2 months following the project start date.

Task #3: Provided with the completed appraisal and a list of willing seller options the American River Conservancy will coordinate a meeting of the steering committee and develop a "Schedule of Acquisition Priorities". Task completion is expected 3 months following the project start date.

Task #4: The American River Conservancy will contact each property owner (on the basis of priority) and negotiate the purchase of the subject parcels. Upon completion of each contract, the Conservancy will return to the steering committee, receive authorization to complete the purchase, transfer funds to escrow, close escrow and transfer the property to a public agency authorized to take title. Title to acquired properties (both fee title and easements) are expected to be held by one or more of the following agencies: the U.S. Forest Service or the Bureau of Land Management. At no time will the the purchase price of a subject property exceed the fair market value established by the appraisal. Task completion is expected 24 months following the project start date.

Phase I Restoration Worktasks

The steering committee will direct the implementation of an adaptive management strategy to restore acquired habitat. This effort will (1) conduct baseline and periodic water quality monitoring and biological surveys to document breeding success and species recovery; (2) control sedimentation and salinity through voluntary erosion and salinity control measures; and (3) control non-native predators through pond water management.

Specific Worktasks

Task #5. Water Quality Testing and Species' Surveys. The Steering Committee will contract with an approved water quality lab to conduct baseline and periodic water quality testing of samples taken by agency field personnel. Baseline samples will be taken and tested within 30 days of the project start date. Periodic sampling will occur quarterly throughout the 3 year project term. Additional sampling will occur after the first heavy rains of each season and again during each late summer, low flow period. Testing will measure, at the very minimum, the following variables: temperature, dissolved oxygen, turbidity, salinity, dissolved metals and hardness. Three testing locations will be located upstream of Spivey Pond, in Spivey Pond and immediately downstream of Spivey Pond.

In addition, the Steering Committee will contract with the U.S. Geological Survey, Biological Resources Division to conduct baseline and periodic surveys of Red-legged frog incidence, breeding success, recolonization and recovery. A baseline survey will be conducted during the first April and May months following the project start date. Baseline and periodic surveys will be conducted within the project area at Spivey Pond, at all acquired and public land sites and at all other potential reproductive sites in which owner permission is received.

The Steering Committee will meet, at a minimum, each quarter, to review test and survey results and direct further recovery efforts. All project funded water quality testing and biological surveys for habitat upstream of Spivey Pond will be completed 36 months following the project start date at an estimated cost of \$55,000.

Task #6. Sedimentation and Salinity Control. The steering committee will coordinate a voluntary program of erosion control measures among local and state agencies and property owners within the project area. In addition, the Steering Committee will coordinate an effort to eliminate the placement of de-icing salts by Caltrans and El Dorado County's Department of Transportation on all road surfaces within the North Fork Weber Creek drainage basin.

Project completion is expected 18 months following the project start date at a cost of \$5,000.

Task #7. Predator Control and Vegetation Enhancement. The steering committee will coordinate a restoration team to conduct a predator control program supervised by agency field personnel. The introduction of bullfrogs, sunfish and crayfish that prey on the California red-legged frog have been a significant factor in their decline. Historically reservoirs and ponds are typically stocked with these non-native predators, which often disperse upstream and downstream into red-legged frog habitat and disrupt natural community dynamics. A preferred management action includes the installation of a pond drain to seasonally draw down water levels to remove non-native aquatic predators. In addition the restoration team will establish woody, emergent vegetation where needed to improve reproductive habitat. Project completion is expected 36 months following the project start date at a cost of \$25,000.

Tasks #1 - #7 are inseparable and would be funded as a single unit. Total Upstream Habitat Acquisition program costs total \$415,000. Upstream Restoration costs equal \$85,000 for a total Phase I budget of \$500,000. The "deliverables" produced from this Upstream Habitat Acquisition and Restoration Program are expected to equal 41 acres of recorded *conservation easement* and 105 acres of recorded *fee title* riparian and conifer forest transferred to public ownership for management as protected wildlife habitat. Water quality monitoring, biological survey and restoration reports will be delivered quarterly and upon project completion to CALFED.

2. Habitat Acquisition Downstream of Spivey Pond

Priority will be given to downstream parcels with potential reproductive habitat for the Red-legged frog. Breeding adults are associated with deep (greater than 2 feet) still or slow moving water and dense, shrubby riparian or emergent vegetation. It is expected that artificial, man-made ponds, both in- and off- stream may prove critical to the expansion of red-legged frog populations within the project area. The steering committee has identified seven (7) priority pond sites within the project area. Secondary priority will be given to parcels providing riparian connections to reproductive sites.

Phase II Acquisition Worktasks

Task #8. The American River Conservancy will contract with an agency-approved MAI appraiser to complete an appraisal of the downstream subject properties. Task completion is expected 4 months following the project start date.

As in the case with Upstream Acquisitions the Conservancy will:

Task #9. meet with property owners and confirm their willingness to sell and the feasibility of conservation easement options. Task completion is expected 4 months following the project start date.

Task #10. will coordinate the review of the Steering Committee to determine the priority of each "downstream: acquisition. Task completion is expected 6 months following the project start date.

Task #11. negotiate the purchase of prioritized subject parcels, receive purchase authorization from the Steering Committee, execute that contract, close escrow and transfer subject properties to a public agency authorized to take title. Task completion is expected 32 months following the project start date.

Phase II Restoration Worktasks

Tasks #12-14 are identical to tasks #5-7 but apply to habitat acquisition downstream of Spivey Pond.

Tasks #8 - #14 are inseparable and would be funded as a single unit. Total Downstream Habitat Acquisition program costs total \$550,000. Downstream Restoration costs equal \$100,000 for a total Phase II budget of \$650,000. The "deliverables" produced from this Downstream Habitat Acquisition program are expected to equal 60 acres of recorded *conservation easement* and 186 acres of recorded *fee title* habitat transferred to public ownership. Water quality monitoring, biological survey and restoration reports will be delivered quarterly and upon project completion to CALFED.

Location and Geographic Boundaries of the Project

The Project is located in western El Dorado County, approximately 48 miles east of the State capitol and 1 mile south of Interstate 50 (Vicinity Map - Exhibit #B). The Project boundaries form an elongated ellipse approximately 6 miles in length along the North Fork Weber Creek riparian corridor. The westernmost boundary is Snows Road one mile south of Camino at the eastern half of Section 17, T.10N. R.12E. on the "Camino" U.S.G.S. 7.5' quad. The easternmost boundary is one mile south of Pollock Pines and one mile west of Sly Park Road occupying most of Section 6, T.10N. R.13E. on the "Sly Park" U.S.G.S. 7.5' quad. (Parcel and Quad Maps - Exhibits # C and #D). Elevation within the Project Boundaries range from 2,400 ft. above sea level at Sly Park Road on the western boundary to 3,600 ft. above sea level at the eastern boundary.

The current land use is mixed residential (mostly undeveloped) with spotted timber harvest activity. Most parcels within the project boundaries are zoned RE-10 (one residential unit per 10 acres) with parcel sizes within the project boundaries ranging from 5 acres at the minimum to 160 acres at the maximum.

Ecological/Biological Benefits

Ecological/Biological Objectives

The primary ecological / biological objectives of the Project include the following:

- 1) the conservation and recovery of the California red-legged frog, a federal "threatened" species, within the Weber Creek basin.
- 2) the rehabilitation and protection of natural ecosystem processes which support the red-legged frog as well as other native, coexisting species of concern including the foothill yellow legged frog, the western pond turtle, fall-run chinook salmon and steelhead trout.

The need for the project is characterized by the severe reduction in reproductive populations of the California red-legged frog throughout the Central Valley and Sierra Nevada. The red-legged frog was probably extirpated from the floor of the Central Valley before 1960. Factors associated with declining populations of the frog include degradation and loss of habitat through agriculture, urbanization, mining, overgrazing, recreation, timber harvest, exotic plants, impoundments, water diversions, degraded water quality, and introduced species.

Central Valley Project (CVP) activities have significantly contributed to the population reduction of the California red legged frog throughout its range. The red-legged frog requires marshes, ponds, and low gradient, deep pool streams with emergent vegetation. In the Central Valley and central Sierra Nevada over ninety (90) percent of these historic wetlands have been diked, drained or filled for agricultural and urban development. The construction of large reservoirs have facilitated the introduction of non-native fishes and other predators.

The applicant and partnership agencies view this Project as the best and most economical means to restore the red-legged frog within the Weber Creek basin, demonstrate successful recovery actions suitable to other watersheds that if implemented correctly would lead to the delisting of the species.

The basis for expected benefits is high, as there is suitable reproductive habitat (other deep pool with emergent woody vegetation sites) within the North Fork Weber Creek basin. The recovery of these species of concern by recolonization may simply require the removal of predator species from existing habitat and the reduction of sediment and salinity stressors. The proposed water quality monitoring and biological surveys will assist greatly in the determination of this potential.

The expected results of the proposed project is to increase the number of reproductive populations from the one found at Spivey Pond to six or more at other pond and deep pool riparian sites. Partnership agencies expect the Project will provide a model for the restoration of sustainable populations of the red-legged frog within drainages adjacent and similar to the North Fork Weber Creek Basin.

Ultimately the primary benefit sought is the recovery and delisting of the California red-legged frog. Secondary benefits include the protection and restoration of a specific riparian habitat type and natural ecosystem processes which support other co-existing species of concern including the foothill yellow legged frog, the western pond turtle, fall-run chinook salmon and steelhead trout.

The project will evaluate two scientific hypotheses central to the recovery of the species:

- 1) The only confirmed reproductive population of red-legged frog exists within Spivey Pond at the upper end of the North Weber Creek Basin because of the superior water quality flowing into the pond and that this water quality is due in large part to the existence of a relatively undisturbed and intact riparian and coniferous forest ecosystem upstream. In addition the Spivey Pond population exists because of suitable reproductive habitat (deep pools and emergent, woody vegetation) and the absence of other stressors including non-native predators (bullfrog, bass, sunfish and crayfish).

(2) The existing Red-legged frog population can be expanded and stabilized within the larger, North Fork Weber Creek Basin by acquiring reproductive sites and managing those sites with the purpose of improving, water quality and habitat values through revegetation and through the removal of non-native predators.

The nature and basis for the durability in Project benefits is best characterized by the development and implementation of a tested set of ecological restoration actions that can be utilized in other watersheds to assure the recovery of the Red-legged frog and other native coexisting species of concern. To date, no specific programmatic attempts have been made at recovery. The agency Partnership believes it has correctly identified the ecological stressors that have resulted in the decline of the red-legged frog and other coexisting species of concern. The proposed project will utilize an adaptive management process that will combine acquisition, habitat restoration, water quality monitoring and biological survey actions, which as a whole, are expected to provide the shortest and most economical path toward sustainable population recovery and the delisting of the species. The project will use water quality and biological surveys to compare existing and recovering ecosystems and their impact on the reproduction and recovery of the species. The project will utilize an ecosystem-based approach to protect riparian vegetation structure and complexity, compare water quality variables and the presence and absence of non-native predators with the rates of recovery at alternate reproductive sites. Ongoing biological surveys at multiple reproductive sites will measure rates of recovery and direct actions taken under the projects' adaptive management framework.

Linkages

The proposed Project is linked with and extends the first actions taken by the Agency Partnership to protect, restore and expand this core population of the red-legged frog within the American River Basin. With funding previously provided and committed by CVPIA (B-1 Program), the Wildlife Conservation Board (Habitat Conservation and Endangered Species Recovery Programs) and the National Fish and Wildlife Foundation, the agency Partnership has purchased the only confirmed reproductive site at Spivey Pond and has completed habitat restoration actions on this 54 acre site.

The receipt of CALFED funding under this proposed Project will substantially advance the recovery and delisting of the species by supporting: (1) the acquisition of an ecologically intact and forested buffer zone immediately upstream of Spivey Pond; (2) the acquisition of additional reproductive and connecting habitat downstream of Spivey Pond; and (3) the implementation of habitat restoration actions that include water quality monitoring and biological surveys, sedimentation and erosion control measures and the control of non-native predators.

The Project provides substantial linkage with future ERP actions and goals including those specified compatible by the February, 1999 revised draft of the ERP, Volumes I and II:

- Restore California red-legged frog to habitats throughout its former range (Vol. I, pg. 329);
- Reduce the contaminants in all aquatic environments in the CALFED region (Vol. I, pg. 506);
- Minimize predation on red-legged frog by non-native fish, bullfrogs and crayfish (Vol. II, pg. 37);
- Establish sustainable continuous riparian habitat along American Basin creeks (Vol. II, pg. 332).

The proposed project will utilize an adaptive management process that will combine acquisition, habitat restoration, water quality monitoring and biological survey actions, which as a whole, are expected to provide the shortest and most economical path toward sustainable population recovery within the American River basin and the delisting of the species.

The recovery of the California red-legged frog within the American River Basin will substantially reduce the risk that this species might have on other Bay-Delta activities including land use and associated economic activities, additional water supply, infrastructure and levee improvements. The Red-legged frog is federally listed as threatened. Under authority granted by the Endangered Species Act, Section 7 and Section 10 (16 USC 1531-1544) the U.S. Fish and Wildlife Service is required to consult, permit and approve all activity which may affect threatened species.

System-Wide Ecosystem Benefits

The Project will provide synergistic, system-wide ecosystem benefits. To date, no specific programmatic attempts have been made toward the recovery of the California red-legged frog. The Project recognizes there is scientific uncertainty associated with the various restorative actions proposed. Funding and completion of the proposed project will test specific actions and measure their success through biological/recovery surveys.

Many of the threats facing the Red-legged frog have resulted in the decline of other native, co-existing species of concern. The Projects proposed acquisition and habitat restoration actions will also benefit the foothill yellow legged frog and the western pond turtle as well as fall run chinook salmon and steelhead trout downstream. Within the North Fork Weber Creek Basin, the Project will: (1) moderate extreme temperature fluctuations; (2) reduce sediment and toxics transport; (3) increase the supply of terrestrial insects for food; (4) provide instream woody debris; and (5) create habitat conditions less favorable to non-native predators.

The Project then, as a whole, is expected not only to provide benefits to the North Fork Weber Creek basin but serve as a model for species recovery adaptive and beneficial to the larger Bay-Delta system.

Compatibility with Non-Ecosystem Objectives

This project's acquisition and habitat restoration actions will improve water management for beneficial uses including domestic water quality and water supply reliability. The Weber Creek Reservoir is immediately downstream of the project area and is used for agricultural and domestic water supply. The acquisition and conservation of riparian and upland forests will reduce sediment and toxics transport and increase the retention and slow release of runoff providing for more reliable water supply and reduced flooding potential.

Technical Feasibility and Timing

Alternative Considerations

Over the past 12 months the steering committee has discussed other alternatives. One alternative was to implement restoration actions on *existing* public lands. This alternative was not selected because existing public lands administered by the National Forest Service have no potential reproductive sites. These public lands, do however, offer some value as connecting riparian habitat between potential reproductive sites, currently in private ownership.

The steering committee also explored reestablishing additional Red-legged frog populations at other potential reproductive sites on public lands in other drainages by transporting a portion of the egg masses from the Spivey Pond population. This alternative was rejected from testimony by U.S. Fish and Wildlife Service personnel demonstrating poor success with similar attempts. Agency personnel felt this method also carried the unacceptable risk of weakening the small, existing populations.

The steering committee explored the potential of habitat protection and restoration through voluntary, management agreements with private property owners but found owners unwilling to give up property rights (timber harvest, residential development and pond stocking rights) without compensation.

Environmental Compliance

Under CEQA, the projects' acquisition of habitat is categorically exempt under Article 19; Section 15316. Prior to the acquisition of the Spivey Pond parcel, the State Department of Fish and Game (DFG) prepared and filed the required Notice of Exemption form with the Office of Planning and Research. It is expected DFG will prepare similar filings for the projects' proposed acquisitions. NEPA requires the preparation and review of an "Environmental Assessment" (EA). Prior to the acceptance of the Bureau of Land Management (BLM) an EA was prepared, reviewed and approved. It is expected that prior to the acceptance of title, either the BLM of the U.S. Forest Service will continue to prepare, file and review the required Environmental Assessment.

Through the coordination of adaptive management techniques the steering committee will ascertain those restoration actions which are most likely to contribute to the recovery of the Red-legged frog and other co-existing, native species of concern. At the point of authorizing those actions, "lead agency" will be determined and that agency will prepare and file all necessary CEQA, NEPA and local environmental documentation.

Recently, the American River Conservancy completed dam restoration actions at the Spivey Pond site. Due to the potential of impacting a federally listed species, CEQA and NEPA documents were filed with El Dorado County by DFG and the U.S. Fish and Wildlife Service (the "Service") respectively. El Dorado County issued the grading permit to the American River Conservancy and work was conducted under the direction of both DFG, the Service and El Dorado County's Department of Transportation during a period which least affected the listed species.

The coordination of previous acquisition and restoration work through multiple agency participation in the steering committee has worked well. The steering committee approach is has allowed for the joint review and discussion of data, consensus on action and has minimized the duplication of agency responsibility and effort. This proposed project will continue to build on this existing framework.

The steering committee's approach to resolving other outstanding implementation issues is to complete the following: (1) conduct baseline water quality monitoring and biological surveys to verify specific restoration actions that would best aid in the recovery of the Red-legged frog and other native, co-existing species; (2) acquire intact habitat to buffer or insulate the reproductive population at Spivey Pond; (3) acquire and manage other potential reproductive sites; and (4) reduce the stressors within those reproductive sites and connecting properties that best allow the species to expand its population base through natural recolonization. Site specific and periodic review of data will allow the Steering Committee to adjust or adapt alternative management techniques to fit site specific variables.

Monitoring and Data Collection Methodology

Biological / Ecological Objectives

The Project's primary biological / ecological objective is to increase the number and stability of the reproductive population(s) of the red-legged frog within the North Fork Weber Creek basin. This is believed to be the first step towards the recovery of the species within the American River basin. The project will test several hypotheses:

- (1) The only confirmed reproductive population of red-legged frog exists within Spivey Pond at the upper end of the North Weber Creek Basin because of the superior water quality flowing into that pond and that this water quality is due in large part to the existence of a relatively undisturbed and intact riparian and coniferous forest ecosystem upstream. In addition the Spivey Pond population exists because of suitable reproductive habitat (deep pools and emergent, woody vegetation) and the absence of other stressors including non-native predators (bullfrog, bass, sunfish and crayfish).
- (2) The existing red-legged frog population can be expanded and stabilized within the North Fork Weber Creek basin by acquiring reproductive sites and implementing management techniques that improve water quality, restore woody emergent vegetation and remove non-native predators.

Monitoring Parameters and Data Collection Approach

Immediately following the project start date, the Conservancy will execute two contracts to establish: (1) baseline and ongoing water quality data; and (2) baseline and ongoing red-legged frog population and reproduction data. Water quality and biological data will be measured immediately above and below Spivey Pond, at Snow's Road and at other potential reproductive sites within the project area.

Baseline and periodic water quality data collection will be gathered by field personnel from DFG and the Forest Service. The protocol used to guide the collection of water quality data is referenced by Official Methods of Analysis, 14th Edition, 1984, Association of Analytic Chemists (AOAC), Arlington, VA. Periodic sampling will occur quarterly throughout the 3 year project term. Additional sampling will occur after the first heavy rains of each season and again during late summer at low flow periods. Limnological water test kits will be used by fisheries biologist from the State Department of Fish and Game and El Dorado Forest Service to test temperature, dissolved oxygen, pH and total hardness. Three water samples from each site will also be taken by field personnel and delivered to an approved water quality lab in Sacramento for analysis of turbidity, dissolved metals and salinity. Water samples will be taken from at least three locations: (1) immediately upstream of Spivey Pond; (2) immediately downstream of Spivey Pond and (3) at Snow's Road. Additional samples at potential reproductive sites will be taken as sites are acquired or as personnel receive written permission to access those sites. Table 2. A Monitoring and Data Collection Summary is presented on page 11.

The protocol used to guide Red-legged frog population and reproductive surveys are established by Guidance on Site Assessment and Field Surveys for California Red-Legged Frogs, Feb. 18, 1997, U.S. Fish and Wildlife Service. The American River Conservancy will contract with the U.S. Geological Survey, Biological Resources Division to conduct baseline and periodic surveys of Red-legged frog incidence, breeding success, recolonization and recovery. A baseline survey will be conducted during the first April and May months following the project start date. Periodic surveys will be conducted during early summer and late summer to measure adult and reproduction levels. Baseline and periodic surveys will be conducted within the project area at Spivey Pond, at all acquired and public land sites and at all other potential reproductive sites in which owner permission is received.

Data Evaluation Approach

Water quality and biological survey data will be distributed to steering committee members within 30 days of receipt. Data and conclusions will be summarized within quarterly reports to CALFED. Full data sets will be submitted to CALFED's designated data repository.

Table 2. Monitoring and Data Collection Information

I) Biological / Ecological Objectives			
Hypothesis / Question to be Evaluated	Monitoring Parameter(s) Data Collection Approach	Data Evaluation Approach	Comments/ Data Priority
What habitat values /conditions exist at Spivey Pond in support of current red-legged frog population?	Measure baseline water quality.	Evaluate temperature, dissolve oxygen, ph total hardness, turbity dissolved metals.	First stage: determine baseline conditions supporting existing reproductive population and if possible to improve Spivey Pond reproduction.
Can red-legged frog populations be expanded and stabilized by acquiring and restoring additional reproductive habitat to Spivey Pond conditions or better?	<p>Conduct baseline surveys of red-legged frog within project area.</p> <p>Measure baseline and periodic water quality at all reproductive sites.</p> <p>Conduct baseline and periodic surveys of non-native predators at all reproductive sites.</p> <p>Conduct periodic surveys of red-legged frog within project area to determine effectiveness of population enhancement actions.</p>	<p>Evaluate baseline population numbers and distribution to determine recolonization potential.</p> <p>Evaluate effectiveness of water quality improvement actions.</p> <p>Evaluate baseline presence and effectiveness in non-native predator control actions.</p> <p>Evaluate number, size and stability of new reproductive populations established through natural recolonization of other reproductive sites.</p>	<p>Second stage: determine baseline populations to document success of recovery actions.</p> <p>Third stage: determine baseline water quality conditions at other reproductive sites.</p> <p>Fourth stage: determine sustainability of predator control actions and ongoing management needs.</p> <p>Fifth stage: determine relative impact of restoration actions on red-legged frog recovery and application to other watershed basins.</p>

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Local Involvement

There are three local agencies currently involved in the Project: El Dorado County, El Dorado Irrigation District and the American River Conservancy. Each of the Steering Committee meetings occurring over the past year have been attended by a representative of each of these three agencies. In the case of El Dorado County, meetings have been attended by either the Planning Director, Conrad Montgomery or by Senior Planner, Steven Hust. El Dorado Irrigation District has been represented by either its General Manager, Bill Hetland or by Project Manager, Dave Witter. The American River Conservancy has been represented by its Executive Director and this Project's designated coordinator, Alan Ehrgott. All three organizations are supportive of the project.

A formal notification letter has been written and submitted to the El Dorado County Board of Supervisors and is attached as Exhibit #E.

Upon the acquisition of the Spivey Pond site, the Conservancy met with or discussed by telephone the red-legged frog project with six adjacent landowners. In addition, the Conservancy has met with or discussed by telephone the project with an additional three parties which own potential reproductive sites downstream of Spivey Pond. All parties have shown cautious support for the project. All parties have been supportive of efforts to advance the recovery of the species. Most property owners expressed concerns regarding property rights and their ability to grade roads or building pads, harvest timber or construct dwellings. Nearly all property owners with whom the Conservancy held discussions, indicated a willingness to entertain a purchase or conservation easement offer.

Shortly following the Project start date, the Conservancy will contact owners of parcels identified for acquisition. The American River Conservancy will meet with each of these landowners, explain the nature of the project and determine their willingness to participate through either the sale of fee title or a conservation easement or through a management agreement.

The Project applicant and the steering committee believes this project will have little or no significant third party impacts. Acquisition of land and easements will be purchased from willing sellers only. Actions requiring access or management of private property will include written permission from the property owner. The small reduction in property tax base to El Dorado County will be offset by a reduction in water treatment and other public infrastructure costs otherwise needed to service the area and by the increased value of water quality to all beneficial uses.

Cost

Total budget costs requested from CALFED are presented within two phases. The Project applicant requests that both phases be funded. Should budget limitations within this current round restrict the funding of both phases than the applicant requests that CALFED fund, at a minimum, Phase I.

Phase I: Habitat Acquisition and Restoration Upstream of Spivey Pond

(Tasks #1-#7): Total CALFED Cost - \$500,000; Completion 36 mo. after start date.

Total Phase I project costs equal \$500,000 with individual components budgeted as follows:

A. Acquisition		
(i) Acquisition costs of 146 acres of habitat (12 parcels):	\$355,500	
(ii) Escrow and related mileage costs:	\$ 38,715	
(iii) Appraisal contract costs:	\$ 8,000	
(iv) Project coordination costs equal to 370 hrs @ \$30/hr:	\$ 11,100	
(v) Overhead and indirect costs*:	<u>\$ 1,685</u>	
Total Phase I acquisition costs		\$415,000
B. Restoration		
(i) Contract costs for water quality and biological surveys:	\$ 48,000	
(ii) Contract costs for predator control & revegetation:	\$ 16,700	
(iii) Project coordination costs equal to 505 hrs @ \$30/hr:	\$ 15,150	
(iv) Mileage costs:	\$ 2,900	
(v) Overhead and indirect costs*:	<u>\$ 2,250</u>	
Total Phase I restoration costs		\$ 85,000
<u>Total Phase I acquisition and restoration costs:</u>		<u>\$500,000</u>

Phase II: Habitat Acquisition and Restoration Downstream of Spivey Pond

(Tasks #8-#14): Total CALFED Cost - \$650,000; Completion 36 mo. after start date.

Total Phase II project costs equal \$650,000 with individual components budgeted as follows:

A. Acquisition		
(i) Acquisition costs of 155 acres of habitat (10 parcels):	\$480,000	
(ii) Escrow and related mileage costs:	\$ 46,100	
(iii) Appraisal contract costs:	\$ 13,000	
(iv) Project coordination costs equal to 316 hrs @ \$30/hr:	\$ 9,480	
(v) Overhead and indirect costs*:	<u>\$ 1,420</u>	
Total Phase I acquisition costs		\$550,000
B. Restoration		
(i) Contract costs for water quality and biological surveys:	\$ 56,500	
(ii) Contract costs for predator control & revegetation:	\$ 19,800	
(iii) Project coordination costs equal to 590 hrs @ \$30/hr:	\$ 17,700	
(iv) Mileage costs:	\$ 3,400	
(v) Overhead and indirect costs*:	<u>\$ 2,600</u>	
Total Phase I restoration costs		\$100,000
<u>Total Phase I acquisition and restoration costs:</u>		<u>\$650,000</u>

* Note that overhead and indirect costs include project related office rent, telephone and other utility expense, photoduplication, and general office staff. Overhead costs are computed at the Conservancy's audited and predetermined rate of fifteen percent (15%) of direct salary and benefits.

Total budget costs requested from CALFED are presented within Table 3 - Total Budget and Table 4 - Quarterly Budget provided on pages 14 and 15.

Table 3. Total Budget- CALFED Funds Only

Task	Direct Labor Hours	Direct Salary and Benefits	Service Contracts	Land/Easement Acquisition Costs	Escrow and other Direct Costs	Overhead and Indirect Costs	Total Cost
Phase I							
<u>Acquisition</u>							
Task #1	10 hrs	\$ 300	\$ 8,000		\$ 20	\$ 45	\$ 8,365
Task #2	96 hrs	\$2,880			\$ 145	\$ 430	\$ 3,455
Task #3	24 hrs	\$ 720			\$ 110	\$ 110	\$ 940
Task #4	240 hrs	\$7,200		\$ 355,500	\$38,440	\$1,100	\$ 402,240
<u>Restoration</u>							
Task #5	120 hrs	\$3,600	\$48,000		\$ 2,900	\$ 500	\$ 55,000
Task #6	145 hrs	\$4,350				\$ 650	\$ 5,000
Task #7	240 hrs	\$7,200	\$16,700			\$1,100	\$ 25,000
						Phase I Costs	\$ 500,000
Phase II							
<u>Acquisition</u>							
Task #8	12 hrs	\$ 360	\$13,000		\$ 20	\$ 50	\$ 13,430
Task #9	80 hrs	\$2,400			\$ 120	\$ 360	\$ 2,880
Task #10	24 hrs	\$ 720			\$ 110	\$ 110	\$ 940
Task #11	200 hrs	\$6,000		\$ 480,000	\$45,850	\$ 900	\$ 532,750
<u>Restoration</u>							
Task #12	140 hrs	\$4,200	\$56,500		\$ 3,400	\$ 600	\$ 64,700
Task #13	170 hrs	\$5,100				\$ 700	\$ 5,800
Task #14	280 hrs	\$8,400	\$19,800			\$ 1,300	\$ 29,500
						Phase II Costs	\$ 650,000
Total Cost Phase I & II							\$1,150,000

Phase I: Upstream Acquisition

- Task #1 - Appraisal
- Task #2 - Property Owner Outreach
- Task #3 - Define Acquisition Priority
- Task #4 - Complete Acquisitions

Habitat Restoration: Phase I and Phase II

- Task #5 & #12 - Water / Biological Surveys
- Task #6 & #13 - Erosion & Salinity Control
- Task #7 & #14 - Predator Control / Reveg.

Phase II: Downstream Acquisition

- Task #8 - Appraisal
- Task #9 - Property Owner Outreach
- Task #10 - Define Acquisition Priority
- Task #11 - Complete Acquisitions

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Table 4. Quarterly Budget

Quarterly Budget: 36 Months - 12 Quarters												
Task	1st 4th '99	2nd 1st '00	3rd 2nd '00	4th 3rd '00	5th 4th '00	6th 1st '01	7th 2nd'01	8th 3rd '01	9th 4th '01	10th 1st '02	11th 2nd '02	12th 3rd '02
Phase #1												
<u>Acquis.</u>												
Task #1	\$8,365											
Task #2	\$3,455											
Task #3	\$ 940											
Task #4		\$36,500	\$36,500	\$36,500	\$36,500	\$36,500	\$36,500	\$36,500	\$36,500	\$36,500	\$36,500	\$37,240
<u>Restor.</u>												
Task #5		\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000
Task #6		\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
Task #7			\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Phase #2												
<u>Acquis.</u>												
Task #8		\$13,430										
Task #9		\$ 2,880										
Task #10		\$ 940										
Task #11			\$53,275	\$53,275	\$53,275	\$53,275	\$53,275	\$53,275	\$53,275	\$53,275	\$53,275	\$53,275
<u>Restor.</u>												
Task #12	\$5,400	\$5,400	\$ 5,400	\$ 5,400	\$ 5,400	\$ 5,400	\$ 5,400	\$ 5,400	\$ 5,400	\$ 5,400	\$ 5,400	\$ 5,300
Task #13			\$ 580	\$ 580	\$ 580	\$ 580	\$ 580	\$ 580	\$ 580	\$ 580	\$ 580	\$ 580
Task #14	<u>\$2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,460</u>	<u>\$ 2,440</u>
Total	\$20,620	\$67,610	\$106,715	\$106,715	\$106,715	\$106,715	\$105,715	\$105,715	\$105,715	\$105,715	\$105,715	\$105,715

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Cost Sharing

Total project cost is estimated at one million five hundred twenty-nine thousand seven hundred five dollars (\$1,529,705) and includes the purchase and restoration of Spivey Pond. Of this total cost \$1,150,000 would come from CALFED. Of the remaining \$379,705, the Partnership has received \$181,000 from the CVPIA and \$49,000 from the National Fish and Wildlife Foundation (NFWF). An additional \$26,000 from NFWF and \$99,000 from the Wildlife Conservation Board has been approved. Receipt of these funds is expected by the end of April, 1999. Of the remaining \$24,705, the American River Conservancy has expended \$20,205 of acquisition and restoration actions and has proposed the expenditure of \$4,500 on additional erosion control measures.

To cover this \$24,705 in unreimbursed project expense the American River Conservancy has submitted a grant application to the River Network Program (EPA funded) for that exact amount.

A funding decision on this grant is expected by the end of April, 1999. A summary table of total project funding is provided as follows:

Total Project Costs		\$1,529,705
CALFED Funding Requested	\$1,150,000	
CVPIA Funding Received	\$ 181,000	
State Wildlife Conservation Board Funding Approved	\$ 99,000	
National Fish & Wildlife Foundation Funding Approved	\$ 75,000	
American River Conservancy Funding (Unreimbursed) (River Network Grant pending)	\$ 24,705	
Total Project Funding		\$1,529,705

The Bureau of Land Management has agreed to take title to Spivey Pond. All Project partners have agreed to participate in project management (Exhibit #A). It is expected that title to future acquisitions will be split between the Bureau of Land Management and the U.S. Forest Service.

In addition, the American River Conservancy and Project partners have identified the following grant and assistance programs which may provide additional Project funding. Applications to these programs have as of yet not been submitted.

The Environmental Enhancement and Mitigation Program provides funding for projects that provide habitat enhancement above and beyond that directly required by federally funded transportation projects. This program is administered by the California State Department of Transportation.

The Land Exchange Program administered by the Bureau of Land Management has the potential of raising funding through the sale of public lands with little or insignificant natural resource or recreational value. Lands sold or exchange could provide funding for the acquisition of additional Red-legged frog habitat within the North Fork Weber Creek Basin.

Partners for Fish and Wildlife is a habitat restoration cost-sharing program for private landowners. The program is administered by the U.S. Fish and Wildlife Service and is established to offer technical and financial assistance to landowners who wish to restore wildlife habitat on their property under a formal cooperative agreement. Projects with the highest priorities are those that benefit threatened and endangered species.

Wildlife and Habitat Incentives Program (WHIP) also provides technical assistance and cost share payments to help establish and improve fish and wildlife habitat. Cost-Share assistance includes an agreement for wildlife habitat development and usually lasts 5 to 10 years. Under the agreement the landowner agrees to install and maintain WHIP practices and allow the National Resource Conservation Service or its agent to monitor the effectiveness of the practices. The U.S. Department of Agriculture agrees to provide technical assistance and pay up to 75 percent of the costs of installing wildlife habitat measures.

Applicant Qualifications

The American River Conservancy (ARC) has been selected by the Agency Partnership to be the lead agency and contracting party responsible for payments, reporting and accounting. The Conservancy's executive director, Alan Ehrgott will serve as the primary Project contact. A one page "Statement of Prior Related Experience" for Mr. Ehrgott and the American River Conservancy is attached as Exhibit #F.

Mr. Ehrgott will coordinate the scheduling, agendas, minutes and support documentation for project review and management meetings conducted by the Steering Committee. The Steering Committee will oversee and authorize Mr. Ehrgott and the American River Conservancy to sign contracts and expend project funds for all appraisal, acquisition, water quality monitoring, biological survey and habitat restoration actions. Payments, reporting and accounting will be supported by the Conservancy's technical support and accounting staff. In addition, Mr. Ehrgott will coordinate the appraisal, negotiation and acquisition of fee title and easement acquisitions within the project area. (Task #1-4, Task #8-11).

Water quality, biological survey and habitat restoration actions will be supervised by fisheries biologists Maria Borjia, U.S. Fish and Wildlife Service, Stafford Lehr, the State Department of Fish and Game and George Elliot, Eldorado National Forest Service (Tasks #5,#12,#7, # 14).

Steering committee members Steve Hust, senior planner for the El Dorado County Planning Department, Dave Witter, project manager for the El Dorado Irrigation District and Alan Ehrgott Project coordinator will implement a voluntary erosion and salinity control measures among responsible agencies and landowners within within the North Fork Weber Creek drainage basin. (Task #6,#13).

Table of Exhibits and Attachments

Exhibit #A	Management Agreement and MOU for Participating Agencies (6 pages)
Exhibit #B	Vicinity Map
Exhibit #C	Parcel Map of Project Area
Exhibit #D	USGS Quad Map of Project Area (11x17)
Exhibit #E	Notification Letter to El Dorado County Board of Supervisors
Exhibit #F	Applicant's Statement of Prior Related Experience
Attachments D and E	Item #19: Nondiscrimination Compliance Item #4186: Small Business Preference

MEMORANDUM OF UNDERSTANDING
Between the
U.S. BUREAU OF LAND MANAGEMENT
U.S. FOREST SERVICE
U.S. BUREAU OF RECLAMATION
U.S. FISH AND WILDLIFE SERVICE
CALIFORNIA DEPARTMENT OF FISH AND GAME
AMERICAN RIVER CONSERVANCY
EL DORADO COUNTY
and
EL DORADO IRRIGATION DISTRICT
REGARDING MANAGEMENT OF THE
CALIFORNIA RED-LEGGED FROG
(RANA AURORA DRAYTONII)
in
NORTH FORK WEBER CREEK

This Memorandum of Understanding (MOU) is made and entered into by the American River Conservancy, U.S. Bureau of Land Management, U.S. Forest Service, U. S. Fish and Wildlife Service, U.S. Bureau of Reclamation, California Department of Fish and Game, El Dorado County, and El Dorado Irrigation District (herein referred to as Parties) on the dates set forth below.

The MOU establishes a voluntary commitment by the signatories to cooperatively develop and implement a management plan for the California red-legged frog for the Spivey Unit to the extent that their authorities and funding allow. This MOU is not a contract and is not legally binding, but is an agreement between the signatories to work together toward common goals to the extent possible. No signatory may be required to take any action with which it does not concur unless required by law and/or regulations, including but not limited to the Endangered Species Act. Such voluntary action has the purpose of coordinating resource management and minimizing conflict between multiple resource uses.

I-PURPOSE

This MOU is intended to serve as a framework to develop a management plan for 54 acres on the North Fork of Weber Creek, Spivey Pond Unit in El Dorado County, California, which is occupied by the Federally threatened California red-legged frog.

II-AUTHORITY

The authority for the Bureau of Land Management to enter into this MOU is the Federal Land

Policy and Management Act of October 21, 1976 (43 U.S.C 1737).

The authority for the U.S. Fish and Wildlife Service to enter into this MOU is the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq., and section 3406(b)(1) of the Central Valley Project Improvement Act, Title XXXIV of P.L. 102-575, October 30, 1992.

The authority for the U.S. Forest Service to enter into this MOU is the Granger-Thye Act of April 24, 1950 (16 U.S.C. 572).

The authority for the U.S. Bureau of Reclamation is section 3406(b)(1) of the Central Valley Project Improvement Act, Title XXXIV of P.L. 102-575, October 30, 1992.

The authority for the California Department of Fish and Game is Fish and Game Code Sections 1801 and 1802.

The authority of El Dorado County is the El Dorado County Plan. Goal 74, Wildlife and Vegetation Resources, of the Conservation and Open Space Element of the General Plan.

The authority for El Dorado Irrigation District is California Water Code, Division 11 (Irrigation District Law), 20500 et seq.

III-RECITALS

- The signatories of this MOU recognize that the Spivey Pond Unit provides habitat for the red-legged frog and other riparian dependant species. Maintenance and enhancement of this site may be important for the recovery of the red-legged frog in the Sierra Nevada Mountains.
- The signatories recognize the importance of including experienced agencies, organizations, and individuals into the development of the management plan. The signatories expect to work with all affected interests in the process of preparing and implementing a management plan for the red-legged frog at the Spivey Pond Unit.
- Lands within the North Fork of Weber Creek are publicly and privately owned and managed. Coordination of the public and private efforts would help ensure protection for watershed resources.

IV-GOALS AND OBJECTIVES

The Signatories will:

- Develop a management plan for the red-legged frog at the Spivey Unit and at sites within the watershed under their control.

- Protect and enhance the Spivey site to ensure the viability and sustainability of red-legged frogs.
- Recognize the rights and responsibilities of the private landowners within the watershed.
- Coordinate existing and seek alternative funding mechanisms to accomplish the goals of the management plan.
- Annually review the progress made implementing the goals of this MOU.

V-PLANNING GUIDELINES

- The Parties will be jointly involved in the study of the natural resources of their properties within the watershed using available information and working together to develop additional information as needed.
- A full range of management measures will be considered, private landowner concerns will be addressed, and all signatories will be involved in formulating the final recommendations for the management plan to the extent possible.
- The team will recognize the rights of private property owners, particularly with regard to public access to private lands.

VI-GENERAL PROVISIONS

- Nothing in this MOU is intended to expand or limit the legal authority of any signatory, agency, entity or organization. This MOU does not modify or supersede other existing agreements and/or memoranda of understanding.
- This MOU is intended to embody general principles, and does not create contractual relationships, rights, obligations, duties or remedies between or among signatories.
- This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that will be made in writing by representatives of the parties and will be independently authorized by separate statutory authority. This MOU does not provide such authority. Specifically, this instrument does not establish authority for noncompetitive award to the cooperator of any contract or other agreement. Any contract or agreement for training or other services must fully comply with all applicable requirements for competition. Nothing in this MOU will be construed by the Parties to require the obligation, appropriation, or expenditure of any from the U.S. Treasury.

- Any party(s), in writing, may terminate this instrument in whole, or in part, prior to the date of expiration.
- This instrument in no way restricts any party from participating in similar activities with other public or private agencies, organizations, and individuals.
- The party(s) as provided by Federal law hereby agree to defend and hold harmless the U.S. Forest Service, its representatives or employees, from any damage incident to the performance of the work resulting from, related to, or arising from this MOU.
- This MOU is executed as of the last date shown below and expires five years after that date, at which time it will be subject to review, renewal, or expiration.
- Modifications to this MOU will be made by issuance of an amendment signed by all of the Parties.

V. PRINCIPAL CONTACTS

The parties hereto designate the following persons as principal contacts for the purpose of this instrument:

American River Conservancy
 Alan Ehrgott
 P.O. Box 562
 Coloma, California 95613
 530/621-1224

California Department of Fish and Game
 Stafford Lehr
 1701 Nimbus Road, Suite A
 Rancho Cordova, California 95670
 916/358-2885

El Dorado County
 Conrad Montgomery
 2850 Fairlane Court
 Placerville, California 95667
 530/621-5355

El Dorado Irrigation District
 Dave Witter
 2890 Mosquito Road
 Placerville, California 95667
 530/622-4513

U.S. Bureau of Reclamation
 Chuck Solomon
 2800 Cottage Way
 Sacramento, California 95825
 916/978-5052

U.S. Fish and Wildlife Service
 Marie Sullivan
 3310 El Camino Ave., Suite 130
 Sacramento, California 95821
 916/979-2760

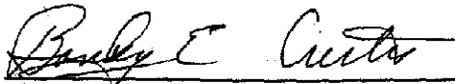
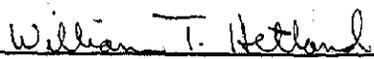
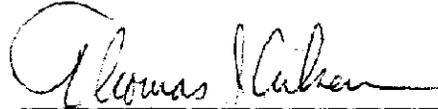
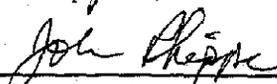
U.S. Forest Service
 Bob Smart
 Placerville Ranger District
 4260 Eight Mile Road
 Camino, California 95709
 530/647-5301

U.S. Bureau of Land Management
 Deane Swickard
 Folsom Field Office
 63 Natoma Street
 Folsom, California 95630
 916/985-4474

A party may designate different principal contact(s) by notifying the other parties in writing.

This instrument may be executed in any number of counterparts, but all of which taken together will constitute one and the same instrument. Any executed copy of this instrument will be deemed an original for all purposes.

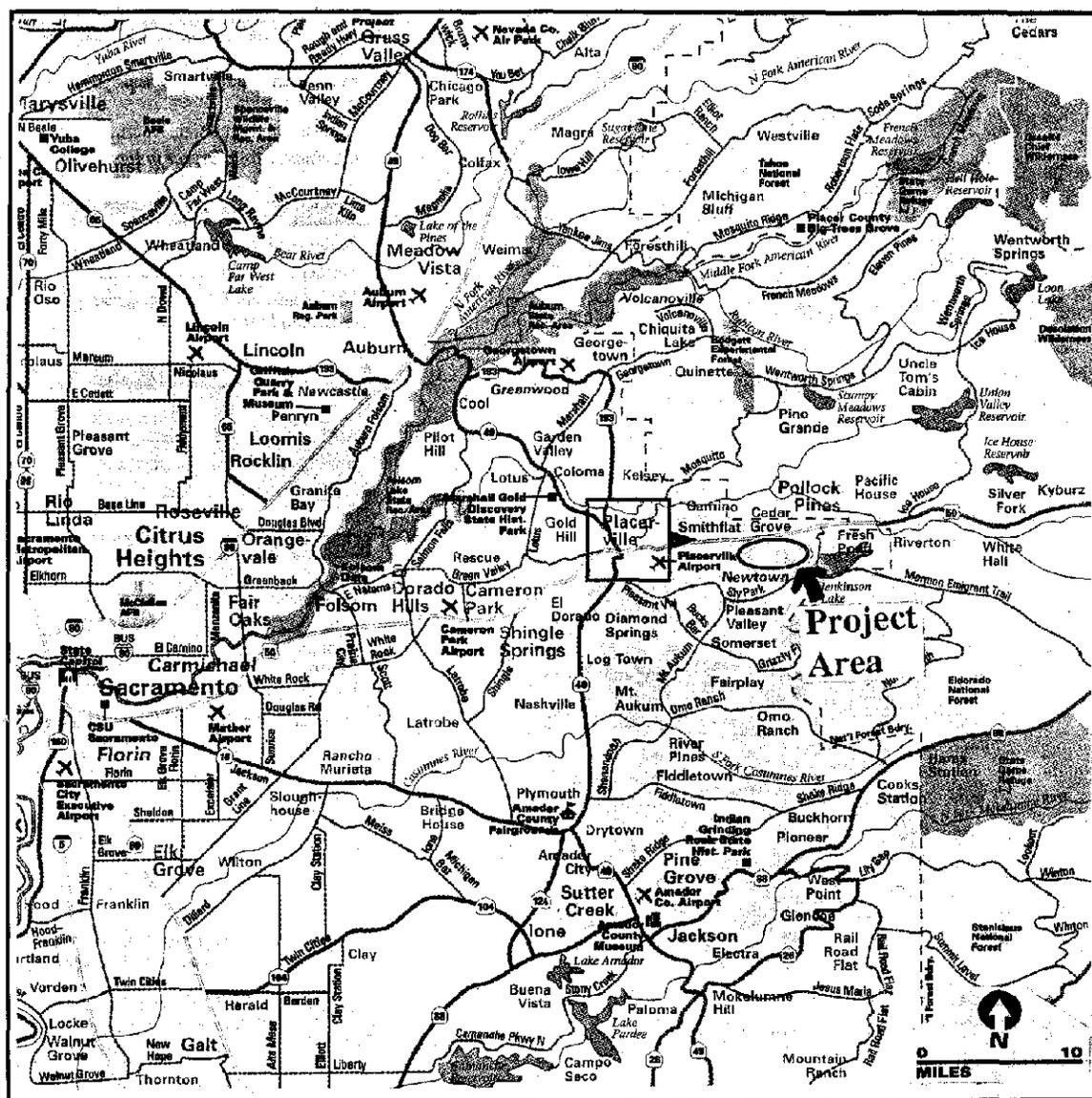
REQUESTED SIGNATORIES

	Date
 _____ Director, American River Conservancy	2/11/99
 _____ Regional Manager, Sacramento Valley Central Sierra Region, California Department of Fish and Game	2/25/99
_____ Chairman of the Board, El Dorado County	_____
 _____ General Manager, El Dorado Irrigation District	2/22/99
 _____ Folsom Field Manager, U.S. Bureau of Land Management	2/12/99
 _____ Area Manager, Central California Area Office, U.S. Bureau of Reclamation	3/18/99
 _____ Field Supervisor, U.S. Fish and Wildlife Service	3/2/99
 _____ Forest Supervisor, El Dorado National Forest, U.S. Forest Service	2/17/99

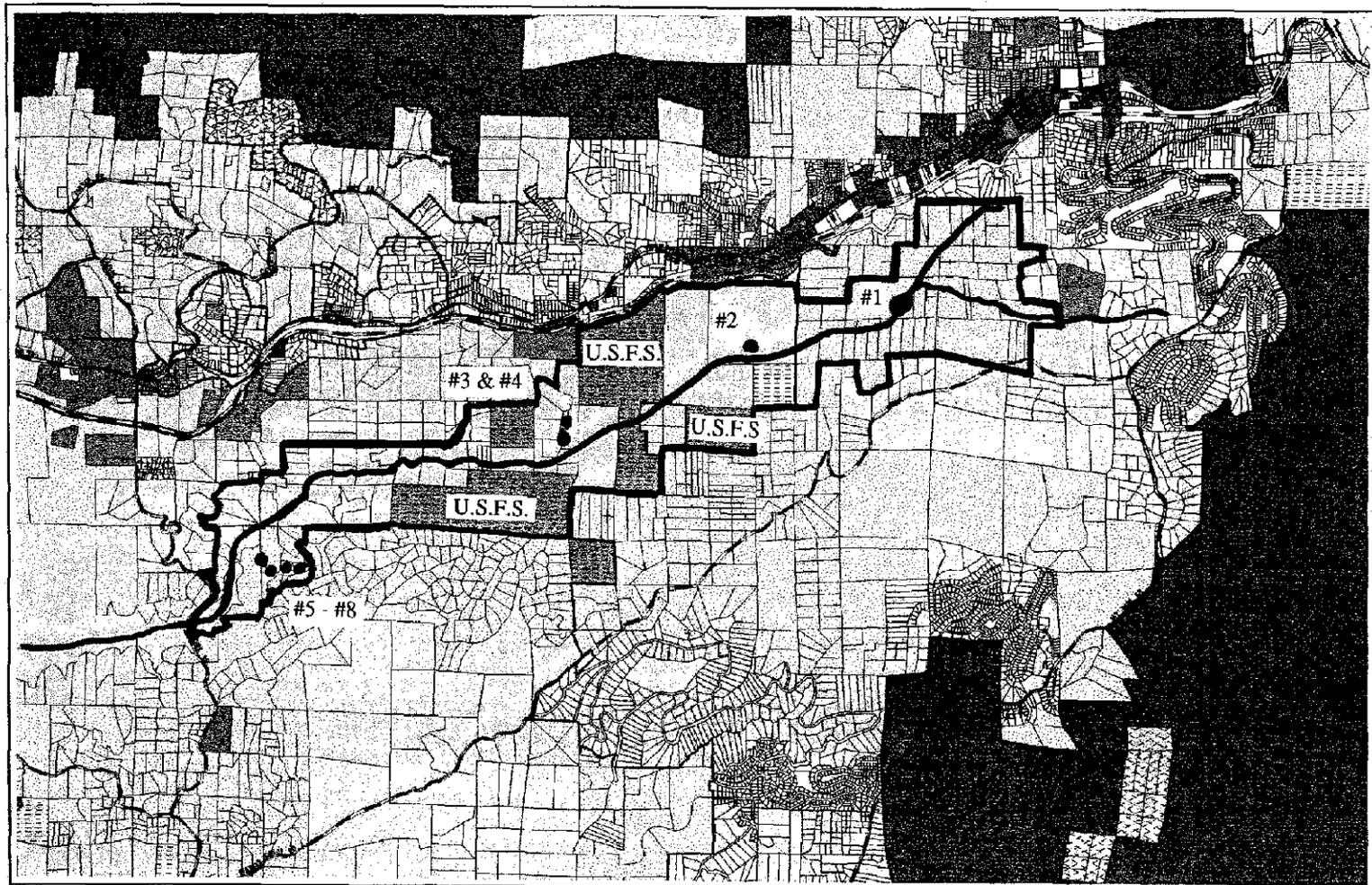
Vicinity Map

Spivey Pond Unit
North Fork Weber Creek Ecological Reserve

Project Area is 48 miles east of the State Capitol



North Fork Weber Creek - Parcel Map



1-015580



1" = 4,000'



Project Boundary

North Fork Weber Creek

Pond Sites: ● #1 - Spivey Pond ● #2 - Nielsen

● #3 - Crom ● #5-#8 - Lindsey



Mr. Ray Nutting
 Supervisor, District II
 El Dorado County Board of Supervisors
 330 Fair Lane
 Placerville, Ca. 95667

April 12, 1999

Re: North Fork Weber Creek; Spivey Pond Management Agreement and CALFED Grant.

Dear Ray,

Thank you for taking the time to tour the Spivey Pond property on the North Fork Weber Creek with myself and EID's general manager Bill Hetland. As you know, Spivey Pond supports one of two known reproductive populations of the California red-legged frog, a federally listed "threatened" species, in the Sierra Nevada range and the only confirmed population in the American River basin. The Conservancy expects to receive the last remaining grant funds necessary to acquire these 54 acres within 10 days and will transfer title of the property to the U.S. Bureau of Land Management shortly thereafter.

I have enclosed a copy of a cooperative agreement to manage the Spivey Pond property previously signed by the El Dorado Irrigation District, State Dept. of Fish and Game, U.S. Bureau of Land Management, U.S. Bureau of Reclamation, U.S. Forest Service, U.S. Fish and Wildlife Service and the American River Conservancy. Although EDC Planning Department staff have participated in meetings to develop this MOU, El Dorado County has to date, not signed this agreement. On behalf of the signatory agencies I ask that El Dorado County's participation and support of the Management Agreement be brought forward before the Board of Supervisors at the earliest possible date.

In addition, the American River Conservancy and the above mentioned agencies are submitting an application to CALFED as part of a public agency / non-profit joint venture requesting \$1.15 million dollars to acquire additional reproductive habitat and finance habitat restoration actions within the North Fork Weber Creek basin. Taken together, these actions are believed to be the best management options available to advance the recovery of the Red legged-frog and contribute to the delisting of this species. The Red-legged frog is recognized by CALFED as an At-Risk Upstream Native Species and CALFED's Conservation Strategy Team has recommended that the CALFED program make specific contributions to the recovery of the Red-legged frog. I have enclosed a written summary of this grant. Please note that any proposed acquisitions of property would be willing-seller transactions and that any restoration actions requiring access onto or across private property will not occur without the full written permission of the property owner.

I would be pleased to answer any questions you might have regarding the Management Agreement or the CALFED grant outlined above. Thank you again for your review of the enclosed documents and for your support of the Spivey Pond property acquisition.

Sincerely,

Alan Ehrigott
 Executive Director

cc: Sam Bradley, District I
 Mark Nielsen, District III
 Penny Humphries, District IV
 Dave Solero, District V
 Conrad Montgomery, EDC Planning Director

A Statement of Prior Related Experience

The American River Conservancy (ARC) has been selected by the applicant Partnership to be the lead agency and contracting party responsible for payments, reporting and accounting. The Conservancy's executive director, Alan Ehr Gott will service as the primary Project contact.

Alan Ehr Gott received a bachelors of science degree in biology in 1974 and a master of administration degree in environmental administration in 1976 from the University of California. Mr. Ehr Gott has worked as a land use planner for San Bernardino County and as a land use consultant to the Bureau of Land Management. Mr. Ehr Gott has been employed as the Conservancy's executive director from 1989-to present. During this ten period, Mr. Ehr Gott served as the coordinator for the following projects.

- 1990 ARC assisted the DFG with the purchase of 40 acres of rare plant and fisheries habitat with funding provided by the Wildlife Conservation Board (Prop. 117).
- 1992 ARC assisted the BLM with the purchase of 190 acres of South Fork American River frontage with funding provided by the Land Water Conservation Fund under a specific congressional allocation request.
- 1993 ARC assisted the BLM with the purchase of 393 acres of South Fork American River frontage with funding provided through a land exchange.
- 1994 ARC assisted EDC with the purchase of an 8 acre park site with funding provided through a Lighting and Landscape Act Assessment District.
- 1994 ARC purchased, designed and constructed a river access park with funding provided from the 1994-'95 cycle of the EE&MP Grant.
- 1995 ARC assisted the DFG with the purchase of 93 acres of rare plant habitat with funding provided from the 1995-'96 cycle of the EE&MP Grant and development mitigation impact fees.
- 1996 ARC assisted DFG and EDC with the purchase of 133 acres of rare plant habitat with funding provided by the Habitat Conservation Program, the 1996-97 cycle of the EE&MP Grant and development mitigation impact fees. ARC assisted the BLM in acquiring 354 acres of river frontage along the South Fork American River adjacent to the Salmon Falls Unit of the Pine Hill Ecological Reserve.
- 1997 ARC assisted the Service, DFG, EDC and the El Dorado Irrigation District (EID) acquire 117 acres of rare plant habitat within the proposed Cameron Park unit of the Pine Hill Ecological Reserve. ARC has also assisted the BLM acquire another 160 acres of mature Blue oak woodland adjacent to the South Fork American River two miles above the Salmon Falls bridge.
- 1998 ARC assisted the Service, USBR, DFG and the BLM acquire a 53-acre sited within the North Fork Weber Creek in El Dorado County which hosts one of two known reproductive populations of the California red-legged frog in the Sierra Nevada.

From 1990 to date, ARC has completed 23 land acquisition and restoration projects representing approximately 2,044 acres of protected endangered species habitat, riparian and recreational lands.

**STANDARD CLAUSES -
SMALL BUSINESS PREFERENCE AND CONTRACTOR IDENTIFICATION NUMBER**

NOTICE TO ALL BIDDERS:

Section 14835, et. seq. of the California Government Code requires that a five percent preference be given to bidders who qualify as a small business. The rules and regulations of this law, including the definition of a small business for the delivery of service, are contained in Title 2, California Code of Regulations, Section 1896, et. seq. A copy of the regulations is available upon request. Questions regarding the preference approval process should be directed to the Office of Small and Minority Business at (916) 322-5060. To claim the small business preference, you must submit a copy of your certification approval letter with your bid.

Are you claiming preference as a small business?

_____ Yes*

No

*Attach a copy of your certification approval letter.

NONDISCRIMINATION COMPLIANCE STATEMENT

STD. 18 (REV. 3-95) FMC

COMPANY NAME

AMERICAN RIVER CONSERVANCY

The company named above (hereinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), medical condition (cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

OFFICIAL'S NAME

ALAN EHRGOTT

DATE EXECUTED

APRIL 13, 1999

EXECUTED IN THE COUNTY OF

EL DORADO

PROSPECTIVE CONTRACTOR'S SIGNATURE

Alan Ehr Gott

PROSPECTIVE CONTRACTOR'S TITLE

EXECUTIVE DIRECTOR

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

AMERICAN RIVER CONSERVANCY