

# ATTACHMENT 2

State Director (1-8-94-F-16)

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2. Attraction of common ravens (*Corvus corax*) and other potential tortoise predators to the sheep herding areas shall be reduced to the maximum extent possible.

## Terms and Conditions

The Bureau shall ensure that the following terms and conditions to reduce the take of desert tortoises are implemented. Terms and conditions 1.f and 2 were contained in the description of the proposed action submitted by the Bureau and have been modified slightly herein by the Service.

1. The following terms and conditions are established to implement reasonable and prudent measure 1:

- a. If any sheep herder or tender fails to comply with any of the reasonable and prudent measures or terms and conditions of this biological opinion, the Bureau shall issue a verbal warning to the responsible party. A third verbal warning for non-compliance to the same party shall result in the revocation of the grazing license for the responsible party.
- b. The project proponent shall designate an individual as a contact representative who will have the authority to ensure compliance with protective stipulations for the desert tortoise and be responsible for coordination with the Bureau, the Service, and California Department of Fish and Game (Department).
- c. All incidences of grazing activities which are not authorized through this biological opinion and the Bureau's stipulations shall be reported to the District Range Conservationist in the Bureau's California Desert District Office in Riverside.
- d. The Bureau shall ensure that all herders, tenders, and others associated with sheep grazing operations authorized through the Bureau are aware of the legal status of the desert tortoise, protective stipulations for the species, and the civil and criminal penalties associated with the unauthorized take of a listed species.
- e. The Bureau shall ensure that each grazing lease is visited by wildlife biologists, range conservationists, natural resource specialists, or rangers at least once a week throughout the grazing season to ensure compliance with the terms and conditions of this biological opinion and the Bureau's stipulations. Any items in non-compliance shall be remedied at the time of the check and reported to the District Range Conservationist.

- f. The Bureau shall ensure that the sheep grazing operators comply with the following stipulations contained in the biological evaluation for the proposed action (Bureau 1993):
1. Turnout of sheep in Category I and II habitat shall not be permitted until after March 20, which is the estimated date of emergence of desert tortoise from hibernation. Turnout in Category I and II habitat shall not occur until 350 pounds (air-dry-weight) per acre of ephemeral forage is available. The lessee shall be required to remove the sheep from the area or the entire allotment if production falls below 350 pounds per acre. The use rate of the forage above 350 pounds per acre shall be five percent in Category I and II habitat.
  2. Turnout shall not occur until production of 200 pounds (air-dry-weight) per acre of ephemeral forage is available. The lessee shall be required to remove the sheep from the area or the entire allotment if production falls below 200 pounds per acre. The use rate of the forage above the minimum shall be ten percent.
  3. No grazing is authorized except as approved annually by application. All herders shall have a copy of the current use authorization in their possession and a copy posted at the camp site. When trailing, all herders shall be required to have a copy of the current trailing authorization.
  4. Sheep bands shall be limited to 1,000 adult sheep with an approximately equal number of lambs.
  5. Sheep shall be grazed in a loose pattern.
  6. Grazing use shall be limited to one pass, identified by physical evidence that sheep use has occurred, per season at a given location.
  7. Bedding and watering sites shall be changed daily. New bedding or watering sites shall be at least one-quarter mile from any previous sites. Sheep shall be watered on or adjacent to dirt roads unless an existing open area can be used.
  8. Stopping and parking of vehicles, and vehicular camping along routes of travel would be limited to within 50 feet of all routes in multiple-use Class "L" and "M" as described in the California Desert Conservation Area Plan.

9. A camp site or camp trailer shall not remain in the same location for more than seven days. A new camp location shall be at least one mile from any previous camp location. Trash and garbage shall be removed from each camp site; no trash or garbage shall be buried at camp site. All sheep carcasses within 300 feet of a road shall be removed.

10. All sheep shall be watered on or immediately adjacent to dirt roads (within 25 feet) or in areas that have been cleared of shrubs from past uses.

11. Within 15 days of the close of the authorized grazing period, the lessee/permittee shall submit a map delineating areas of use within the allotment.

12. At the conclusion of the grazing season, the Bureau shall submit a report to the Service which summarizes the results of any monitoring conducted on the grazing program and impacts to the desert tortoise, including the take of individual animals and area of habitat affected.

2. The following term and condition is established to implement reasonable and prudent measure 2:.

- a. Trash and garbage shall be removed from each camp site; no trash or garbage shall be buried at camp site. All sheep carcasses shall be removed from the grazing area immediately upon discovery and disposed in a manner that eliminates scavenging by common ravens and other predators of desert tortoise.

#### **Disposition of Dead, Injured, or Sick Desert Tortoises**

Upon locating dead, injured, or sick desert tortoises, initial notification must be made within three working days of the finding to the Service's Division of Law Enforcement in Torrance at (310) 297-0062. The Service's Ventura Field Office should also be notified at (805) 644-1766. Written notification to both offices must be made within five calendar days and include the date, time, and location of the carcass, a photograph, and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care, and in handling dead specimens to preserve biological material in the best possible state. The Bureau shall endeavor to place the remains of intact desert tortoises with educational or research institutions holding the appropriate State and Federal permits per their instructions. If such institutions are not available or the shell has been damaged, the information noted above shall be obtained and the carcass left in place. The Bureau should consider marking the carcass in a manner that would not be toxic