



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2013-CPA-0148

July 18, 2013

Kim L. Prillhart, Planning Director
Planning Division
County of Ventura
800 S. Victoria Avenue
Ventura, California 93009-1740

Subject: Measures to Protect the California Condor at Oil and Gas Exploration,
Development, and Production Facilities in Ventura County

Dear Ms. Prillhart:

The U.S. Fish and Wildlife Service (Service) recognizes the vital role that local jurisdictions play in the conservation of endangered and threatened species. You are often the first to become aware of proposed development projects or other changes in land use that could affect undeveloped areas, and typically implement environmental review processes that require disclosure of important information on the presence of sensitive species. The Service appreciates this function and we are writing to provide you with information that we recommend considering during project review. Specifically, we have become aware that you are reviewing the impacts of proposed oil and gas facilities on biological resources. To assist in that process, we are enclosing a list of measures for you to consider incorporating into your review process, which will help protect the California condor (*Gymnogyps californianus*) from the potential adverse effects of oil and gas projects.

The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act and its implementing regulations prohibit the taking of any federally listed endangered or threatened wildlife species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species.

Exemptions to the prohibitions against take may be obtained through coordination with the Service through interagency consultation for projects with Federal involvement pursuant to section 7 or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act. If the subject project is to be funded, authorized, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act. Once a project proponent determines if the proposed project will have a lead Federal agency, we can provide more detailed information regarding section 7 interagency consultation or the 10(a)(1)(B) permitting process.

California condor

The California condor was federally listed as endangered on March 11, 1967 (32 Federal Register (FR) 4001), and State listed as endangered on June 27, 1971. Critical habitat for the California condor was designated on September 24, 1976 (41 FR 187), and consists of nine critical habitat units scattered throughout the species' range in California totaling approximately 570,400 acres; 180,302 acres of critical habitat are within Ventura County. An experimental population of California condors was established in Arizona in 1996 under section 10(j) of the Act.

The California condor is a member of the family Cathartidae or New World vultures, a family of seven species, including the closely related Andean condor (*Vultur gryphus*) and the sympatric (occurring in the same area) turkey vulture (*Cathartes aura*). California condors are among the largest flying birds in the world. Adults weigh approximately 22 pounds and have a wing span up to 9.5 feet. They are generally black, with prominent white underwing linings as adults. California condors have naked skin on the head and neck that ranges from gray to shades of yellow, red, and orange. California condors nest in various types of rock formations including crevices, overhung ledges, and potholes, and, more rarely, in cavities in giant sequoia trees (*Sequoia giganteus*) (Snyder et al. 1986) and giant coast redwoods with cavities or broken out tops.

California condors are opportunistic scavengers, feeding only on the carcasses of dead animals. Typical foraging behavior includes long-distance reconnaissance flights, lengthy circling flights over a carcass, and hours of waiting at a roost or on the ground near a carcass. Currently, newly released California condors are provided with stillborn calf carcasses as supplemental food to help juvenile birds acclimate to the wild and for trapping and release purposes. Most California condor foraging occurs in open terrain of foothill grassland and oak savannah habitats.

California condors use topography and associated thermal weather patterns for flight. This is best illustrated by historical observations indicating that almost all flights by California condors, whether covering long distances or not, followed routes over the foothills and mountains bordering the southern San Joaquin Valley. California condors are highly dependent on topography as it dictates prevailing wind patterns (Service 1984). The species is totally

dependent on favorable wind conditions to move throughout its range, and long periods of inclement weather will keep birds immobile.

The California condor declined over the past century to such a low level that only 22 individuals existed in 1982. The last free-flying California condors were captured by 1987 and brought into a captive breeding program. Following several years of increasingly successful captive breeding, captive-produced California condors were first released back to the wild in southern California in early 1992.

Currently, the most serious sources of human-related mortality are lead poisoning, shooting, collision with power lines, and the ingestion of small pieces of garbage (micro-trash) which, in combination with hair and other natural items, become compacted in the birds' digestive tract and can lead to death. Two California condors have been shot and killed since 1999.

Eleven of the California condors released since 1992 were killed in collisions with power lines. At least two deaths from collisions with manmade objects, including power lines, were known historically (Koford 1953). Because of deaths from contact with power lines, condors started undergoing power line aversion training in 1995 before their release. As problem power lines are identified in the field, the Service works with power companies to eliminate or reduce the risk.

As of June 2013, there were 435 California condors, 237 of which comprise the wild population; the remaining birds are in captivity. Of the wild population, there are 134 condors in California, including 66 free-flying birds and 6 chicks in the Southern California flock (Service 2013).

The Sespe Wilderness in the Los Padres National Forest provides important habitat for the California condor. Condors historically roosted, foraged, and nested in the area. In recognition of the area's value to the California condor, the Sespe Condor Sanctuary was established in 1951. In 1974, the Service purchased 2,471 surface acres adjacent to the Sespe Condor Sanctuary and established the Hopper Mountain National Wildlife Refuge near the city of Piru. California condors were once released and fed at the Hopper National Wildlife Refuge. California condors occur throughout the Los Padres National Forest in Ventura County and, because condors are so mobile, any individual may fly over oil and gas projects in Ventura County at any given time during daylight hours.

In 2006, condor releases from Hopper Mountain National Wildlife Refuge were discontinued and a new release site and associated supplemental feeding site were established at Bitter Creek National Wildlife Refuge. However, there was a transition period of approximately 1 year, during which supplemental feeding was still conducted at Hopper Mountain National Wildlife Refuge until such time that all of the free-flying condors utilized Bitter Creek National Wildlife Refuge, including the recently released juveniles dependent on supplemental food at that time.

During 2007, condors landed on four well pads that were the source of most of the micro-trash that condors in southern California were finding (U.S. Forest Service 2010). In the recent past,

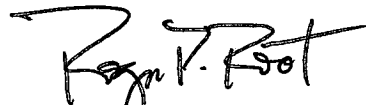
young condors had frequented oilfield areas (M. Hall, former Refuge Manager, Hopper Mountain National Wildlife Refuge, pers. comm. 2006 *in Service* 2009). This behavior was not observed during 2005 and 2006, but a few months into 2007, condors began to frequent oilfield areas again, including four well pads identified as the main locations where condors continued to land (J. Grantham, former California Condor Recovery Coordinator, and R. Posey, former Service Supervisory Wildlife Biologist, pers. comm. 2007 *in Service* 2009). Up to the present, condors continue to investigate and land at oil and gas facilities, where they may be at risk of exposure to micro-trash and the other threats described above.

Oil and gas development

To assist us with the conservation of the California condor, we recommend that the Ventura County Planning Department require project proponents to implement the enclosed avoidance and minimization measures at oil and gas facilities within the range of the species. We understand that each oil and gas project is unique, and every measure will not be applicable to all projects. We would appreciate being involved early in the design/planning stages of projects that could impact the California condor; through early involvement we would be able to provide recommendations on the applicability of the measures to specific projects and locations. While implementing the enclosed measures may, in certain circumstances, ensure that impacts to condors are minimized or avoided, incorporating the measures into a project should not be construed as take avoidance or authorization without separate explicit coordination with and input from the Service.

As you know, Ventura County is a focal point of the California condor's ongoing recovery given its central location in the species' current range in California, and as the geographic base of operations for the Service's California condor recovery program. With your cooperation, we can help ensure that oil and gas exploration, development, and production activities in Ventura County are compatible with conservation of the California condor. We appreciate the County's assistance in maintaining the progress and momentum of recovery efforts for this species. If you have any questions regarding the California condor or other federally listed species in Ventura County, please contact Colleen Draguesku of my staff at (805) 644-1766, extension 221.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger P. Root". The signature is stylized with a large, sweeping initial "R" and a cursive "P".

Roger P. Root
Assistant Field Supervisor

Enclosure

REFERENCES CITED

- Janssen, D.L., J.E. Oosterhuis, J.L. Allen, M.P. Anderson, D.G. Kelts, and S.N. Wiemeyer. 1986. Lead poisoning in free ranging California condors. *Journal of the American Veterinary Medicine Association* 189:1115-1117.
- Koford, C.B. 1953. The California condor. *National Audubon Society Research Report* 4:1-154.
- Snyder, N.F.R., R.R. Ramey, and F.C. Sibley. 1986. Nest-site biology of the California condor. *California condor* 88:228-241
- [Service] U.S. Fish and Wildlife Service. 1984. California condor recovery plan. U.S. Fish and Wildlife Service, Portland, Oregon.
- [Service] U.S. Fish and Wildlife Service. 2009. Biological opinion for the proposed leasing of two drilling sites on well pads in the Sespe Oil Field, Ventura County, California. Ventura Fish and Wildlife Office, Ventura, California.
- [Service] U.S. Fish and Wildlife Service. 2013. California condor recovery program: population size and distribution. Prepared by California Condor Recovery Program, Ventura, California. June 30, 2013. Overview page.
- U.S. Forest Service. 2010. Re-initiation of and additional information for the biological assessment on the proposal to lease oil and gas resources within the boundaries of the Los Padres National Forest. June 1, 2010. Prepared for U.S. Fish and Wildlife Service by Kevin Cooper, Los Padres Forest Biologist, Los Padres National Forest. Goleta, California. 41 pp.
- Wiemeyer, S.N. J.M. Scott, M.P. Anderson, P.H. Bloom, and C.J. Stafford. 1988. Environmental contaminants in California condors. *Journal of Wildlife Management* 52:238-247.

***Recommended Minimization and Avoidance Measures to Protect the California Condor at Oil and Gas Facilities in Ventura County**

1. Oil and gas facilities will not be developed within 1.5 miles of active and historic nest sites and reintroduction sites, or within 0.5 mile of an active roost site.
2. If new power transmission and distribution lines are necessary, they will be placed underground to avoid potential for collision by California condors. Where undergrounding of power lines is not possible, location and design of such lines will be developed in collaboration with the U.S. Fish and Wildlife Service.
3. All existing power lines, poles, and guy wires within flyways used frequently by California condors will be retrofitted with raptor guards, flight diverters, and other anti-perching or anti-collision devices to minimize the potential for collision or electrocution of condors.
4. Landing deterrents, such as Daddi Long Legs or porcupine wire, will be attached to the walking beams on pumping units.
5. All surface structures, which are identified by the U.S. Fish and Wildlife Service or qualified biologists as a risk to California condors, will be modified (e.g., to include installation of raptor guards, anti-perching devices, etc.) or relocated to reduce or eliminate the risk.
6. All construction debris and other trash including micro-trash (e.g., small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass, or wire, and anything that is colorful or shiny) will be covered or otherwise removed from a project site at the end of each day or prior to periods when workers are not present at the site.
7. Wells pads will be inspected closely for micro-trash on a daily basis.
8. Informational signs describing the threat that micro-trash poses to condors, and the cleanup or avoidance measures being implemented, will be posted at the site.
9. All food items and associated trash will be placed in covered containers to preclude access or use by California condors. This will include small bits of trash and debris, such as aluminum can pull tabs, electrical connectors, broken glass, and pieces of rubber, plastic, and metal.
10. All equipment and work-related materials (including loose wires, open containers, rags, hoses, or other supplies or materials) will be contained in closed containers either in the work area or placed inside vehicles.
11. All hoses or cords that must be placed on the ground due to drilling operations that are outside of the primary work area (immediate vicinity of the drilling rig) will be covered to prevent California condor access. Covering will take the form of burying or covering with heavy mats, planks, or grating that will preclude access by California condors.

12. Poly chemical lines will be replaced with stainless steel lines to preclude condors from obtaining and ingesting pieces of poly line.
13. Ethylene glycol based anti-freeze or other ethylene glycol based liquid substances will be avoided, and propylene glycol based antifreeze will be encouraged. Equipment or vehicles that use ethylene glycol based anti-freeze or other ethylene glycol based liquid substances will be inspected daily for leaks. While at the site, areas below vehicles and equipment using ethylene glycol based substances will be checked for leaks and puddles. Standing fluid (e.g., a puddle of anti-freeze) will be remediated (e.g., cleaned-up, absorbed, or covered) without unnecessary delay. Vehicles using ethylene glycol based substances will be inspected before and after field use for obvious leaks and puddles. Leaks will be repaired before the vehicle is allowed back onsite. No changing of antifreeze of any type will be allowed onsite.
14. No open drilling mud, water, oil or other liquid storage or retention structures will be allowed. All such structures will be required to have netting or other covering that precludes entry or other use by condors or other listed avian species.
15. No dogs or other potential predatory domesticated animals will be allowed to run free at worksites.
16. No flaring sites for natural gas or other flammable gases or substances will be allowed without prior review by the U.S. Fish and Wildlife Service.
17. Prior to conducting work on-site, employees and contractors will be made aware of the California condor, and how to avoid impacts to them. Special emphasis will be placed on keeping the well pad site free of micro-trash and other hazards.
18. All construction equipment, staging areas, materials, and personnel will be restricted to previously disturbed areas to the extent possible.
19. The potential for human-caused wildfires will be minimized by use of shields, mats, or other fire-prevention methods when grinding or welding. Fire response equipment, including water, extinguishers, and shovels will be available for fire suppression.
20. Firearms will be prohibited.
21. No feeding of wildlife will be permitted.
22. If any California condor is observed on or near (perched or on the ground within approximately 1,000 feet of) an oil and gas facility, the U.S. Fish and Wildlife Service will be notified immediately and allowed to access the facility. Additionally, if the U.S. Fish and Wildlife Service has data to indicate that any California condor is in the vicinity, the U.S. Fish and Wildlife Service will be allowed access to the facility to confirm the presence of the bird(s). Measures to deter the birds from using the oil and gas facility may be deployed after review by the U.S. Fish and Wildlife Service.

23. Direct contact with California condors will be avoided.

*Implementation of these measures does not constitute authorization from the U.S. Fish and Wildlife Service (Service) to take federally listed species in any manner. Section 9 of the Endangered Species Act of 1973, as amended (Act), and its implementing regulations prohibit the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species.