



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825

IN REPLY REFER TO:
1-1-03-LS-1428

March 19, 2003

Mr. Calvin Fong
Regulatory Branch
U.S. Army Corps of Engineers
333 Market Street
San Francisco, California 94105

Subject: Final Rule Listing the Sonoma County Distinct Population Segment of the California Tiger Salamander as an Endangered Species

Dear Mr. Fong:

On March 19, 2003, the U.S. Fish and Wildlife Service (Service), under the authority of the Endangered Species Act of 1973, as amended (Act), listed the Sonoma County Distinct Population Segment of the California tiger salamander (*Ambystoma californiense*) (Sonoma California tiger salamander) as an endangered species (**Federal Register** 68: 13498-13520). Previously, on July 22, 2002, the Service listed the animal as an endangered species under an emergency basis; this designation was effective for 240 days (**Federal Register** 67:47726-47740). This Distinct Population Segment is restricted to a portion of the Santa Rosa Plain in Sonoma County, California extending from approximately Santa Rosa south to the Cotati area. The factors imperiling this animal in Sonoma County, California include habitat destruction and degradation, disease, pesticide drift, invasive exotic species, and inadequate regulatory mechanisms.

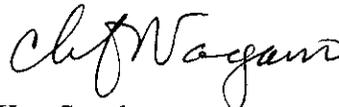
The Act prohibits the take of the Sonoma California tiger salamander. Take is defined in the Act as "... to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." "Harm" has been further defined to include habitat destruction when it injures or kills a listed species by interfering with essential behavioral patterns, such as breeding, foraging, or resting. Thus, the Sonoma California tiger salamander is protected from activities such as collecting, but also from actions that damage or destroy its habitat.

Certain activities that result in the "incidental take," which is defined as take that is incidental to an otherwise lawful activity, may be authorized by one of two procedures. First, if a Federal agency is involved with the permitting, funding, or carrying out of the project and a listed species, such as the Sonoma California tiger salamander, is going to be adversely affected, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required. Such consultation would result in a biological opinion addressing the anticipated effects of the project to the listed species and may authorize a limited level of incidental take. Second, if a Federal agency is not involved in the project, and federally listed species may be taken as part of the project, then an incidental take permit pursuant to section 10(a)(1)(B) of the Act should be

obtained. The Service may issue such a permit upon completion of a satisfactory conservation habitat plan for the listed species that would be taken by the project.

The Service continues to be committed to assisting other Federal, State, and local agencies, and non-governmental parties with the Sonoma California tiger salamander. If you have any questions, please contact Chris Nagano, Chief of our Endangered Species Division, at the letterhead address or at telephone 916/414-6600.

Sincerely,



Ken Sanchez
Acting Field Supervisor

Enclosures