



Santa Clara Valley Habitat Plan CLARIFICATION AND INTERPRETATION

Subject	"Covered Activity" Determination: Private Stock Ponds
Clarification Number	2013-014
Approved	Edmund Sullivan 
Effective Date	6/24/15
Revision Date <i>(If applicable)</i>	

Category

"Covered Activity" Determination

Topic

Private Stock Ponds

Issue/Question/Problem Statement

Are private stock ponds a covered activity under the Habitat Plan? If so, what management actions are required and recommended for private stock ponds?

Plan Guidance

Habitat Plan Chapter 2, page 2-96, states:

Pond maintenance on private lands outside the Reserve System is a covered activity if the project proponent receives a ministerial or discretionary permit for this activity from the County or one of the participating cities and complies with the management actions below in addition to the

conditions and application processes described in the Plan (see Chapter 6 [Conditions 12 and 17 and Section 6.8]). This covered activity is designed to provide an alternative permitting mechanism for maintenance of stock ponds, but it may support other pond maintenance needs as well. Removal of existing stock ponds is not covered under pond maintenance.

Habitat Plan Chapter 2, pages 2-96 and 2-97, provides the required and recommended management actions for private stock ponds.

Required Management Actions

- All vegetation removal will occur after the breeding season for pond-dependent wildlife, including nesting migratory birds.
- If vegetation targeted for removal includes nonnative vegetation on which covered species rely for habitat (e.g., tricolored blackbirds nesting in Himalayan blackberry), the removal will be undertaken in phases over a 3- to 4-year period and replaced with similar, native vegetation suitable to the site.
- If the pond is located in modeled California red-legged frog habitat, vegetation management activities may only occur between August 30 and October 15.
- If the pond is leaking, repairs will be made to improve water retention and duration.
- All invasive or predatory nonnative species (e.g., bullfrogs, mosquitofish, and nonnative predatory fish) will be removed and disposed of by a qualified biologist. Management techniques described in Appendix K, *California Tiger Salamander Hybridization* [of the Habitat Plan], will be implemented, as deemed appropriate by the project proponent in coordination with the Implementing Entity.
- If the pond is creating or contributing to local erosion, fixes will be made to eliminate the pond's contribution to such issues.
- If needed, dredging will be conducted during the non-breeding periods of covered and other native species (e.g., tricolored blackbird, California tiger salamander, California red-legged frog, or western pond turtle).
- Any disturbed areas will be re-seeded with native vegetation appropriate for the surrounding natural communities for replacement of lost ecological services and function.
- Any herbicide application conducted in ponds or wetlands must use products that have been approved for aquatic communities.
- Grazing rotation and targeted fencing will be used to maintain appropriate vegetation in and around the pond and to reduce existing or potential erosion issues.

Recommended Management Actions

- If a pond dam requires reconstruction, consider increasing the spillway elevation to increase pond capacity and improve water duration if appropriate.¹
- If the pond lacks vegetation, consider native plantings where appropriate, after consultation with the Implementing Entity.

¹ In some cases, increasing the spillway elevation may not be appropriate because increasing the inundation period may facilitate the persistence or introduction of nonnative species that have detrimental effects on covered species.

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- Coarse woody debris or anchored basking platforms may be installed in ponds to improve habitat for western pond turtles (Hays et al. 1999).

Habitat Plan Chapter 6, pages 6-89 and 6-90, requires a map of all coastal and valley freshwater marsh, seasonal wetland, pond, stream, and riparian woodland areas to be submitted with the application package. This requirement coincides with Item 4 of the Habitat Plan Application Package.

Determination/Justification

Private stock ponds are a covered activity under the Habitat Plan only if the project proponent receives a ministerial or discretionary permit for this activity from the County or Cities and complies with the management actions referenced above.

References

Hays, D. W., K. R. McAllister, S. A. Richardson, and D. W. Stinson. 1999. *Draft Washington State Recovery Plan for the Western Pond Turtle*. Washington Department of Fish and Wildlife. Olympia, WA. 53 pp.