

APPENDIX 7-C



Kit Fox Pre-Construction And Construction Protocol

APPENDIX 7-C

KIT FOX PRE-CONSTRUCTION AND CONSTRUCTION PROTOCOL

Pre-Construction Protocol for Each Phase of Project Construction

The following measures shall be employed prior to the start of grading activities for each phase of project construction:

1. A pre-construction survey to locate known kit fox dens shall be conducted by a qualified biologist within approximately six (6) months of the start of any grading activities. A qualified biologist means any person who has completed at least four (4) years of training in wildlife biology or a related science and has demonstrated field experience in the identification and life history of the kit fox. If possible, the survey should be conducted between March 1 and July 31. The survey shall include the entire area subject to disturbance. Results of the survey shall be recorded, with a copy submitted to the Community Development Department.
2. If a known kit fox den is found in an area subject to grading or other construction activities and cannot be preserved as discussed in 2.e. below, the following measures shall be implemented:
 - a. The den shall be monitored for three (3) consecutive days to determine its current status. Activity at the den shall be monitored by placing tracking medium at its entrance and by spotlighting. If no kit fox activity is observed during this period, the den should be destroyed immediately to preclude subsequent use. If kit fox activity is observed at the den during this period, the den shall be monitored for an additional five (5) consecutive days to allow any resident kit fox to move to another den. Use of the den during this period should be discouraged by partially plugging its entrance(s) with soil in such a manner that any resident animal can escape easily. Destruction of the den may begin when, in the judgment of the biologist, the animal has moved to a different den. If the animal is still present after five (5) or

more consecutive days of plugging and monitoring, the den shall be excavated when, in the judgment of the biologist, it is temporarily vacant.

- b. Destruction of the den shall be accomplished by careful excavation with hand tools until it is certain that no kit foxes are inside. The den shall be fully excavated and then filled with dirt and compacted to ensure that kit foxes cannot re-enter or use the den during the construction period. If at any point during excavation a kit fox is discovered inside the den, the excavation activity should cease immediately and monitoring of the den as described in (1) above shall resume. Destruction of the den may be completed when, in the judgment of the biologist, the animal has escaped from the partially destroyed den.
- c. Kit fox den excavations and pre-excavation monitoring shall be conducted by a qualified biologist, as defined above, or under the direct supervision of a qualified biologist. Staff biologists of the project proponent may conduct den excavations only if they are previously trained in the procedure by a qualified biologist.
- d. Consultation with the FWS and/or DFG, as appropriate, in compliance with the federal and/or state Endangered Species Acts, shall be required prior to destruction of a known kit fox den in which kit fox activity is observed during the three (3) day monitoring period specified in measure 2.a. above.
- e. If a known kit fox den is found, but will not be destroyed by grading or other development activities, a protective exclusion zone shall be established around the den. If construction activities take place between July and December, the exclusion zone shall be 300 feet; the exclusion zone around a pupping den shall be 500 feet. If construction activities take place between January and June, a 1,000-foot buffer around the den shall be provided. Human activities should be restricted within the exclusion zone; vehicle operation, construction,

materials storage, or other types of surface-disturbing or vibration-producing activity shall be prohibited.

Exclusion fencing shall consist of large, sturdy flagged stakes (metal or 1-inch thick wooden stakes, 4 to 5 feet in height) connected by heavy rope or cord. Each exclusion zone shall be posted with two (2) signs placed at equidistant points along the perimeter identifying the fenced zone as an environmentally sensitive area and stating that no disturbance is permitted without prior authorization from the Community Development Department. Exclusion zone fencing shall be maintained until all construction-related disturbance has been terminated in that area. At that time, all fencing and signs shall be removed.

Construction Protocol for Each Phase of Project Construction

The following measures shall be employed during each phase of project construction:

1. To prevent injuring or trapping kit foxes during construction, any excavated steep-walled hole or trench deeper than 2 feet shall at the close of each working day provide one or more escape ramps constructed of earth fill or wooden planks. Escape ramps should be placed at least every 500 feet along the perimeter of the excavation. All holes or trenches greater than 2 feet deep shall be monitored daily. Before such holes or trenches are filled, they shall be inspected for trapped animals.
2. Locations of material handling areas, construction offices, and vehicle and material storage sites shall be situated, to the extent possible, in previously disturbed areas and to avoid kit fox protective exclusion zones.
3. To avoid harassment or killing of kit foxes, no firearms or pets shall be allowed within the construction site.

4. All food-related trash items shall be disposed of in a closed container or removed from the construction site.
5. To the extent possible, construction related traffic shall be restricted to designated access roads, storage areas, construction sites, parking areas and other project-related areas necessary for project construction. Night traffic shall be minimized and a 20 mph speed limit shall be enforced at night.
6. Kit foxes may den in pipes of appropriate sizes. To prevent access by kit foxes, all construction pipes of 4 - 24 inches in diameter shall be stacked prior to use. If this is not feasible, all stored pipes shall be inspected thoroughly before installation to ensure no kit fox is using them.
7. The following rodenticides shall be banned from use within construction sites: Compound 1080, strychnine, chlorophazinone, diphazinone, and fumigants such as methyl bromide. All poisoning programs shall be done under the supervision of the San Joaquin County Department of Agriculture.
8. An information sheet regarding the kit fox and applicable restrictions outlined above (intended to avoid injury to the fox), and designating a project ecological monitor, shall be developed and disseminated to all independent construction company field supervisors and their employees prior to start of construction. A copy of this information sheet shall be kept on file in all field construction offices and staging areas. All construction workers shall be instructed to report any observations of possible kit fox sightings or instances of entrapment, injury or mortality to their supervisors. Supervisors shall maintain a written log of any such instances and immediately report each such instance to the person or entity designated in the information sheet.