Habitats of 11 Endangered Species Included in the San Francisco Bay Area Pesticide Injunction

Endangered Species Program
Pest Mgmt. & Licensing Branch
Dept. of Pesticide Regulation

San Francisco Bay Area Stipulated Injunction and Order

- Suit by Center for Biological Diversity charges U.S. EPA with failure to consult U.S. Fish & Wildlife Service (FWS) on the risks from 75 active ingredients (AI) to 11 listed species in the San Francisco Bay Area.
- Eight counties affected: Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma.
- Imposes different "no-use" buffers for the 75 AI, depending on species.

Species Included

California clapper rail

California freshwater shrimp

California tiger salamander

Salt marsh harvest mouse

Tidewater goby

Species Included

San Joaquin kit fox

Alameda whipsnake

San Francisco garter snake

Valley elderberry longhorn beetle

Bay checkerspot butterfly

Delta smelt

Background Information - http://www.epa.gov/endangered-species/san-francisco-bay-area-endangered-species-litigation-center-biological-diversity#background

Background on this Court Case and EPA's Commitments

On May 30, 2007, the Center for Biological Diversity filed a lawsuit in the United States District Court for the Northern District of California alleging that EPA failed to comply with section 7(a)(2) of the Endangered Species Act in regard to 47 pesticides and 11 listed species in the San Francisco Bay Area (Center for Biological Diversity v. EPA, Case No. 07-2794-JCS (N.D. Cal.). Ultimately, 75 pesticides came to be at issue in this case.

On July 1, 2009, EPA published a Notice in the Federal Register (PDF) (Size: 23K, About PDF) opening a 15-day comment period on a proposed stipulated injunction to resolve the litigation discussed in the above paragraph. EPA published another Federal Register Notice (PDF) (Size: 132K, About PDF), based on comments received, re-opening the comment period for an additional 30 days from the original closing date, extending the public's opportunity to comment on the proposed stipulated injunction until August 17, 2009.

After considering public comment, the Federal Government agreed to a Stipulated Injunction to resolve the lawsuit, Center for Biological Diversity v. EPA (Case No.: 07-2794-JCS). On May 17, 2010, the U.S. District Court for the Northern District of California Ordered the Stipulated Injunction, which:

- set forth a schedule by which EPA was to review the registrations of pesticides containing any of 75 pesticide active ingredients for their potential effects to 1 or more of 11 federally-listed threatened or endangered species in 8 counties around the San Francisco Bay Area of California; and
- identified interim pesticide use limitations intended to reduce exposure to the 11 species during the time EPA is assessing these pesticides and consulting with the U.S. Fish and Wildlife Service, as appropriate.

The injunction also committed EPA to:

- develop and make available through various means, a brochure to inform pesticide users of the Order, the Stipulated Injunction, and the 11 species involved;
- mail copies of the Stipulated Injunction to all registrants of the pesticides subject to the Stipulated Injunction;
- provide to certain retail establishments, shelf tags they may use to identify certain pesticides identified in the Stipulated Injunction as "urban use" pesticides;
- annually notify certain retail establishments and certain user organizations that the Stipulated Injunction is still in effect and refer them to EPA's Web site for further information; and
- display on its web site, a copy of the Order and Stipulated Injunction, maps identifying the areas where the interim injunctive relief applies, and fact sheets for the 11 species identified in the Stipulated Injunction.

EPA's Interactive Maps can be accessed at: http://www.epa.gov/endangered-species/san-francisco-bay-area-map-tool-identify-interim-pesticide-use-limitations

Pesticides: Endangered Species Protection Program

Contact Us **Search:** ○ All EPA ◉ This Area Go

You are here: EPA Home » Pesticides » ESPP » San Francisco Bay Area - Interim Pesticide Use Limitations

San Francisco Bay Area - Interim Pesticide Use Limitations

This map shows interim pesticide use limitation areas related to eleven threatened or endangered species in the San Francisco Bay area.

Find Location **CITY, STATE or ZIP (e.g. 'napa, ca' or '94560')**

- **Always zoom in.** Some pesticide use limitation area boundaries are inside others, or are very small habitats.
- **Click the zoom and pan buttons** to get closer to your exact location
- **Use the AERIAL and ROAD buttons** to switch between terrain and roadmap view.
- **Click the interim pesticide use limitation area** to get a quick list of pesticides limited in your area.

This mapper is intended to assist pesticide users' understanding of certain interim pesticide use limitations contained in the Court's Order and Stipulated Injunction and which apply to certain pesticides in certain geographic areas within the state of California. There are some exceptions to the interim use limitations which may be found on EPA's [illegible]. If you have not already done so, you should review the Background and Exceptions information on that page to determine whether the interim limitations apply to your use of a pesticide.

Because interim use limitations may be changed or deleted as EPA continues to review the 75 pesticide active ingredients, pesticide users should visit this site before, but close to the time of pesticide use to determine whether the interim use limitations apply to your use of the specific pesticide in a specific geographic area. EPA will update this site when limitations change.

EPA's Interactive Maps – Contain Sections from California Dept. of Fish & Wildlife plus Critical Habitat from US Fish & Wildlife Service

EPA's Interactive Maps – Aerial Photography View Option

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Pesticides: Endangered Species Protection Program

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ESPP Home

Litigation Status

San Francisco Bay Area - Interim Pesticide Use Limitations

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Livermore Find Location **CITY, STATE or ZIP (e.g. 'napa, ca' or '94560')**

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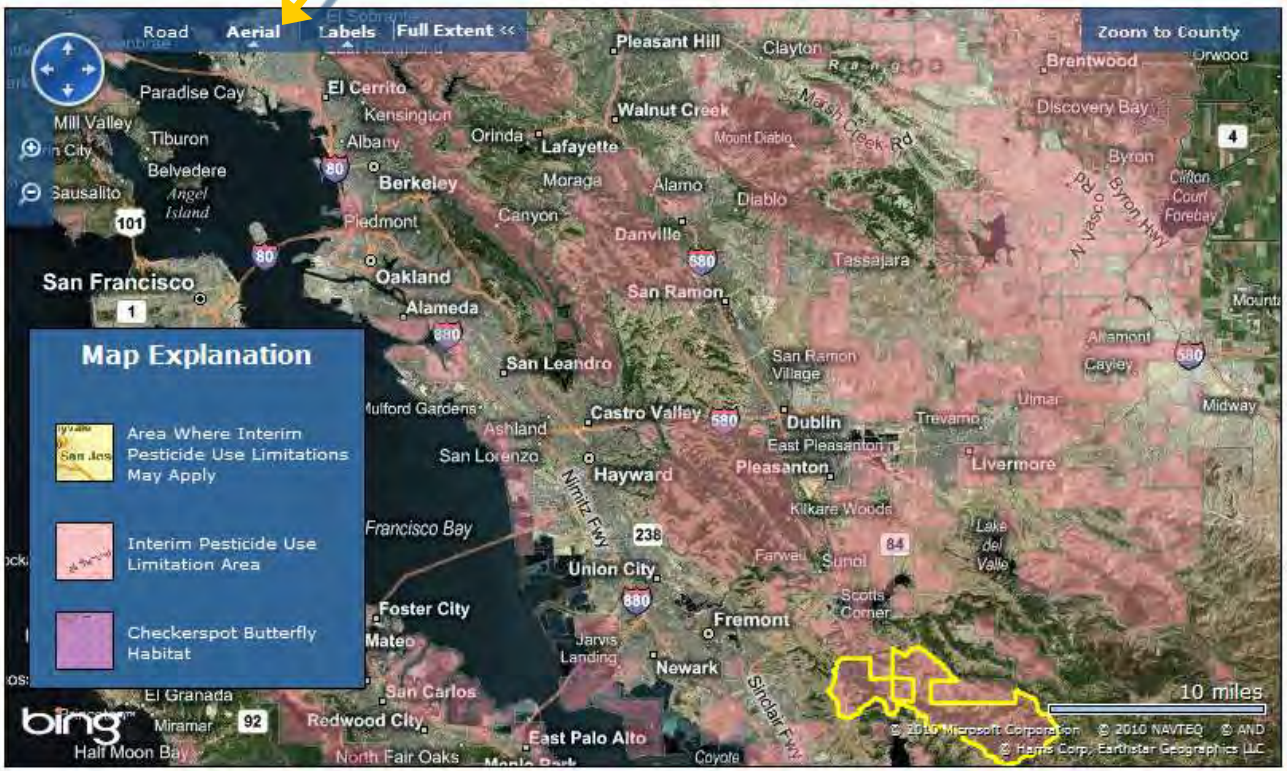

Active Ingredients Subject to Limitations:

2,4-D
acrolein
aluminum phosphide
brodifacoum
bromadiolone
bromethalin
chlorophacinone
difenacoum
difethialone
diphacinone
magnesium phosphide
potassium nitrate
sodium nitrate
strychnine
warfarin
zinc phosphide

Example: You need to apply Fipronil in two sites around Livermore. In the Interactive Map you type "Livermore" in the "Find Location" box. A four mile square is highlighted

U.S. ENVIRONMENTAL PROTECTION AGENCY

Pesticides: Endangered Species Protection Program

Contact Us **Search:** ○ All EPA ◉ This Area Go

You are here: EPA Home » Pesticides » ESPP » San Francisco Bay Area - Interim Pesticide Use Limitations

ESPP Home

Litigation Status

San Francisco Bay Area - Interim Pesticide Use Limitations

This map shows interim pesticide use limitation areas related to eleven threatened or endangered species in the San Francisco Bay area.

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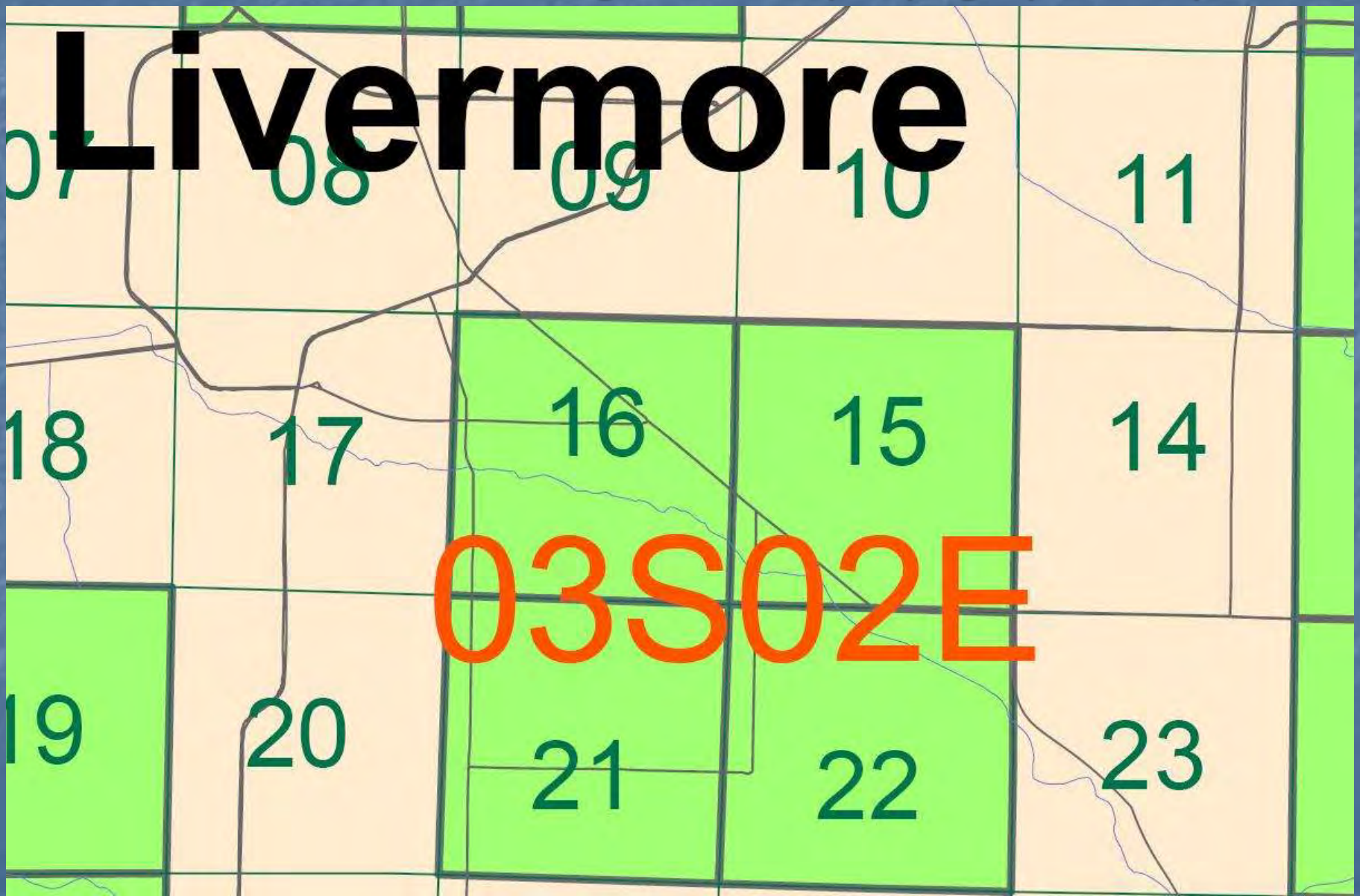
Active Ingredients Subject to Limitations:

acephate
aluminum phosphide
azinphos-methyl
bensulide
beta-cyfluthrin
bifenthrin
chlorophacinone
chlorothalonil
chlorpyrifos
cyfluthrin
cyhalothrin (lambda)
cypermethrin
deltamethrin
dimethoate
diphacinone
disulfoton
endosulfan
esfenvalerate
ethoprop
fenpropathrin
fipronil
fluvalinate
imidacloprid
malathion
mancozeb
maneb
metam sodium
methamidophos

FYI, California tiger salamander habitat highlighted in Livermore corresponds to Township 03S02E, Sections 15, 16, 21, 22 as shown in a US Geological Survey topographic map



Example: California tiger salamander habitat in Livermore - Fipronil applications - Site 1 in Section 16, and Site 2 in Section 21

California Tiger Salamander Habitat

Fresh-water ponds (natural or manmade, such as stock ponds), slow moving streams or pools within streams, vernal pools and other temporal or permanent water bodies which typically support inundation during winter rains and hold water for a minimum of 12 weeks in a year of average rainfall.

Scenario 1 – Is there California tiger salamander habitat near Application Site 1? YES, Arroyo Mocho creek is within 200 feet from houses South of Chateau Way where Fipronil is to be applied

Livermore, CA | Find Location | **CITY, STATE or ZIP (e.g. 'napa, ca' or '94560')**

- **Always zoom in.** Some pesticide use limitation area boundaries are inside others, or are very small habitats.
- **Click the zoom and pan buttons** to get closer to your exact location
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Active Ingredients Subject to Limitations:

acephate
aluminum phosphide
azinphos-methyl
bensulide
beta-cyfluthrin
bifenthrin
chlorophacinone
chlorothalonil
chlorpyrifos
cyfluthrin
cyhalothrin (lambda)
cypermethrin
deltamethrin
dimethoate
diphacinone
disulfoton
endosulfan
esfenvalerate
ethoprop
fenpropathrin
fipronil
fluvalinate
imidacloprid
malathion
mancozeb
maneb
metam sodium
methamidophos

Scenario 2 – Is there California tiger salamander habitat near Application Site 2 ? No, property next to Concannon Blvd is not habitat, there's no wetland/upland within 200 feet in any direction

From the Livermore scenarios

- Both sites in and around Livermore are within sections 16 and 21, highlighted as containing California tiger salamander (CTS) habitat.
- Site 1 is within 200 feet of Arroyo Mocho Creek which is habitat supporting CTS. Under the injunction, Fipronil shouldn't be used there.
- Site 2 is not close to any habitat for California tiger salamander contained in section 21. Thus, Fipronil can be used under the injunction
- The houses along the North side of Chateau Way in Site 1 are more than 200 feet from Arroyo Mocho and thus, Fipronil can be applied there.

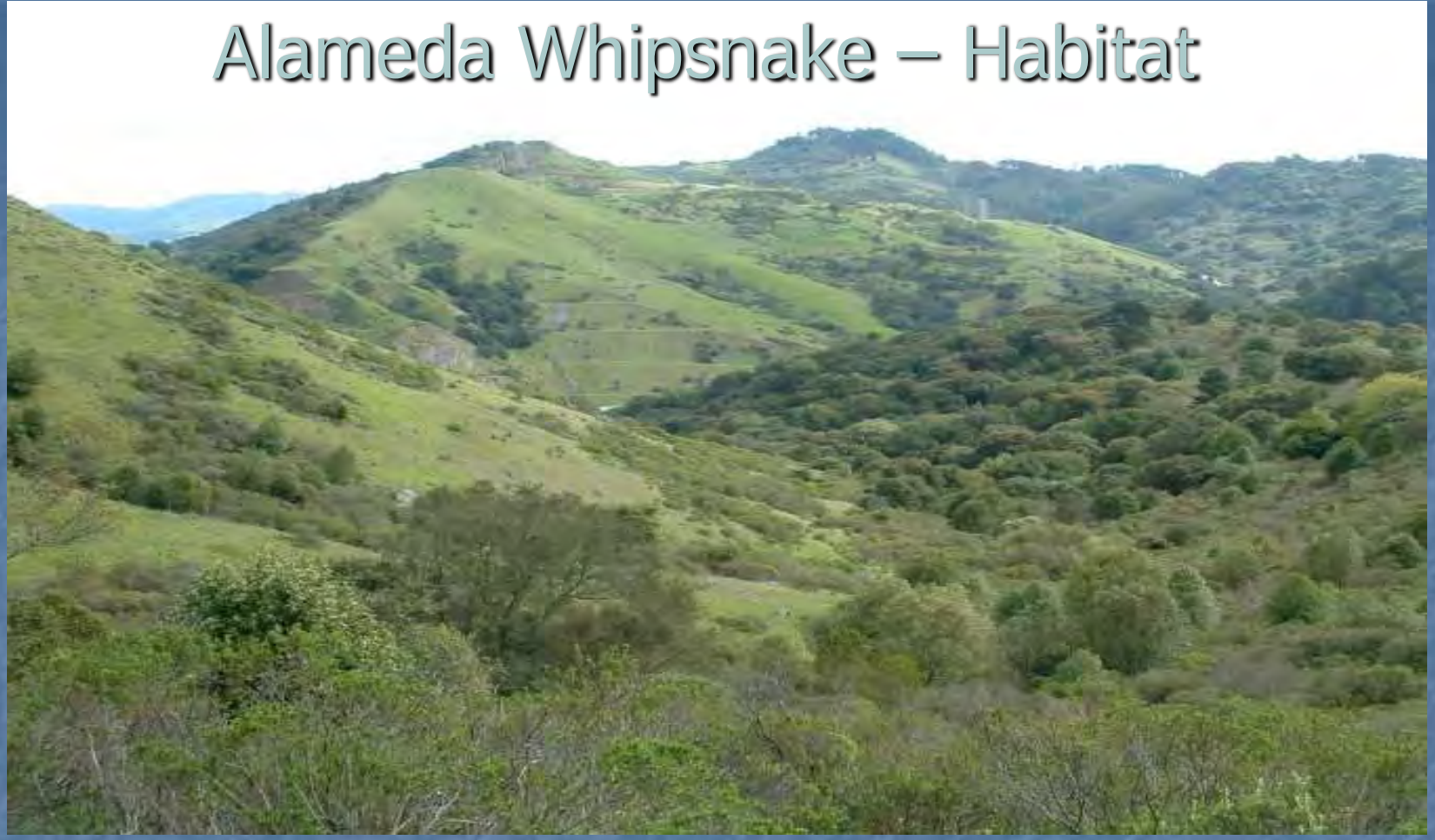
Enforcement

- FIFRA is not a mechanism to enforce this injunction, nor is it enforced by California state and local government through pesticide regulations or permit conditions.

- It can only be enforced through citizen law suits.

Habitats Under the Injunction

Alameda Whipsnake – Habitat

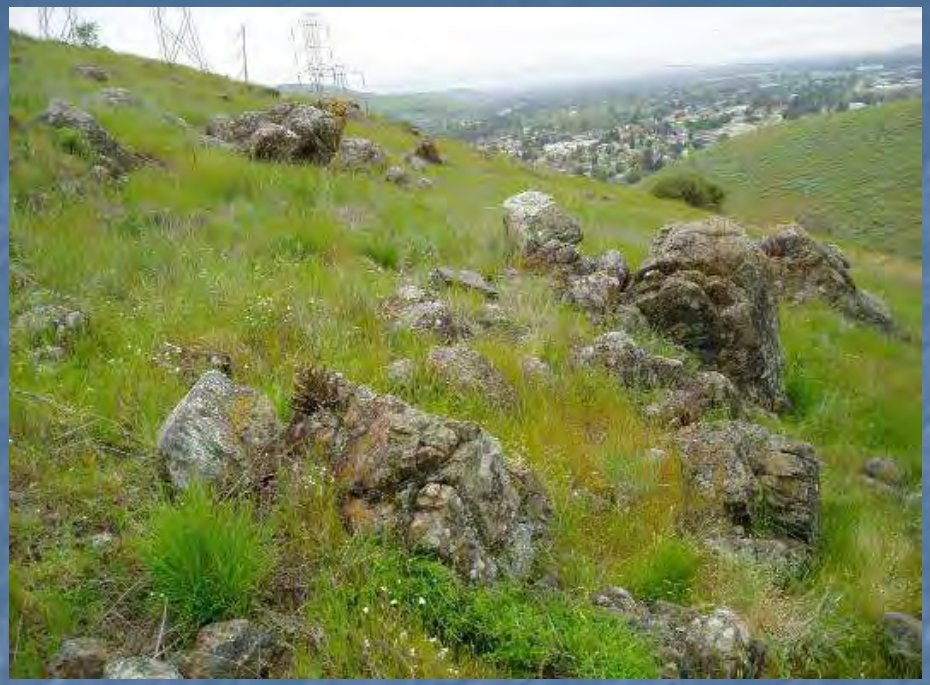


- Rock outcrops and talus are characteristic of whipsnake habitat. They offer cover for whipsnakes and promote populations of their primary prey—lizards. Alameda whipsnakes also use small rodent burrows, rock and soil crevices, and brush and debris piles for retreat. They tend to be found on southwest, south, and southeast oriented slopes

Alameda Whipsnake Habitat

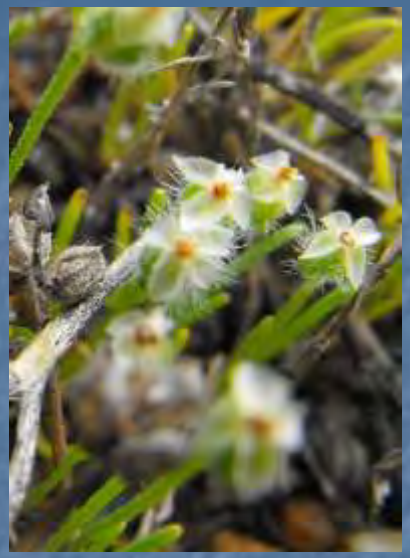
- Under this injunction, "Alameda whipsnake habitat" means shrub communities known as chaparral, consisting of northern coastal sage scrub and coastal sage, and in open grasslands, oak savanna, and oak-bay woodland occurring within 500 feet of such shrub communities.

Bay Checkerspot Butterfly Habitat



- For the Bay checkerspot butterfly, under this injunction, "habitat" means all grasslands in serpentine outcrops of Santa Clara and San Mateo Counties where the butterflies' host plants occur.

Bay Checkerspot Butterfly Host Plants



dwarf plantain

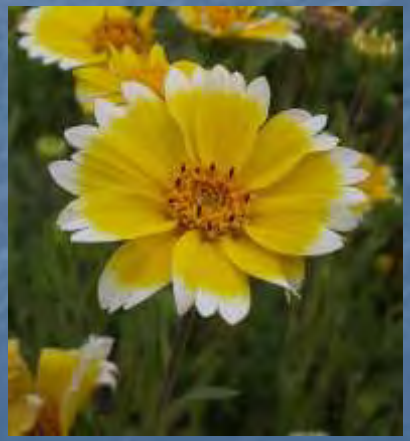
purple owl's clover

exserted paintbrush

- Host plants for the larvae include dwarf plantain, purple owl's clover, and exserted paintbrush.

California goldfields

desert parsley



tidy-tips

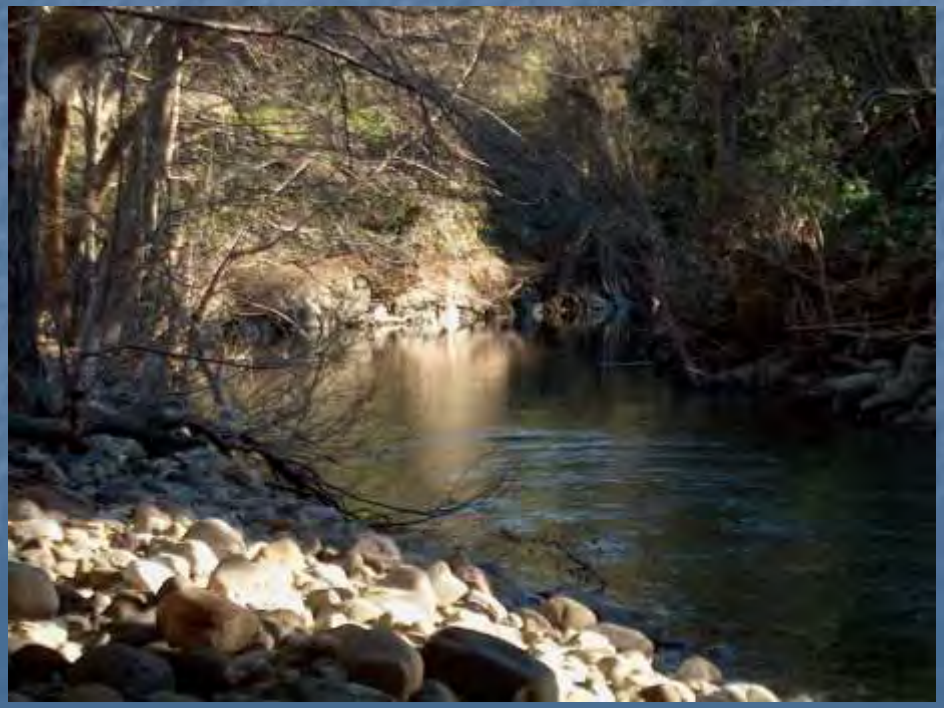
- Nectar plants for the adults include California goldfields, desert parsley, and tidy-tips.

California Clapper Rail Habitat

- Under this injunction, all areas within 300 feet of the high water line for tidal flow of salt and brackish water marshes,
- All areas within 200 feet of a cordgrass/pickleweed stand, if any part of such stand occurs within 100 feet of the high water line of a salt or brackish water marsh.

California Freshwater Shrimp Habitat

- For the California freshwater shrimp, under this injunction,"habitat" means perennial streams or intermittent streams with perennial pools.



California Tiger Salamander Habitat

Fresh-water ponds (natural or manmade, such as stock ponds), slow moving streams or pools within streams, vernal pools and other temporal or permanent water bodies which typically support inundation during winter rains and hold water for a minimum of 12 weeks in a year of average rainfall.

Delta Smelt Habitat

For the Delta smelt, under this injunction, “habitat” means all water and all submerged lands below ordinary high water, freshwater streams that drain into the Bay, and channels with tidal influence.

Salt Marsh Harvest Mouse - Habitat

- For the salt marsh harvest mouse, under this injunction, "habitat" means all areas within 300 feet of the high water line for tidal flow of salt and brackish water marshes; and
- all areas within 200 feet of a cordgrass/pickleweed stand, if any part of such stand occurs within 100 feet of the high water line of a salt or brackish water marsh.

San Francisco Garter Snake Habitat

For San Francisco garter snake, “habitat” means fresh-water ponds natural or manmade, such as stock ponds), slow moving streams or pools within streams, vernal pools and other temporal or permanent water bodies which typically support inundation during winter rains and hold water for a minimum of 12 weeks in a year of average rainfall.

San Joaquin Kit Fox Habitat

Ron Kimball Studios

Rosalie Faubion, USBR

- For the San Joaquin kit fox, under this injunction, “habitat” means all denning areas, defined as the 100 foot circular radius around the set of holes in the ground forming the surface of the den.

San Joaquin kit fox habitat…

Photos: Rosalie Faubion, USBR

- Kit fox dens have a large, keyhole-shaped entrance. The dens are multi-chambered and with several openings. Pupping dens are larger.
- Active pupping dens may be littered with prey remains, scat, matted vegetation, and fresh pawprints.

Tidewater Goby Habitat

- For the tidewater goby, under this injunction,"habitat" means lagoons, estuaries, and backwater marshes that are adjacent to the Pacific Ocean, and freshwater streams upgradient and tributary to brackish habitats.

Valley Elderberry Longhorn Beetle Habitat

- The Valley elderberry longhorn beetle (VELB) is found in riparian habitats and associated upland habitats where elderberry (*Sambucus sp.*) the beetle's foodplant grows.
- Under this injunction, "VELB habitat" means riparian habitat containing elderberry plants in those areas indicated in corresponding counties.

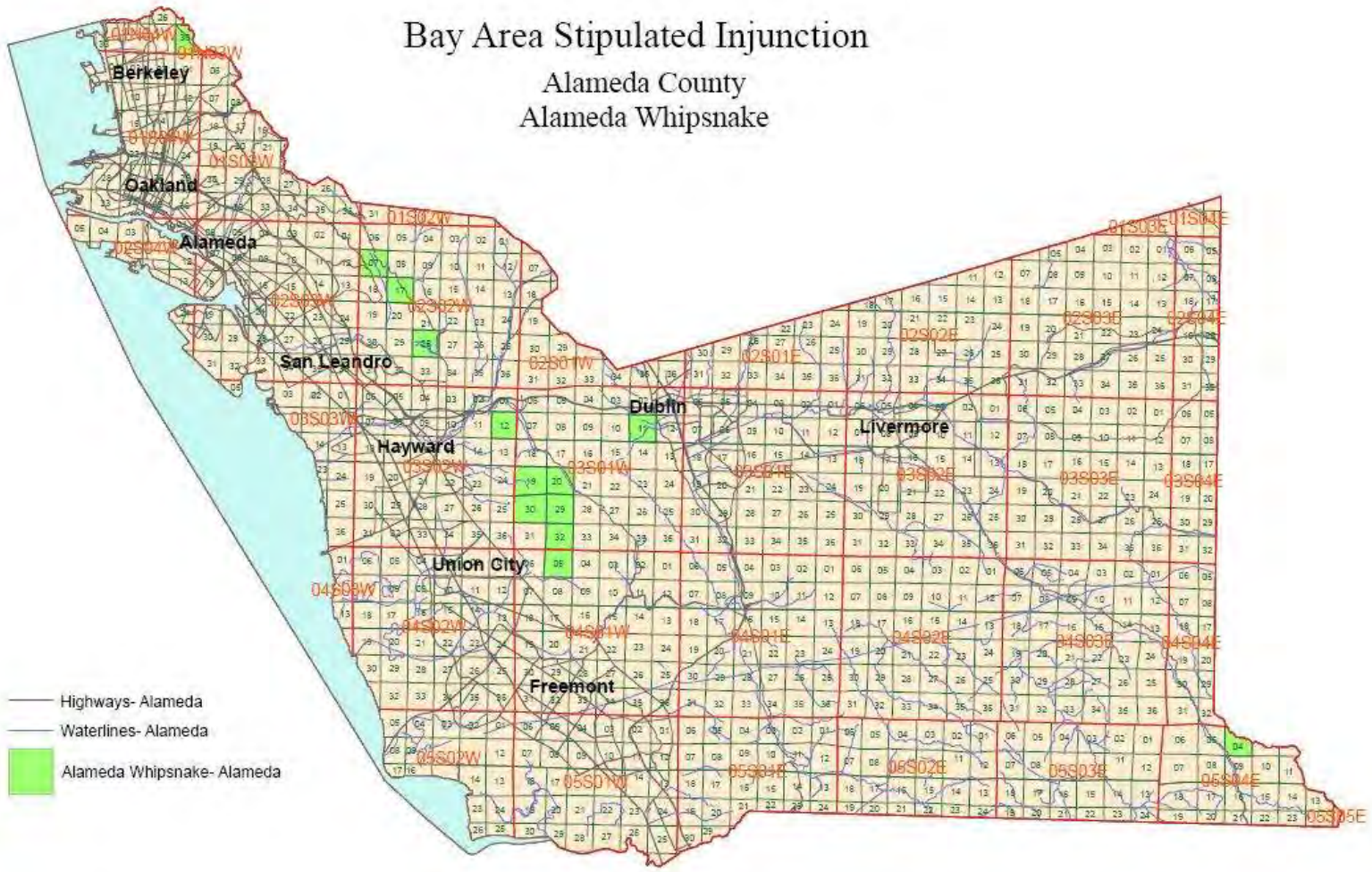
Other Resources Produced by DPR Comprehensive Reference Table Active Ingredients under Injunctions

San Francisco Bay Area Draft Stipulated Injunction and Proposed Order (July 1st 2009).

Active ingredients affected and corresponding no-use buffers by species. The first number in each cell is the ground application buffer; the second one following the dash is the aerial application buffer. Buffers are given in feet.

Active Ingredient	Species[1]										
	AW	BCB	CCR	CFS	CTS	DS	SMHM[2]	SFGS	SJKF[3]	TG	VELB
Acephate		100 - 400	200 - 200	100 - 400			200 - 200	200 - 400	700 - 700		100 - 400
Acrolein	100 - 400										
Alachlor						100 - 400					
Aldicarb									700 - 700		100 - 400
Aluminum phosphide	100 - 400				200 - 400			200 - 400	700 - 700		
Atrazine						100 - 400					
Azinphos methyl		100 - 400	200 - 200		200 - 400			200 - 400	700 - 700		100 - 400
Bensulide		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400		200 - 400		100 - 400	100 - 400
Beta-cyfluthrin		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400		200 - 400		100 - 400	100 - 400
Bifenthrin		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400		200 - 400		100 - 400	100 - 400
Brodifacoum	100 - 400						200 - 200		700 - 700		
Bromadiolone	100 - 400						200 - 200		700 - 700		
Bromethalin	100 - 400			100 - 400			200 - 200				
Carbaryl						100 - 400					
Carbofuran						100 - 400		200 - 400	700 - 700		100 - 400
Chlorophacinone	100 - 400				200 - 400		200 - 200		700 - 700		
Chlorothalonil		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400		200 - 400		100 - 400	
Chlorpyrifos		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400	200 - 200	200 - 400	700 - 700		100 - 400
Cholecalciferol							200 - 200				
Cyfluthrin		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400		200 - 400		100 - 400	100 - 400
Cyhalothrin (lambda)		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400		200 - 400		100 - 400	100 - 400
Cypermethrin		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400		200 - 400		100 - 400	100 - 400
2,4-D	100 - 400										
Deltamethrin		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400		200 - 400		100 - 400	100 - 400
Diazinon						100 - 400				100 - 400	
Difethialone	100 - 400										
Dimethoate		100 - 400	200 - 200	100 - 400	200 - 400			200 - 400		100 - 400	100 - 400
Diphacinone	100 - 400				200 - 400	100 - 400	200 - 200		700 - 700		
Diquat dibromide						100 - 400					
Disulfoton		100 - 400	200 - 200	100 - 400	200 - 400	100 - 400		200 - 400		100 - 400	100 - 400
Endosulfann		100 - 400			200 - 400		200 - 200	200 - 400	700 - 700		100 - 400
EPTC						100 - 400					

DPR's Species/County Maps – Include TRS grid



Map produced by: The Endangered Species Project, Department of Pesticide Regulation
1001 "I" Street, P.O. Box 4015, Sacramento, CA 95814
(916) 324-3888, www.cdpr.ca.gov
Map date: 08-10-09

Active Ingredients Affected by the Stipulated Injunction: 2,4-D, Acrolein, Aluminum phosphide, Brodifacoum, Bromadiolone, Bromethalin, Chlorophacinone, Difethialone, Diphacinone, Magnesium phosphide, Potassium nitrate, Sodium nitrate, Strychnine, Warfarin, and Zinc phosphide (see back of page for buffer zones and applicable habitat)

Salt Marsh Harvest Mouse Habitat

Tupper Ansel Blake

- SMHM prefers tidal and diked coastal salt marshes characterized by dense stands of pickleweed.
- Grasslands adjacent to pickleweed marsh are also used, but only when new grass growth affords suitable cover.

Endangered Species
Field Identification Cards Available by request

…more under development…