

MEMORANDUM OF UNDERSTANDING BETWEEN
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
AND
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH
FOR
SALVAGE OF BIRD, LAGOMORPH, AND RODENT CARCASSES
FOR DETECTION OF WEST NILE VIRUS INFECTION

This Memorandum of Understanding (MOU) is entered into pursuant to the Fish and Game Code Sections 1002 2081, 3511, and 4700 between the California Department of Fish and Wildlife (CDFW) and the California Department of Public Health (CDPH) to provide authority for the salvage of dead birds, lagomorphs (rabbits and hares), and rodents for the detection of West Nile virus. In entering into this MOU, the CDFW makes no finding or representation as to whether the activities covered by this MOU are in compliance with other applicable laws, regulations and ordinances. The CDPH and any other entity or person carrying out activities covered by this MOU are responsible for ensuring those activities comply with all applicable laws, regulations and ordinances.

I. CDFW agrees to the following:

A. CDPH is authorized to salvage dead birds, dead lagomorphs (rabbits and hares), and dead rodents (e.g. tree squirrels) for the detection of West Nile virus infection. Other public agencies including mosquito and vector control member agencies, local environmental health agencies, animal control agencies, and members of the public, as provided in subparagraph B of Section I, shall be permitted to salvage carcasses, pursuant to the authority granted to CDPH. This authorization applies to all species of birds, lagomorphs, and rodents according to the following provisions. The salvage of any California condor, pursuant to Title 14, CCR, Section 670.7, shall be conducted under the direction of U.S. Fish and Wildlife Service. The salvage of any California Endangered Species Act (CESA)-listed endangered or threatened species of bird, lagomorph, or rodent (Title 14, CCR, Section 670.5), CESA-candidate species of bird, lagomorph, or rodent, or fully protected species of bird (Fish and Game Code Section 3511) or rodent (Fish and Game Code Section 4700), shall be conducted under the direction of CDFW.

B. Members of the public may, under this MOU, salvage dead birds, dead lagomorphs, or dead rodents (e.g. tree squirrels) found on their property or place of residence for the detection of West Nile virus infection. Members of the public shall obtain a Carcass Identification Number prior to salvage by contacting the California West Nile virus hotline (877-968-2473) or website (<http://westnile.ca.gov>) and produce the number upon request.

II. CDPH agrees to the following:

A. CDPH shall adhere to the requirements for U.S. Fish and Wildlife Service migratory bird permit exceptions as described in 50 CFR 21.12.

B. CDPH may salvage dead birds, dead lagomorphs, and dead rodents (e.g. tree squirrels) in which CDPH, other public health agencies or members of the public had no part in the killing or death thereof except for humane euthanasia due to illness or injury.

C. Dead birds, lagomorphs, and rodents collected by mosquito and vector control agencies, local environmental health agencies, or local public health agencies shall be reported to CDPH and may be tested by polymerase chain reaction (PCR) tests, provided that the carcasses of West Nile virus positive animals are disposed of by incineration by the collecting agency unless necropsy is requested by CDFW.

D. CDPH shall, upon being informed of the salvage of any dead California condor, bald eagle, golden eagle, or federally endangered or threatened species under this MOU, immediately report to U.S. Fish and Wildlife Service (Region 8 office; 916-414-6464).

E. CDPH shall, upon being informed of the salvage of any CESA-listed endangered or threatened species of bird, lagomorph, or rodent (Title 14, CCR, Section 670.5), CESA-candidate species of bird, lagomorph, or rodent, or fully protected species of bird (Fish and Game Code Section 3511) or rodent (Fish and Game Code Section 4700) under this MOU, immediately report to CDFW (Ms. Krysta Rogers, Wildlife Branch, Wildlife Investigations Laboratory, Krysta.Rogers@wildlife.ca.gov, 916-358-1662). Testing of any listed species of bird, lagomorph, or rodent will be suspended until CDFW determines if the carcass should be preserved for a full diagnostic workup.

The attached informational page entitled, "Endangered, Threatened, Candidate, and Fully Protected Birds and Rodents" shall become part of this MOU and must be attached to all copies.

F. A copy of this MOU shall be made available to the public and carried by personnel of CDPH, mosquito and vector control agencies, local environmental health agencies, or local public health agencies or animal control agencies and displayed upon request.

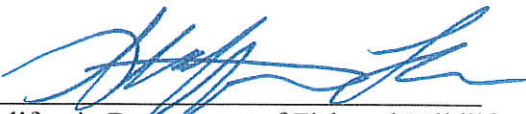
G. CDPH shall submit an annual report to CDFW within 60 days of the end of the calendar year summarizing the number of each species of bird, lagomorph, and rodent salvaged per month by county under this MOU.

III. General conditions:

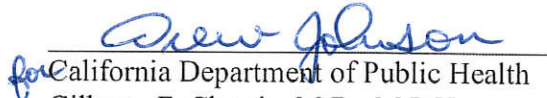
A. CDFW and CDPH agree to indemnify and hold each other harmless for any loss, costs, or expenses that may be imposed upon such other party by virtue of Government Code sections 815.2 and 820. Each party assumes the full liability imposed upon it or any of its officers, agents, or employees by law for injury caused by a negligent or wrongful act or omission occurring in the performance of this MOU.

B. Any person or agency salvaging dead birds, lagomorphs, or rodents under the authority provided through this MOU shall assume full responsibility for any damage or injury to any person or property occasioned by their exercise of the authority provided through this MOU. Each such person or agency shall hold harmless and indemnify CDFW and CDPH for any liability occasioned by their exercise of the authority provided through this Permit Agreement. CDFW and CDPH assume no responsibility for damage or injury to any person or property occasioned by the exercise of the authority provided through this MOU or the possession or handling of birds, lagomorphs, or rodents.

C. This MOU will be renewed every five years. Either signatory of this MOU may terminate this Permit Agreement by 60 days prior written notice.



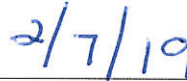
California Department of Fish and Wildlife
Stafford Lehr
Deputy Director, Wildlife and Fisheries Division



for California Department of Public Health
Gilberto F. Chavéz, M.D., M.P.H.
Deputy Director, Center for Infectious
Diseases



Date



Date

Attachment to the Memorandum of Understanding between
California Department of Fish and Wildlife
and
California Department of Public Health
for
Salvage of Bird, Lagomorph, and Rodent Carcasses
for Detection of West Nile Virus Infection

List of Endangered, Threatened, Candidate and Fully Protected Birds and Rodents
August 2018

The MOU condition II, D and E relates to CESA species officially listed in Title 14, CCR, Section 670.5, CESA-candidate species, Fish and Game Code section 3511 and 4700, and federally Endangered and Threatened Wildlife and Plants 50 CFR 17.11 and 17.12. Full list available online: <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline>

	State Listing	Federal Listing
BIRDS		
Trumpeter Swan <i>Cygnus buccinator</i>	Fully Protected	
Short-tailed albatross <i>Phoebastria albatrus</i>		Endangered
California brown pelican <i>Pelecanus occidentalis californicus</i>	Fully Protected	
California condor <i>Gymnogyps californianus</i>	Endangered; Fully Protected	Endangered
Golden Eagle <i>Aquila chrysaetos</i>	Fully Protected	
Swainson's hawk <i>Buteo swainsoni</i>	Threatened	
White-tailed kite <i>Elanus leucurus</i>	Fully Protected	
American peregrine falcon <i>Falco peregrinus anatum</i>	Fully Protected	
Bald Eagle <i>Haliaeetus leucocephalus</i>	Endangered; Fully Protected	
California black rail <i>Laterallus jamaicensis coturniculus</i>	Threatened; Fully Protected	
Light-footed Ridgway's rail ¹ <i>Rallus obsoletus levipes</i>	Endangered; Fully Protected	Endangered
California Ridgway's rail ² <i>Rallus obsoletus obsoletus</i>	Endangered; Fully Protected	Endangered

¹ Former taxonomy: light-footed clapper rail (*Rallus longirostris levipes*).

² Former taxonomy: California clapper rail (*Rallus longirostris obsoletus*).

Yuma Ridgway's rail ³ <i>Rallus obsoletus yumanensis</i>	Threatened; Fully Protected	Endangered
Greater sandhill crane <i>Grus canadensis tabida</i>	Threatened; Fully Protected	
Western snowy plover <i>Charadrius nivosus nivosus</i> ⁴		Threatened ⁵
California least tern <i>Sternula antillarum browni</i> ⁶	Endangered; Fully Protected	Endangered
Marbled murrelet <i>Brachyramphus marmoratus</i>	Endangered	Threatened
Scripps's murrelet ⁷ <i>Synthliboramphus scrippsi</i>	Threatened	
Guadalupe murrelet ⁸ <i>Synthliboramphus hypoleucus</i>	Threatened	
Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i>	Endangered	Threatened
Elf owl <i>Micrathene whitneyi</i>	Endangered	
Great gray owl <i>Strix nebulosa</i>	Endangered	
Northern spotted owl <i>Strix occidentalis caurina</i>	Threatened	Threatened
Gilded flicker ⁹ <i>Colaptes auratus chrysoides</i>	Endangered	
Gila woodpecker <i>Melanerpes uropygialis</i>	Endangered	
Willow flycatcher <i>Empidonax traillii</i>	Endangered ¹⁰	
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	(Endangered) ¹¹	Endangered
San Clemente loggerhead shrike <i>Lanius ludovicianus mearnsi</i>		Endangered
Arizona Bell's vireo <i>Vireo bellii arizonae</i>	Endangered	
Least Bell's vireo <i>Vireo bellii pusillus</i>	Endangered	Endangered

³ Former taxonomy: Yuma clapper rail (*Rallus longirostris yumanensis*).

⁴ Former taxonomy: *Charadrius alexandrinus nivosus*.

⁵ Federal status applies only to the Pacific coastal population.

⁶ Former taxonomy: *Sterna albifrons browni*.

⁷ Former taxonomy: Xantus's Murrelet (*Synthliboramphus hypoleucus*, with California breeding populations ascribed to *Synthliboramphus hypoleucus* subsp. *scrippsi*).

⁸ Former taxonomy: Xantus's Murrelet (*Synthliboramphus hypoleucus*, with breeding populations from Baja California ascribed to *Synthliboramphus hypoleucus* subsp. *hypoleucus*).

⁹ Former taxonomy: Gilded northern flicker (*Colaptes chrysoides*).

¹⁰ State listing includes all subspecies.

¹¹ Subspecies included under State listing.

Bank swallow <i>Riparia riparia</i>	Threatened	
Coastal California gnatcatcher <i>Poliophtila californica californica</i>		Threatened
San Clemente sage sparrow <i>Artemisiospiza belli clementeae</i>		Threatened ¹²
Inyo California towhee <i>Melozone crissalis eremophilus</i> ¹³	Endangered	Threatened
Belding's savannah sparrow <i>Passerculus sandwichensis beldingi</i>	Endangered	
Tricolored blackbird <i>Agelaius tricolor</i>	Threatened	
	State Listing	Federal Listing
RODENTS		
Buena Vista Lake ornate shrew <i>Sorex ornatus relictus</i>		Endangered
Point Arena mountain beaver <i>Aplodontia rufa nigra</i>		Endangered
Nelson's antelope squirrel ¹⁴ <i>Ammospermophilus nelson</i>	Threatened	
Mohave ground squirrel <i>Xerospermophilus mohavenis</i> ¹⁵	Threatened	
Morro Bay kangaroo rat <i>Dipodomys heermanni morroensis</i>	Endangered; Fully Protected	Endangered
Giant kangaroo rat <i>Dipodomys ingens</i>	Endangered	Endangered
San Bernardino kangaroo rat <i>Dipodomys merriami parvus</i>		Endangered ¹⁶
Fresno kangaroo rat <i>Dipodomys nitratooides exilis</i>	Endangered	Endangered
Tipton kangaroo rat <i>Dipodomys nitratooides nitratooides</i>	Endangered	Endangered
Stephens' kangaroo rat <i>Dipodomys stephensi</i>	Threatened	Endangered
Pacific pocket mouse <i>Perognathus longimembris pacificus</i>		Endangered
Amargosa vole <i>Microtus californicus scirpensis</i>	Endangered	Endangered
Riparian woodrat <i>Neotoma fuscipes riparia</i>		Endangered
Salt-marsh harvest mouse <i>Reithrodontomys raviventris</i>	Endangered; Fully Protected	Endangered

¹² Former taxonomy: *Amphispiza belli clementeae*.

¹³ Former taxonomy: *Pipilo crissalis eremophilus*.

¹⁴ Former taxonomy: San Joaquin antelope squirrel.

¹⁵ Former taxonomy: *Spermophilus mohavenis*.

¹⁶ Federal nomenclature: San Bernardino Merriam's kangaroo rat.

	State Listing	Federal Listing
LAGOMORPHS		
Riparian brush rabbit <i>Sylvilagus Bachmani riparius</i>	Endangered	Endangered