Appendix C

Correspondence with USFWS Regarding Possible Effects on VELB
October 11, 2001

Kenneth Fuller  
U.S. Fish and Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846

Dear Ken:

Thank you for your assistance and guidance in helping UC Davis identify the appropriate actions with regard to campus projects that may affect potential Valley Elderberry Longhorn Beetle (VELB) habitat. In follow-up to our conversations and emails, I am providing the following updates.

Center for Companion Animal Health – Per your review of the Jones & Stokes VELB survey dated August 17, 2001, the survey is being redone to count the stems at ground level rather than 12 inches above the ground. I will forward that report as soon as it is available.

Cole Animal Science Facility – This project would involve installation of stormwater drainage improvements at an existing facility on the campus. Shrubs have grown adjacent to several buildings to the point where it is not possible to maintain or replace the existing storm gutters or to install new underground drainage lines. Ed Whisler with May Consulting is preparing a survey report that should be ready in a few days. I will forward that to you when it is complete.

Electrical System 2B – This campus project includes renovation and maintenance of existing electrical distribution lines. The primary actions will be to replace selected poles, insulators, and powerlines. Elderberry shrubs have been identified within 100 feet of several poles and lines that would be part of the project. Ed Whisler with May Consulting has surveyed the entire work area and has produced a report identifying the number of shrubs, distances to the shrubs, and recommended actions to protect the shrubs (Enclosure 1). None of the shrubs need to be moved or trimmed as a result of the project, but some work would be done in very close proximity of several shrubs. The work would be done this fall if possible so should not interfere with the VELB reproductive cycle. Please provide us with technical guidance on whether the recommended actions are adequate and whether there is any take involved.
Genome Launch Facility – Your office provided a technical assistance later on this project August 14, 2001. We are implementing the agreed to measures identified in that letter. Subsequently, I sent an email to Jason Douglas requesting a clarification. Following is the pertinent text of that email:

A question I have in follow-up to the letter concerns the following statement at the top of page 3 in your letter: "dust raised by construction will not coat ripe elderberries nor clog the tracheae of adult beetles as the plant and insect's reproductive season has passed." I want to be sure it is clear that the construction schedule for the project extends through the end of 2002. Thus, construction will be on-going during the beetle's reproductive season from late March through June 2002.

By the spring 2002 reproductive season, site work and utility installation in the vicinity of the shrubs would be completed and construction activities would be focused on the building. Thus, work in the immediate vicinity of the shrubs would be done. It would be possible to move the fences on the south sides of the shrubs 6, 7, and 8 out to approximately 15-20 feet during the breeding season to increase protection. The fences on the east and west sides of these shrubs would need to remain at 5-7 feet to allow vehicular access and access to existing utilities. The fences for shrubs 5 and 9 would need to remain at 5-7 feet to allow access to existing utilities including the utility well; however, these shrubs are 40-50 feet from the building construction area. Also, standard dust control practices using watering would be done for air quality mitigation to reduce dust. With these measures in place, would the statement on the top of page 3 still be valid.

You and I discussed this issue during one of our phone conversations. Per your instruction, this letter confirms your verbal agreement that the actions described above would be adequate to protect these shrubs and the potential VELB habitat. As indicated in your coordination letter, we agree that moving these shrubs also is desirable.

NEES Centrifuge Support Building – This project would construct a small office and research building adjacent to the exiting centrifuge research building. Two elderberry shrubs are located approximately 50 feet to the east of the project site. We don’t anticipate that the project will affect these shrubs. Ed Whisler with May Consulting is preparing a survey report that should be ready in a few days. I will forward that to you when it is complete.

Russell Ranch Deed Restriction – As required by the permit issued for our previous “low effects HCP,” the campus agreed to place a deed restriction on certain properties at our Russell Ranch. Before he departed, I was working with Brian Twedt on the approval of the final wording. I provided him with what I though was the final version after incorporating comments from your Portland and Sacramento offices. I never heard back from him. In July of this year, I asked Jason Douglas if he could assist with giving the final approval so the restriction could be recorded. A copy of what hopefully is the
final version of the deed restriction is enclosed (Enclosure 2). I would appreciate your help in completing this action.

Please let me know if you have any questions on these projects or the information provided. To facilitate moving forward on these projects, I would be happy to arrange a tour of the site. I will contact you in the next few days to determine whether you would like to arrange this.

Regarding preparation of a low effects HCP to cover at least the Center for Companion Animal Health, Cole Facility, and the Genome Launch Facility, Jim Estep with Jones & Stokes Associate is assisting us on this effort. We will use the previous document as the model. I would suggest that we meet with you soon to go over the general approach to minimize the potential for misdirected effort. We could either come to your office or perhaps this could be timed with a trip to see the project sites on campus.

Lastly, we would like to follow-up on your suggestion that the campus prepare a comprehensive HCP to address endangered species issues on the campus. I would like to meet with you and whomever else in your office to discuss the timing and scope of such an effort. I could bring other campus staff that would be interested in the process and brief you on our current efforts and plans. In addition developing a new campus Long Range Development Plan, which could be adopted in late 2003, we would like to consider the relationship of a campus HCP to the HCP and NCCP planning efforts in Solano and Yolo Counties. It seems a briefing and strategy session would be a good first step.

Thanks, again for your assistance. I'll call you in the next couple days so we can discuss the projects and the best ways to proceed on these various topics.

Sincerely,

Sidney England
Environmental Planner

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Enclosures

c: Richard Keller, UC Davis Office of Resource Management and Planning
Sent via Telefacsimilie and Mail

Kenneth Fuller
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

Dear Ken:

The campus has completed data collection for the 2001-2001 Campus Projects that might affect elderberry shrubs, the potential habitat of the Valley Elderberry Longhorn Beetle. Information collected after my letter dated October 11, 2001, is enclosed for your use.

Center for Companion Animal Health – Per your request, Jones & Stokes has resurveyed the two shrubs on the project site and has provided a revised report that documents the stem sizes at ground level (Enclosure 1). As we discussed previously both shrubs on the project side would require relocation.

Cole Facility Stormwater Improvements – Ed Whistler with May Consulting has completed a survey of the shrubs on this project site and has provided a report (Enclosure 2). The survey results identify five shrubs or clusters of shrubs on the project site. Although project activities would come within 100 feet of all five, two of these shrubs or shrub clusters can be avoided. The other three would require relocation. Please provide us with technical guidance on whether the recommended actions are adequate to protect the two shrubs where avoidance is possible.

Phase 2B Electrical Improvements – A survey report was provided in my letter to you dated October 11, 2001. As noted in that letter, the project would come with 100 feet of a number of shrubs, but all avoidance is possible for all these shrubs. Please provide us with technical guidance on whether the recommended actions are adequate and whether there is any take involved.
November 1, 2001
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Genome Launch Facility – As indicated in your coordination letter, we agree that moving these shrubs also is desirable.

NEES Centrifuge Support Building – Ed Whistler with May Consulting has completed a survey of the shrubs on this project site and has provided a report (Enclosure 3). The survey results identify two shrubs within 100 feet of the project site. Cars currently park on a cement slab immediately adjacent to the shrubs. An existing fence runs through one of the shrubs and is the barrier on the north side of the cement slab used for parking. As part of the project, a new fence would be placed 10 feet from the southern shrub and parking would not be allowed up against the existing fence. This new fence also would provide protection to the shrubs during construction. Thus, impacts to both shrubs can be avoided. Please provide us with technical guidance on whether the recommended actions are adequate to protect the two shrubs where avoidance is possible.

Russell Ranch Deed Restriction – A copy of this document was forwarded to you in my letter dated October 11, 2001.

As mentioned in my October 11, 2001, letter, Jim Estep at Jones & Stokes Associated is assisting the campus in preparation of this of a low effects HCP for the 2001-2002 projects. An incomplete Initial Draft has been completed (Enclosure 4). This Initial Draft does not include analysis or statistics for the projects or shrubs where we need your guidance. For the same reason, the alternatives analysis has not been prepared.

Before we can complete the document and submit it to your office, we need your guidance on the three projects identified above concerning the adequacy of avoidance measures. I would like to talk to you about this as soon as possible and if needed, to arrange a meeting in the field.

Thanks again for your assistance. I will call you so we can discuss these projects and the best ways to proceed on the low effects HCP.

Sincerely,

[Signature]

A. Sidney England
Environmental Planner

c: Richard Keller, UC Davis Office of Resource Management and Planning