



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
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Sacramento, California 95825-1846

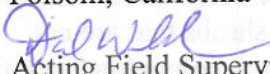


In Reply Refer To:  
81420-2008-F-0437-8

APR 03 2013

#### Memorandum

To: Drew F. Lessard, U.S. Bureau of Reclamation,  
Folsom, California

From:   
Acting Field Supervisor, Sacramento Fish and Wildlife Office,  
Sacramento, California

Subject: Reinitiation of Formal Consultation for the Folsom Dam Safety and Flood Damage Reduction Project-Mormon Island Auxiliary Dam Modifications, Sacramento, Placer, and El Dorado Counties, California

This memorandum is in response to your March 27, 2013, letter requesting reinitiation of formal consultation on the proposed Folsom Dam Safety and Flood Damage Reduction-Mormon Island Auxiliary Dam (MIAD) Modifications project in Sacramento, Placer, and El Dorado Counties, California. The U.S. Fish and Wildlife Service (Service) received your request on March 28, 2013. The Service issued a biological opinion for this project on April 5, 2007, (1-1-07-F-0140) that analyzed the project's effects on the federally-listed as threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (beetle). The April 5, 2007, biological opinion was subsequently amended in reinitiation on December 5, 2007 (81420-2008-F-0437), January 31, 2008 (81420-2008-F-0437-3), July 21, 2008 (81420-2008-F-0437-5) and on April 28, 2010 (81420-2008-F-0437-5). This reinitiation is in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*). The findings and recommendations in this consultation are based on your reinitiation letter and your March 2013, *MIAD Overlay Project: Valley Elderberry Longhorn Beetle Survey*, prepared by the Bureau of Reclamation, and received by the Service March 28, 2013.

Survey's conducted in the MIAD project area, north of Green Valley Road, between February 5 and 6, 2013, revealed 15 new elderberry shrubs (*Sambucus* sp.) that would be directly impacted by implementation of the project. These additional 15 shrubs have 35 stems measuring 1 to 3 inches in diameter at ground level, and 1 stem measures 3 to 5 inches in diameter at ground level. Eight of the shrubs are non-transplantable. Seven of the shrubs are located in riparian habitat and no exit holes were observed on any of the shrubs.

Therefore, the Bureau of Reclamation has proposed compensation for these 15 additional shrubs pursuant to the Services' *Conservation Guidelines for the Valley Elderberry Longhorn Beetle*,



dated July 9, 1999, which include planting additional 70 elderberry plantings and 70 associated native plantings on no less than 0.58 acre.

The April 5, 2007, biological opinion is now amended to include:

**Page 8; Conservation Measures; the following section should be changed from:**

#### **Valley Elderberry Longhorn Beetle Conservation Measures**

The construction associated with the proposed project would directly affect 258 elderberry shrubs in the project area. Thirteen (13) of those shrubs are not transplantable due to steep slopes and large rocks wrapped within the root systems of the shrubs. Forty-one (41) of the shrubs are within riparian habitat and 35 shrubs have exit holes. Reclamation and the Corps propose to compensate for adverse affects to the beetle from the proposed project using the Service's 1999, *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (Guidelines). The 13 shrubs that are not transplantable would be compensated for at twice the normal compensation ratios in the guidelines. Therefore, for the proposed project Reclamation and the Corps proposes to transplant 258 shrubs and plant 2,319 elderberry seedlings and 3,011 associated native seedlings on no less than 21.93 acres. Shrub transplantation would take place between November 1, 2007, and February 15, 2008, during the shrubs dormant stage to reduce stress and shock. Tables 1, 2 and 2.2 summarize the total compensation proposed for the proposed project.

**To:**

#### **Valley Elderberry Longhorn Beetle Conservation Measures**

The construction associated with the proposed project would directly affect 273 elderberry shrubs in the project area. **Twenty-one (21)** of those shrubs are not transplantable due to steep slopes and large rocks wrapped within the root systems of the shrubs. **Forty-eight (48)** of the shrubs are within riparian habitat and 35 shrubs have exit holes. Reclamation and the Corps propose to compensate for adverse affects to the beetle from the proposed project using the Service's 1999, *Conservation Guidelines for the Valley Elderberry Longhorn Beetle* (Guidelines). The 21 shrubs that are not transplantable would be compensated for at twice the normal compensation ratios in the guidelines. Therefore, for the proposed project Reclamation and the Corps proposes to transplant 273 shrubs and plant 2,389 elderberry seedlings and 3,081 associated native seedlings on no less than 22.51 acres. Shrub transplantation would take place between **November 1 and February 15**, during the shrub's dormant stage to reduce stress and shock. **Tables 1, 2, 2.2, 2.3 and 2.4** summarize the total compensation proposed for the proposed project.

**Page 11; the following tables should be added after Table 2.2:**

**Table 2.3 and 2.4. Summary of the Additional Proposed Compensation for direct effects to the Valley Elderberry Longhorn Beetle resulting from the 15 Elderberry Shrubs Located within the Folsom Dam Safety and Flood Damage Reduction Project-MIAD Modifications.**

**Table 2.3. Additional Transplantable Elderberry Shrubs**

Location	Stems (max. diameter at ground level)	Exit Hole on Shrub (Yes or No)	Elderberry Seedling Ratio	Associated Native Plant Ratio	Number of Stems Counted	Required Elderberry Plantings	Required Associated Native Plant Plantings
MIAD							
Non-Riparian	1-3"	No	1:1	1:1	10	10	10
		Yes	2:1	2:1	0	0	0
Non-Riparian	3-5"	No	2:1	1:1	0	0	0
		Yes	4:1	2:1	0	0	0
Non-Riparian	>5"	No	3:1	1:1	0	0	0
		Yes	6:1	2:1	0	0	0
Riparian	1-3"	No	2:1	1:1	14	28	28
		Yes	4:1	2:1	0	0	0
Riparian	3-5"	No	3:1	1:1	0	0	0
		Yes	6:1	2:1	0	0	0
Riparian	>5"	No	4:1	1:1	0	0	0
		Yes	8:1	2:1	0	0	0
Total					24	38	38
Total Elderberry Shrubs					7		
Total Acres and Credits						0.314	

**Table 2.4. Additional Non-Transplantable Elderberry Shrubs**

Location	Stems (max. diameter at ground level)	Exit Hole on Shrub (Yes or No)	Elderberry Seedling Ratio	Associated Native Plant Ratio	Number of Stems Counted	Required Elderberry Plantings	Required Associated Native Plant Plantings
MIAD							
Non-Riparian	1-3"	No	1:1	1:1	8	8	8
		Yes	2:1	2:1	0	0	0
Non-Riparian	3-5"	No	2:1	1:1	1	2	2
		Yes	4:1	2:1	0	0	0
Non-Riparian	>5"	No	3:1	1:1	0	0	0
		Yes	6:1	2:1	0	0	0
Riparian	1-3"	No	2:1	1:1	3	6	6
		Yes	4:1	2:1	0	0	0
Riparian	3-5"	No	3:1	1:1	0	0	0
		Yes	6:1	2:1	0	0	0
Riparian	>5"	No	4:1	1:1	0	0	0
		Yes	8:1	2:1	0	0	0
Total					12	16	16
Total Elderberry Shrubs Not Transplantable					8		
2x Normal Compensation						32	32
Compensation Area Required for Additional Seedlings and Native Plants						0.264	



**Page 24; Effects of the Proposed Action; the following sections should be changed from:**

Biologists from Reclamation, the Corps, and the Service conducted surveys for the presence of the beetles, exit holes, and elderberry shrubs in the project area from December 22, 2004, to December 2007. Results of the surveys indicated that construction activities in the areas could affect a total of 258 elderberry shrubs with at least one stem greater than or equal to 1-inch in diameter at ground level. This includes all shrubs within the 100-foot buffer area required by the Service. Therefore, the Service has determined that the proposed project will have adverse effects to elderberry shrubs and therefore, the beetle.

Reclamation biologists are currently surveying the vernal pool habitat per the Service's guidelines. In a report dated January 19, 2007, submitted by Entrix, Inc. negative survey results were reported for the dry season vernal pool crustacean surveys; however, the wet season surveys have not been completed yet. Therefore, Reclamation and the Service are assuming presence of vernal pool crustaceans in all 0.03 acre of habitat within the proposed project area that will be filled.

Compensation for the proposed project would occur at a Service approved site, in accordance with the Guidelines, or an approved conservation bank. The proposed project will have adverse affects to the beetle from transplanting however; the proposed conservation and minimization measures should limit effects to the transplanted shrubs. The avoidance measures will ensure that there are indiscernible effects to the shrubs that remain in place. The proposed compensation would create no less than 21.93 acres of habitat for the threatened valley elderberry longhorn beetle. Compensation for direct effects to vernal pool habitat will be compensated for at a ratio of 2:1 preservation and 1:1 creation at a Service approved conservation bank.

**To:**

Biologists from Reclamation, the Corps, and the Service conducted surveys for the presence of the beetles, exit holes, and elderberry shrubs in the project area from December 22, 2004, to **February 6, 2013**. Results of the surveys indicated that construction activities in the areas could affect a total of **273** elderberry shrubs with at least one stem greater than or equal to 1-inch in diameter at ground level. This includes all shrubs within the 100-foot buffer area required by the Service. Therefore, the Service has determined that the proposed project will have adverse effects to elderberry shrubs and therefore, the beetle.

Reclamation biologists are currently surveying the vernal pool habitat per the Services guidelines. In a report dated January 19, 2007, submitted by Entrix, Inc. negative survey results were reported for the dry season vernal pool crustacean surveys; however, the wet season surveys have not been completed yet. Therefore, Reclamation and the Service are assuming presence of vernal pool crustaceans in all 0.03 acre of habitat within the proposed project area that will be filled.



Compensation for the proposed project would occur at a Service approved site, in accordance with the Guidelines, or an approved conservation bank. The proposed project will have adverse affects to the beetle from transplanting; however, the proposed conservation and minimization measures should limit effects to the transplanted shrubs. The avoidance measures will ensure that there are indiscernible effects to the shrubs that remain in place. The proposed compensation would create no less than **22.51** acres of habitat for the threatened valley elderberry longhorn beetle. Compensation for direct effects to vernal pool habitat will be compensated for at a ratio of 2:1 preservation and 1:1 creation at a Service approved conservation bank.

**Page 26; Amount or Extent of Take; the following section should be changed from:**

Valley Elderberry Longhorn Beetle

The Service expects that incidental take of the beetle will be difficult to detect or quantify. The cryptic nature of these species and their relatively small body size make the finding of an injured or dead specimen unlikely. The species occurs in habitats that make them difficult to detect. Due to the difficulty in quantifying the number of beetles that will be taken as a result of the proposed action, the Service is quantifying take incidental to the project as death, injury, harassment, and harm of all beetles inhabiting or otherwise utilizing the 258 elderberry shrubs with stems one inch or greater in diameter at ground level, as described in this biological opinion, Biological Assessment and the Environmental Impact Statement/Environmental Impact Report for the project.

**To:**

Valley Elderberry Longhorn Beetle

The Service expects that incidental take of the beetle will be difficult to detect or quantify. The cryptic nature of these species and their relatively small body size make the finding of an injured or dead specimen unlikely. The species occurs in habitats that make them difficult to detect. Due to the difficulty in quantifying the number of beetles that will be taken as a result of the proposed action, the Service is quantifying take incidental to the project as death, injury, harassment, and harm of all beetles inhabiting or otherwise utilizing the **273** elderberry shrubs with stems one inch or greater in diameter at ground level, as described in this biological opinion, Biological Assessment and the Environmental Impact Statement/Environmental Impact Report for the project.

**Page 28; Terms and Conditions; the following term and condition 2 should be changed from:**

- d. Reclamation and the Corps shall ensure that the elderberry and associated native plant seedlings are established on no less than 21.93 acres at a Service approved site or an approved conservation bank.

**To:**

- d. Reclamation and the Corps shall ensure that the elderberry and associated native plant seedlings are established on no less than **22.51** acres at a Service approved site or an approved conservation bank.

All other sections of the April 5, 2007, biological opinion for the Folsom Dam Safety and Flood Damage Reduction Project remain the same. If you have any questions regarding this biological opinion please contact Amber Aguilera, Fish and Wildlife Biologist, or Doug Weinrich, Chief, Habitat Conservation Division, at (916) 414-6600.

**cc:**

Chelsea Stewart, U.S. Bureau of Reclamation, Folsom, California