

(Distributed by Jeff Little
at hearing) PC 7/11/13
#8.6
4 pages

From: Karuzas, Jeremiah [mailto:jeremiah_m_karuzas@fws.gov]
Sent: Thursday, February 14, 2013 4:28 PM
To: Jeffery Little
Cc: Aaron Mount; Ryan Olah
Subject: Re: El Dorado County - Macauley

Jeff,

In response to your email:

1) I wanted to know if the email was specific to the Macauley project. My email correspondence to you in 2011 documented that two elderberry shrubs observed in 2004 were not present in October 2010.

The rationale in the email that you quoted and that I had previously sent was in response to the Macauley project, but the is applicable to all projects involving potential valley elderberry longhorn beetle habitat.

2) The project does not have a federal nexus. The planning issues are strictly local and/or CEQA. I'm asking for assistance from the Service to determine whether the shrubs were likely to be occupied and whether "take" of VELB was likely to have occurred.

You are right, the project does not have a federal nexus, but when it comes to a federally-listed animal species, federal regulations prohibiting take apply regardless. As for the last part of your statement, I will address later.

3) In light of your email above, the project specific facts document that 1) there were "very few shrubs" on the property in 2003 (Two shrubs. See attached map from R. Willson report), 2) the shrubs were not in a riparian corridor, and 3) they were "**completely** isolated" [emphasis in original]. No other elderberry shrubs occurred at least within 400 feet (122 meters) north and west or 300 feet (91 m) south and east (measured to the property line). It is likely that the nearest shrubs were much further away than that.

Whether or not shrubs are located in a riparian corridor does not equate to occupied or not. This information regarding isolation suggests that the shrubs were in fact isolated, but it is unclear as to whether adjacent properties were looked at in order to ascertain whether the shrubs were once part of a large complex that may have contained beetle and now isolated.

4) The Solano County Water Agency's draft HCP makes the following statement about the biology of the dispersal of the VELB:

Dispersal. Since the spatial distribution of the valley elderberry longhorn beetle is often minimal (Barr 1991), the beetle is assumed to be a poor disperser (Collinge et al. 2001). This lack of dispersing capability and the beetles' presumed naturally low population densities (USFWS 1984), results in an increased vulnerability to impacts from habitat fragmentation (USFWS 1999). Non-fragmented stands of elderberries are essential for dispersal corridors for the species and may be necessary to maintain long-term gene-flow over large areas.

<http://www.scwa2.com/documents/hcp/Final%20Admin%20Draft/Appendix%20B/RSFWM/Valley%20Elderberry%20Longhorn%20Beetle.pdf>

In Rethinking a rare-species conservation strategy in an urban landscape: The case of the valley elderberry longhorn beetle (Talley, et al, 2007), the ability for VELB to disperse is described as:

3.3. Fine-resolution beetle distributions The abundance of exit holes in the alluvial plain, riparian corridor, and upper riparian terrace was spatially autocorrelated over distances of 10–50m (Fig. 3). This pattern corresponded with the average nearest neighbor distances of $43 \pm 44m$ between recent exit holes. In the non-riparian scrub, nearest neighbor distances between recent exit holes averaged $25 \pm 16m$. These data suggest that the dispersal distances of adult beetles from the sites at which they emerge typically are $\leq 50 m$.

While I appreciate this information being pointed out, the Solano County HCP is not a relevant document in this instance, and we are aware of the Talley et al. which is why I brought up the whole concept of isolated shrubs in the first place.

As you have pointed out and are aware, planning issues, unless in violation of federal law (including the ESA), are a local and/or CEQA related. If a County elects to incorporate FWS standards and guidelines for a listed species in order to address CEQA concerns that is at their discretion, even if a project were to not result in take of a federally-listed species (if it were, that would be a different matter).

Given the information that you have provided, here and in other correspondence, specifically the apparent isolation of the two elderberry shrubs, and the lack of evidence of occupancy, we would not consider the shrubs to be habitat for the valley elderberry longhorn beetle. Although it is not possible to definitively ascertain whether the shrubs were occupied by the beetle (since they have been cut down) the information provided suggests that they likely were not. I would strongly recommend in order to avoid any future issues such as this, these discussions are had prior to removal of any elderberry shrubs. While one cannot say for sure that the shrubs were or were not occupied by the beetle, if the County thinks that it is necessary to offset the loss of the shrubs in order to comply with CEQA, I leave that to their discretion.

In regard to the general overall approach to working through the concerns with this project I would offer that in the future a less confrontational approach may be more effective. Rather than a point by point counter of what is said by either FWS, the County, or other parties, it would be more effective to have a general broad discussion as a whole, because I do think that each one of us is a professional and may better understand our own responsibilities and areas of expertise.

Hope this helps.

Jeremiah Karuzas

Senior Biologist

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Subject: FW: El Dorado County - Macauley

From: Jeffery Little <Jeffery.Little@SycamoreEnv.com>

Date: 2/15/2013 9:02 AM

To: 'Peter Thorne' <pthorne@gobtc.net>, Charles Hughes <Charles.Hughes@SycamoreEnv.com>

FYI

From: Karuzas, Jeremiah [mailto:jeremiah_m_karuzas@fws.gov]

Sent: Friday, February 15, 2013 8:58 AM

To: Jeffery Little

Subject: Re: El Dorado County - Macauley

I appreciate your response. I do not see this "issue" as being one that we would ever turn into a low-effect HCP for many reasons. Thanks again and enjoy your day.

Jeremiah

Jeremiah Karuzas

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