



M.H. WOLFE *and Associates*

ENVIRONMENTAL CONSULTING INC.

July 31, 2009

Friant Water Authority
332 Norwalk
Delano, CA 93215
Attn: Mr. Albert Avila

RE: Survey of the property located at Mile Post 58.62 of the Friant Kern Canal for Channel Maintenance

Dear Al:

INTRODUCTION

At your request, M.H. Wolfe *and Associates* Environmental Consulting, Inc., conducted a preconstruction survey on July 17, 2009, at mile post 58.62 on the Friant-Kern Canal underdrain. The proposed project is the removal of trees and other vegetation located at the mile post, which are growing in a way which is believed to be interfering with the canal operations and maintenance activities and are obstructing the flow of the drainage. The drainage is located at mile post 58.62 and is defined as an underdrain channel in the current California Department of Fish and Game (CDFG) permits. Habitat for both upstream and downstream can best be described as weedy, non-wetland habitat, while the area upland of the drainage can be described as non-native grassland habitat.

Threatened and/or endangered species that have been previously seen and documented in the area by the California Natural Diversity Database (CNDDB) (2009) include the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), San Joaquin kit fox (*Vulpes macrotis mutica*), vernal pool fairy shrimp (*Brachinecta lynchi*) and California tiger salamander (*Ambystoma californiense*). Though the California tiger salamander and vernal pool fairy shrimp have not been documented in the vicinity of mile marker 58.62 of the canal, surveys conducted by the Endangered Species Recovery Program (ESRP) in 2004 confirmed the presence of vernal pools, the preferred habitat for these species, in the direct vicinity of this mile post (ESRP 2004).

California species of concern previously documented in the area include the western spadefoot toad, spotted bat and western pond turtle. In addition, numerous bird species protected by the Migratory Bird Treaty Act (MBTA) are known to occur in the area as either residents or migrants. These birds may nest in trees, shrubs or on the ground near the proposed project area. As a result of these possible occurrences of sensitive species in the area, a biological survey of the area was necessary prior to any tree removal activities to ensure no sensitive species are

harmful, in accordance with the O&M Guidelines, which are essentially the biological opinion for the canal, and in this case, the Section 1600 notification also pertains.

METHODS

On July 17, 2009, pedestrian transects were walked by two qualified biologists throughout the area to be affected. These transects were walked in a meandering fashion to ensure nearly 100 percent coverage of the proposed project site. Notes of current land use conditions, species present (or their sign) and surrounding land use were recorded. Sign of wildlife includes direct observations, scat, tracks, feather/fur, prey remains, burrows/nests and any other evidence of wildlife presence. A preactivity survey field completion form is enclosed for the proposed project site.

RESULTS

During survey of the area, one elderberry shrub (*Sambucus sp.*) was observed outside of the drainage (Figures 1-2). Elderberry shrub is the preferred habitat of the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), a federally threatened species. The location of the elderberry shrub found during these surveys was recorded using Global Positioning System (GPS) coordinates, the coordinates of which are North 36° 30' 17.280", West 119° 11' 05.748". Though the valley elderberry longhorn beetle was not directly observed, the presence of elderberry shrub within the project area suggests that they still have the potential to occur. Other unidentified trees were observed mixed in with the elderberry shrubs observed during these surveys, but are outside of the right of way (ROW) (Figures 2-3). Other plant species observed included jimsonweed (*Datura stramonium*), cocklebur (*Xanthium strumarium*), rush (*Juncaceae sp.*), wild cucumber, wild oat (*Avena fatua*), barley (*Hordeum sp.*) and telegraph weed (*Heterotheca grandiflora*) (Figures 1-4).

Wildlife species observed during the survey of the area included turkey vulture (*Cathartes aura*), pocket gopher (*Thomomys sp.*), coyote (*Canis latrans*) and domestic dog (*Canis familiaris*). No bird nesting activities were observed in relation to the area surveyed, inside the canal ROW.

Several species that exist on the CNDDDB species of concern list, though not observed during field surveys, still possess the potential to occur within the project boundary. These species include valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), San Joaquin kit fox (*Vulpes macrotis mutica*), spotted bat (*Euderma maculatum*), California tiger salamander (*Ambystoma californiense*) and vernal pool fairy shrimp (*Brachinecta lynchi*). Although these species were not observed during the survey, multiple surveys are required to determine the presence of both California tiger salamander and fairy shrimp species. No roost habitat for spotted bat is present, but the species may forage in the area.

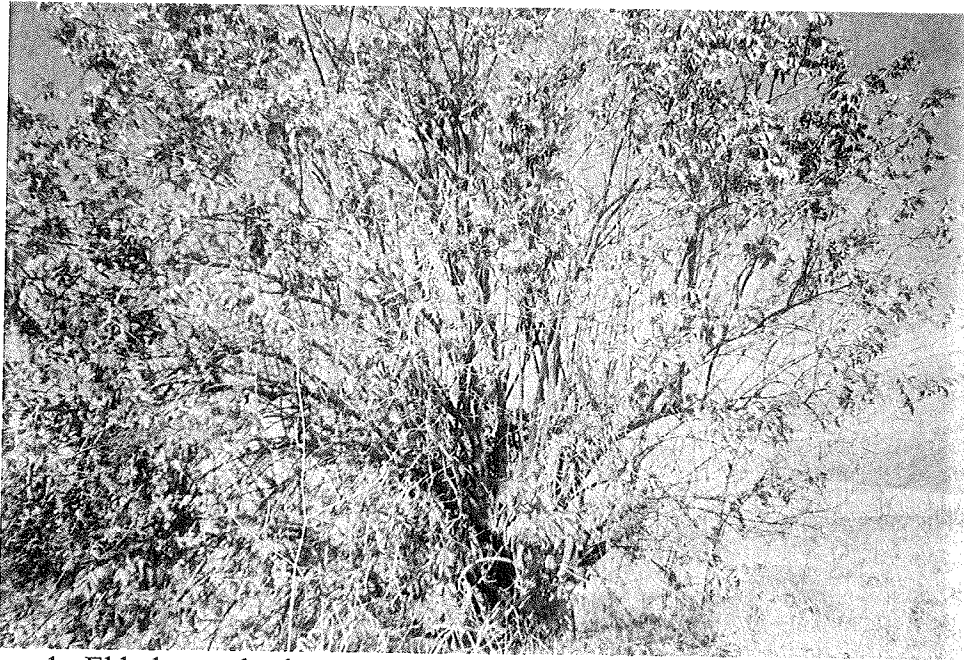


Figure 1. Elderberry shrub present outside of the drainage.

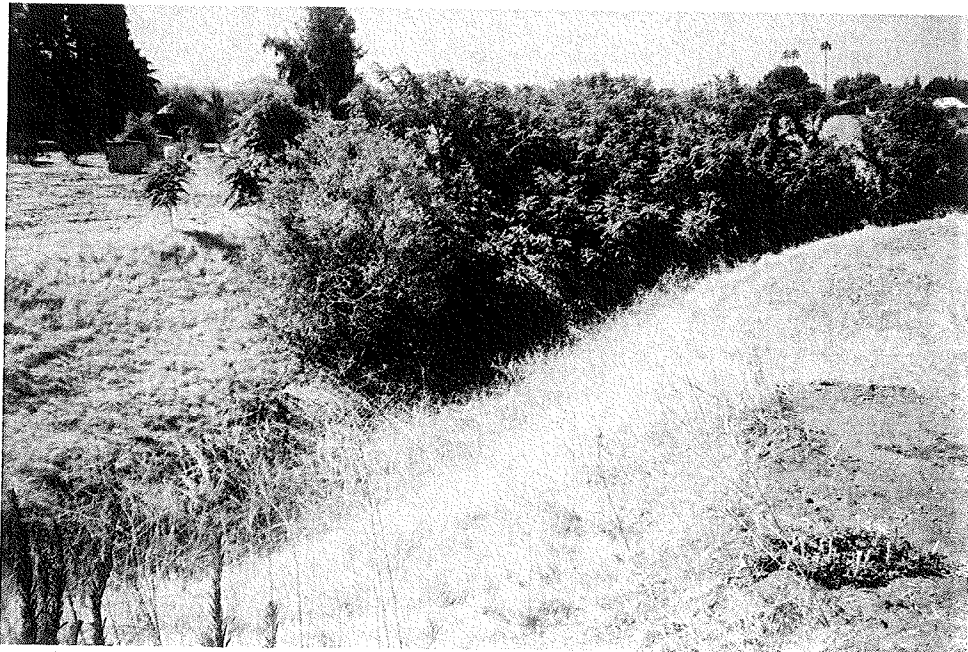


Figure 2. Elderberry, trees and other associated vegetation outside right of way.



Figure 3. Other trees found outside of right of way.

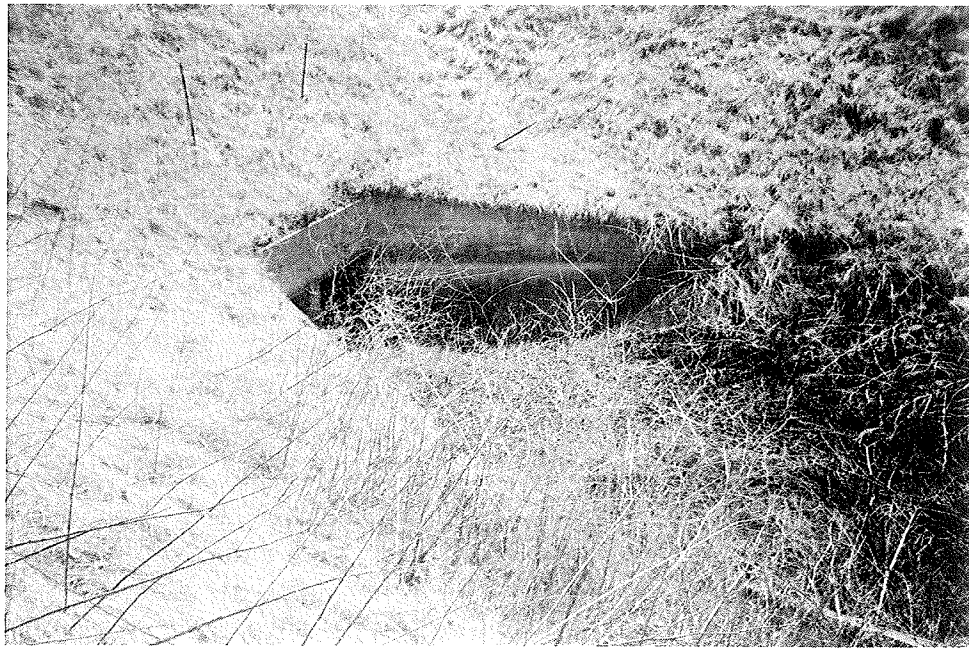


Figure 4. Vegetation associated with opening of underdrain.

RECOMMENDATIONS

With regards to the area surveyed at mile post 58.62, all trees and sensitive species present in the area surveyed are found outside of the ROW. The single elderberry in the ROW is outside the drainage and will be avoided. As only trees that exist within ROW boundaries are candidates for removal, these trees are not subject to removal without obtaining the permission of the land owner on which they reside. If these trees still need to be removed, it must be noted that the elderberry shrubs present are not to be disturbed or removed in any way. Concerning the other trees, as the elderberry is sparsely mixed in with these other unidentified trees, special care must be taken not to disturb or remove any of the elderberry present while removal of the trees around them takes place. For any removal to take place, permission must be obtained from the owners of the property outside the ROW where the trees can be found. In addition, the California Department of Fish and Game (CDFG) will need to be consulted, as it is outside of the permit area. A qualified biologist should be present if any removal is to take place.

The mile post will also require additional surveying in accordance with agency protocol, as the presence of sensitive species, such as California tiger salamander (*Ambystoma californiense*) and vernal pool fairy shrimp (*Brachinecta lynchi*), need to be evaluated to determine potential effects to any of the species in question if any soil or channel disturbance is required. Surveys conducted by the Endangered Species Recovery Program (ESRP) in 2004 observed vernal pools, the preferred habitat for these species, in the vicinity of mile marker 58.62 (ESRP 2004). It should be noted that, while California tiger salamander and vernal pool fairy shrimp were not found in the direct vicinity of mile marker 58.62, this study was not conducted based on the protocol for surveying for these species, and, consequently, cannot be used to support a negative finding. No critical habitat for either of these species is present in the vicinity.

As a result of the California tiger salamander having a history of occurrence in the area, before any action can be taken protocol for surveying for California tiger salamander must be followed. This survey methodology employs the use of drift fencing and pitfall traps, based on the California Department of Fish and Game (CDFG) protocol as of October 2003 (CDFG 2003). These arrays should be approved and constructed by October 15. The CDFG requires that 20 nights of surveys under the proper conditions be conducted from October 15 to March 15, and larvae surveys during spring for two consecutive years. Other methods, such as visual egg surveys, night driving, nocturnal surveys, fiber optic scoping and cover-boards, may be used to determine presence of the California tiger salamander, but these methods will not support a negative finding of this species. Please refer to the full survey protocol for this species, which was included in the report for Mile Post 3.02.

The following general guidelines for the work will be implemented as well.

- 1) Although no nests were observed during our survey, new nests may be constructed at any time. If nests are observed when work is to commence, rescheduling of vegetation

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removal will be necessary. In this case, conduct work outside of bird nesting season, which usually is March 1 to August 30. No bird nests with eggs or young may be disturbed.

- 2) Drive slowly on the project site. Inspect in and under vehicles and equipment prior to moving, as wildlife often enter, sleep under and/or dig under equipment and vehicles.
- 3) Train employees so they can recognize sensitive species and inform them of avoidance requirements to minimize risks to the animals if any are encountered during construction.
- 4) Keep all plastic trash and foodstuffs in covered or closed containers to preclude attraction of wildlife to the project site where they may be harmed. Remove solid waste from the project site on a regular basis in accordance with local regulations.
- 5) Prohibit feeding of all wildlife on the project site. No dogs or other pets should be allowed on the project site.
- 6) Avoid covering or damaging any new burrows that may appear on the project site and call a qualified biologist to determine the appropriate actions to be taken if a new potential burrow is created.
- 7) Remove revegetation on ditch slopes on opposite sides in alternating years per the Section 1600 permit.

We will proceed with protocol level surveys to ascertain the presence of tiger salamander surveys this fall. In addition, a second trip to search for fairy shrimp will be conducted. Systematic survey for these species would be appropriate to help prevent potential delays of future work.

If you have any questions or concerns, please do not hesitate to contact us.

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Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Cornell". The signature is stylized and cursive.

Jeff Cornell
Cultural Resource Specialist and Technical Writer

cc: Mike Lang, Orange Cove Office
Eric Quinley, Maintenance Manager, Lindsay

Enclosures

References:

California Department of Fish and Game (CDFG). 2003. Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander. California Department of Fish and Game, Sacramento, CA. September 2003.

Endangered Species Recovery Program (ESRP). 2004. DRAFT Results from Friant-Kern Canal vernal pool surveys.

