



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road  
Carlsbad, California 92011



In Reply Refer To:  
FWS-ERIV-4981.1

JUL 27 2006

Mark Durham  
Chief, South Coast Section  
Regulatory Branch  
Department of the Army  
Los Angeles District, Corps of Engineers  
P.O. Box 532711  
Los Angeles, California 90053-2325

Dear Mr. Durham:

This letter transmits our concurrence that the SFPP Line Section 111 Washout Repair Project may effect, but is not likely to adversely affect, Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*), Coachella Valley fringe-toed lizard (*Uma inornata*), or desert tortoise (*Gopherus agassizii*). We base this concurrence on survey results and agreements made with the consultant, TRC solutions, for minimization measures to be employed during the project. No critical habitat for these species is in the project area.

We received your letter of March 30, 2006, on April 30, 2006, requesting formal consultation, along with an evaluation of the biological resources at the project site. No listed species were detected at the project site, but surveys for milk-vetch were conducted at an inappropriate time of the year. We requested further Coachella Valley milk-vetch surveys at a time of the year appropriate for detecting this species. It was also apparent that formal consultation may not be necessary. Thus we also asked the consultant to submit minimization measures in an attempt to reduce effects of the project to a level of "not likely to adversely affect." On May 24, 2006, we received the updated survey results and proposed minimization measures. We also requested and received more detailed project descriptions than were provided in the original documentation.

Based on the information supplied and minimization measures proposed by the applicant, we concur that the project may affect, but is not likely to adversely affect Coachella Valley milk-vetch, Coachella Valley fringe-toed lizard, and desert tortoise, provided that the Corps require the following measures as conditions of approval:

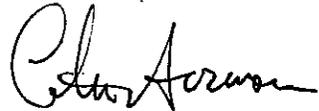
1. Activities in the San Geronio River/Wash shall be limited to when the wash can be anticipated to be dry.

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2. Activities shall be conducted at temperatures above 71 degrees Fahrenheit to ensure reptiles are active enough to escape activities.
3. Area 2 shall be surveyed for desert tortoise no earlier than 48 hours before project activities to determine. If an occupied desert tortoise burrow is found, further consultation with the Service will be required.
4. A biological monitor shall be present during all activities. The monitor will flag the project area, including access routes and staging/storage areas, to constrain disturbance to the smallest area possible.
5. A Worker Awareness Training program will be implemented for all construction personnel to increase awareness of the sensitive species and minimization measures.
6. Should desert tortoise or fringe-toed lizard enter the project area, construction activities will be modified to avoid these animals, which will be allowed to leave the area of their own volition.
7. All access and staging areas will be restored to their original condition.
8. Permanent impacts will be mitigated at a ratio of 3:1 at an offsite location approved by the Service, in consultation with the California Department of Fish and Game and Coachella Valley Water District.
9. A post-construction memo will be filed with the Service describing minimization measures used and sensitive species observed, if any.

If you have any questions regarding this consultation, please contact Tyler Grant of my staff at (760) 431-9440.

Sincerely,



for  
Therese O'Rourke  
Assistant Field Supervisor