United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
PAS 2534.3862.4750

March 6, 2006

Alessandro Amaglio, Environmental Officer
Federal Emergency Management Agency
U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, California 94607-4052

Subject: Conejo Valley Fire Mitigation, Conejo Recreation and Park District, FEMA-1498-DR-CA, HMGP #1498-98-36

Dear Mr. Amaglio:

We have reviewed your request, dated November 7, 2005, and received in our office on November 9, 2005, for our concurrence with your determination that the Conejo Valley Fire Mitigation project is not likely to adversely affect 12 species. These species are:

Lyon's pentachaeta	*Pentachaeta lyonii*
Braunton's milk-vetch	*Astragalus brauntonii*
Marcescent dudleya	*Dudleya cymosa* ssp. *marcescens*
Santa Monica Mountains dudleya	*Dudleya cymosa* ssp. *ovatifolia*
Agoura Hills dudleya	*Dudleya cymosa* ssp. *agourensis*
Conejo dudleya	*Dudleya abramsii* ssp. *parva*
Verity's dudleya	*Dudleya verityi*
San Fernando Valley spineflower	*Chorizanthe parryi* var. *fernandina*
Slender-horned spine flower	*Dodecahema leptoceras*
Southwestern willow flycatcher	*Empidonax traillii extimus*
Least Bell's vireo	*Vireo bellii pusillus*
Coastal California gnatcatcher	*Polioptila californica californica*

In addition, you have determined that critical habitats proposed for Braunton's milk-vetch and Lyon's pentachaeta would not be destroyed or adversely modified.

You propose to fund vegetation management projects on public property managed by the Conejo Open Space Conservation Agency in the city of Thousand Oaks, California. Vegetation would be cleared in an approximately 40-foot-wide strip adjacent to residences and within a 10-foot-wide strip along roadways. The proposed action would encompass approximately 83 acres. Nine vegetation communities can be found in the action area: ruderal vegetation, coastal sage scrub, grassland (native and non-native), ornamental landscape, maritime succulent scrub, oak woodland, chaparral, riparian woodland, and coyote brush scrub. Treatment of vegetation would occur prior

to May 31, 2006. You originally intended to complete the treatment of coastal sage scrub habitats prior to February 1, but because that date has already passed, this is no longer possible. Most of the action area has already been treated by the Conejo Recreation and Park District (CPRD) in past years. The removal of vegetation would not apply to landmark or heritage trees (e.g., oaks (*Quercus* spp.), sycamore (*Platanus* spp.), walnut (*Juglans* ssp.), California bay (*Umbellularia californica*)) or stands of protected species, although trees would be limbed so that vertical clearances would be no less than 13.5 feet. Vegetation would be removed by weed eaters, chain saws, or mowers. Once cut, vegetation would be left in place, disked into the soil using a tractor-driven device, or hauled off site.

AVOIDANCE AND MINIMIZATION MEASURES

1) Pre-project plant surveys would be conducted in all areas that have habitat suitable to support any of the listed plant species identified above. The surveys would be conducted at the appropriate time of the year during the blooming periods for each species to the extent practicable while allowing the project to be completed prior to the June 1 target completion date. If any plant species resembling a listed species are found that are not flowering, such that a positive identification is not possible, they would be avoided. Listed plant species found in project areas would be fenced off and protected from clearing activities. Additionally, CPRD would notify us and obtain guidance on how to further protect any listed plants observed.

2) Vegetation would not be removed within a 50-foot buffer zone around riparian areas, wetlands, and ephemeral or perennial streams. The buffer zone would be measured from the outermost portion of riparian or wetland vegetation.

3) Pre-project surveys for coastal California gnatcatchers would be conducted by CPRD prior to any thinning activities in areas supporting coastal sage scrub. These surveys would be conducted by a qualified biologist.

4) If any coastal California gnatcatchers are observed within the project area, no clearing activities would be conducted within 150 feet from coastal sage scrub occupied by the species. Additionally, CPRD would notify us and obtain guidance on how to further protect the individuals observed.

5) To avoid disturbing any nesting southwestern willow flycatchers or least Bell's vireos, no vegetation would be cleared within 300 feet of any riparian habitat from mid-May through September.

Some authorities consider the Agoura Hills dudleya and Santa Monica Mountains dudleya to be distinct subspecies of *Dudleya cymosa*. However, they were treated as synonyms in the latest publication of the Jepson manual (Bartel 1993). Following this taxonomic arrangement, the listing of the Santa Monica Mountains dudleya as Threatened (62 FR 4172) included the Agoura Hills

dudleya under *D. c. ovatifolia*. Following the listing rule, further reference to the Santa Monica Mountains dudleya in this letter includes the Agoura Hills dudleya.

We concur with your determination that the Conejo Valley Fire Mitigation project is not likely to adversely affect the Lyon's pentachaeta, Braunton's milk-vetch, marcescent dudleya, Santa Monica Mountains dudleya, Conejo dudleya, Verity's dudleya, slender-horned spine flower, southwestern willow flycatcher, least Bell's vireo, or coastal California gnatcatcher. Our concurrence is based on the following:

1) No clearing activities would occur in areas where listed plant species are identified during pre-project surveys. Plants closely resembling listed species would be avoided unless they can be positively identified as a non-protected species (e.g., non-flowering Dudleya species).

2) The coastal California gnatcatcher has never been recorded in the project area. The approximately 11 acres of coastal sage scrub habitat in the project area have been previously cleared for the last 10 years and are located adjacent to existing homes. If any coastal California gnatcatchers are found during pre-project surveys, the area would be avoided.

3) The southwestern willow flycatcher and least Bell's vireo have never been recorded in or near the project area. Very little riparian woodland vegetation would actually be disturbed (less than 1 acre in the action area) due to the buffer zone around riparian areas. All work areas are adjacent to residential buildings or roads, making these areas less attractive as nesting areas to these bird species. Work near riparian areas would not be conducted during the breeding season for the southwestern willow flycatcher or least Bell's vireo.

We also concur with your determination that the Conejo Valley Fire Mitigation project is not likely to destroy or adversely modify critical habitats proposed for Lyon's pentachaeta or Braunton's milk-vetch. Our concurrence is based on the following:

1) Only a small portion of the project area overlaps with the critical habitats proposed for these two plant species.

2) All work areas are adjacent to residential buildings or roads, areas which are likely to experience an elevated level of human activity and disturbance.

3) The removal of existing shrub cover may allow for the colonization of open areas by Lyon's pentachaeta or Braunton's milk-vetch.

The San Fernando Valley spineflower is a candidate species for listing (70 FR 24870). A candidate species is one for which we have on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened, but for which preparation and publication of a proposal is precluded by higher-priority listing actions. Because this species has not yet been listed or proposed for listing we do not provide concurrence or non-concurrence at this time.

During pre-project surveys for listed species, we recommend that special attention be given to project areas bordering Wildwood Park. Observations of Conejo Dudleya have been reported near residences in this area, including locations at the end of Raindance Street and the end of West Avenida de las Flores.

We also recommend that during pre-project surveys, if any active bird nests of any native species are encountered, they be flagged or otherwise temporarily marked. If found, occupied nests of any bird protected under the Migratory Bird Treaty Act should be avoided by brush clearing activities.

No further consultation pursuant to section 7 of the Endangered Species Act of 1973, as amended, is required at this time. If you become aware of new information regarding the design or timing of the proposed project or the occurrence of listed species in the vicinity of the project area, we recommend that you contact us as soon as possible to assess any potential impacts to listed species and the need for further consultation.

If you have any questions, please contact Creed Clayton of my staff at (805) 644-1766, extension 335.

Sincerely,

Carl T. Benz
Assistant Field Supervisor
Southern Santa Barbara/Ventura/LosAngeles

Literature Cited

Bartel, J. 1993. Dudlyea. In: The Jepson manual: higher plants of California, Hickman, J.C., editor. University of California Press, Berkeley, California.