



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
81440-2011-TA-0462

August 16, 2011

Memorandum

To: Barstow Field Manager, Bureau of Land Management, Barstow, California

From: *Diana K. Nolin*
Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California

Subject: Amendment to the Biological Opinion on Nursery Products, LLC Hawes
Composting Facility, San Bernardino County, California (No. 8-8-11-F-29)

This memorandum constitutes our amendment to the subject biological opinion issued to you on August 2, 2011. The purpose of this amendment is to correct three errors in the text of the opinion brought to our attention by your staff (Otahal, pers. comm.) that were identified by representatives of Nursery Products.

The text corrections are identified in the attachment. Please note that these changes do not alter our findings and conclusions in the subject biological opinion. Please attach this memorandum and attachment to the subject biological opinion.

If you have any questions regarding this matter, please contact either Carl Benz at (805) 644-1766, extension 311 or Erin Nordin at (909) 382-2959.

Attachment

Amendments to biological opinion 8-8-11-F-29, dated August 2, 2011

Page 2, Paragraph 2 should now read:

“We electronically mailed a draft biological opinion to the Bureau on July 15, 2011, and received comments on the draft, via electronic mail from the Bureau on July 22, 2011 and July 28, 2011 (Otahal 2011b, d). We reviewed the comments, which consisted of minor edits, and incorporated them into the final biological opinion.”

Page 2, Paragraph under Access Road should now read:

“Prior to improving the existing access road and to reduce injury and mortality of desert tortoises, Nursery Products would install desert tortoise exclusion fencing along both sides of the access road, the intersection of the access road and Helendale Road, and the length of Helendale Road north to State Route 58. Along Helendale Road, Nursery Products would install the fence only on lands managed by the Bureau, which would result in unfenced areas at the junction of State Route 58 and Helendale Road, and the intersection of the access road and Helendale Road (Otahal 2011c). In areas where the fence ends and does not connect with another, Nursery Products will install a short fence, perpendicular to the first, to direct desert tortoises away from traffic. Activities associated with the improvement of the existing access road include widening 1.3 miles of the existing road, adding approximately 6 feet of unpaved shoulder to either side, and applying a non-asphaltic road treatment. The installation and maintenance of the desert tortoise exclusion fence would require an additional 2 feet of disturbance along the unpaved shoulders. Nursery Products would install three culverts along the access road to reduce habitat fragmentation and facilitate desert tortoise movement (Figure 3, p.7 in Analytical Environmental Services 2011).”

Page 5, Minimization Measure 3 should now read:

“Nursery Products will install a permanent desert tortoise exclusion fence along the perimeter of the 80-acre project site, along both sides of the access road, and along both sides of Helendale Road on lands managed by the Bureau from the intersection of the access road at Helendale Road to State Route 58. In locations where the fence ends and does not connect with another, the fence will have a short fence (approximately 5 feet) installed perpendicular to the first (Otahal 2011a).”

Page 5, Minimization Measure 9 should now read:

“Upon completion of clearance surveys and the installation of desert tortoise exclusion fencing, an authorized biologist will remain “on call” during construction activities. Vegetation clearing activities will occur only after the desert tortoise exclusion fence is installed and clearance surveys are completed.”

Page 5, Minimization Measure 10 should now read:

“An Environmental Compliance Monitor (ECM as defined in the Raven Management Plan) will monitor the project area during construction activities for any human-provided subsidies of food or water and work with personnel to eliminate and/or minimize these subsidies. Examples would include maintaining all waste receptacles with proper covers and monitoring the watering of the project area to reduce dust so that puddles of water are not produced that remain for over two hours. Nursery Products will also slope the site to prevent the formation of puddles.”

Page 7, Minimization Measure 22 should now read:

“To reduce dust, Nursery Products will refrain from turning windrows when wind speeds exceed 30 miles per hour.

Page 33, last paragraph: Change 20 miles per hour to 30 miles per hour.

Page 35, last paragraph: Change 20 miles per hour to 30 miles per hour.