



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-0564

October 18, 2011

Andrew Bain, Remedial Project Manager
Region IX, Superfund Federal Facilities and Site Cleanup Branch
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Subject: Request for Authorization to Conduct Surface Water and Sediment Sampling at Point Locations within Areas II and III for the Santa Susana Field Laboratory Area IV Radiological Study (8-8-10-F-12), Ventura County, California

Dear Mr. Bain:

We are responding to your letter received via electronic mail on September 29, 2011 notifying us of proposed additional water and sediment sampling activities that would occur outside of the action area outlined in the biological opinion for the Santa Susana Field Laboratory Area IV Radiological Study (8-8-10-5-12) in Ventura County, California. You requested our concurrence that the effects of the additional proposed activities on the federally endangered least Bell's vireo (*Vireo bellii pusillus*), Riverside fairy shrimp (*Streptocephalus woottoni*), Quino checkerspot butterfly (*Euphydryas editha quino*), Braunton's milkvetch (*Astragalus brauntonii*) and its designated critical habitat, and Lyon's pentachaeta (*Pentachaeta lyonii*); and the federally threatened coastal California gnatcatcher (*Polioptila californica californica*), California red-legged frog (*Rana draytonii*) and its designated critical habitat, vernal pool fairy shrimp (*Branchinecta lynchi*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), and Conejo dudleya (*Dudleya abramsii* subsp. *parva* [= *D. parva*]), Santa Monica Mountains live-forever (*D. cymosa* subsp. *ovatifolia* [inclusive of *D. cymosa* subsp. *agourensis*]), and marcescent dudleya (*D. cymosa* subsp. *marcescens*) were adequately analyzed in the existing biological opinion (8-8-10-F-12) and concurrence letter dated May 25, 2010.

The proposed activities include collecting 10 sediment samples from drainages within Area II and Area III using a stainless steel trowel, 7 sediment samples from Silvernale Pond and the R2 ponds using a stainless steel hand auger, and 6 surface water samples from Silvernale Pond and the R2 ponds using a direct dip method and Van Dorn depth sampler. Sediment samples would be collected in the late summer or early fall of 2011 when the ponds are either dry or have very little water in them. Surface water samples will be collected when there is sufficient water volume to collect the discrete depth samples. All sampling sites will be accessed by existing roads and on foot.

These activities would occur outside of the action area outlined in the biological opinion. EPA proposes to expand the action area to include the point sample locations identified in Figure 1 of EPA's request (Attachment A). The expanded action area would also include existing access roads to each of the sampling locations, and pathways to each sampling point.

Potential habitat for least Bell's vireos and California red-legged frog occurs within the proposed expanded action area, however protocol surveys for these species have not been conducted and neither species was detected during reconnaissance surveys. Braunton's milk-vetch and its critical habitat, Lyon's pentachaeta, spreading navarretia, coastal California gnatcatcher, Conejo dudleya, Santa Monica Mountains dudleya, Marcescent dudleya, San Fernando Valley spineflower, Quino checkerspot butterfly, California red-legged frog critical habitat, and vernal pool branchiopods are not expected to be present within the expanded action area.

EPA proposes to implement all applicable measures identified in the biological opinion (8-8-10-F-12) to minimize the effect of the additional activities on federally listed species. The following measures have been identified as being applicable to the additional proposed activities:

General measures

- GEN-1 Prior to conducting biological surveys or monitoring related to the Action and/or Avoidance and Minimization Measures identified herein, each biologist shall submit their qualifications to USFWS for approval as a USFWS-approved biologist.
- GEN-2 All members of Action-related crews shall participate in an Environmental Education Program to be administered by the project biologist. The Environmental Education Program shall inform the participants as to the sensitive biological resources within the Action Area and avoidance and minimization measures to be employed. Species-specific training will be administered to crews who will be performing activities within areas occupied, or presumed to be occupied by listed species.
- GEN-3 Before entering natural habitat areas, Action-related vehicles and equipment brought to the Action Area from off-site locations will be cleaned to prevent the transport and introduction of invasive plant species to site. Additionally, Action-related vehicles and/or equipment that have been operated in areas of invasive weed infestations, especially that of yellow star-thistle (*Centaurea melitensis*), shall be cleaned before entering other natural habitat areas, and especially areas occupied by listed species, in order to prevent the transport and introduction of invasive plant species.

Least Bell's vireo

- GEN-9 To the extent feasible, Action-related activities within areas identified as potential habitat for least Bell's vireo, will be conducted between October 1 and March 14. Before commencing work within potential habitat during this timeframe, preconstruction surveys will be conducted by a USFWS-approved biologist. However, protocol surveys to determine presence/absence are not required. Before initiating Action-related activities between March 15 and September 30 within areas identified as potential habitat for least Bell's vireo, protocol surveys will be conducted by a Section 10(a)(1)(A) permitted biologist to determine

presence/absence of the species. If individuals are present, the nature of their activities will be determined, and consultation with the USFWS will be conducted to identify activities and/or avoidance and minimization measures that will not adversely affect the species.

Red-legged frog

GEN-11 Actions conducted within aquatic or riparian habitats, and upland habitats within 300 feet thereof, shall be supervised by a USFWS-approved biologist. Actions other than water sampling activities within intermittent aquatic habitats shall be conducted when the intermittent water body is dry.

Surface water and sediment sampling

SWSS-1 In the event that surface water and sediment sampling activities are located within or adjacent to areas occupied, or presumed to be occupied by listed species, the sampling crew shall coordinate with a USFWS-approved biologist to identify a means of access that avoids or minimizes physical damage to listed species, their Primary Constituent Elements (PCEs) and habitats.

We agree with your determination that the effects of the additional water and sediment sampling activities within point locations of Area II and III of the Santa Susana Field Lab are consistent with the analysis that has been completed in the biological opinion (8-8-10-F-12) and concurrence letter. We hereby expand the action area described in biological opinion (8-8-10-F-12) to include the point locations in Area II and Area III identified in Figure 1 (Attachment A), as well as existing access roads and paths to sampling points. We agree with your determination that no additional effects are anticipated to occur because:

- Sediment samples at sites with suitable habitat for least Bell's vireos and California red-legged frogs will be collected in late summer or early fall when least Bells' vireos and California red-legged frog eggs and tadpoles are not expected to be present and adults and juveniles are less active;
- Measures outlined in GEN-9 require protocol surveys for least Bell's vireos if sampling activities are conducted during the breeding season to identify any least Bell's vireos in the project area and establish suitable access corridors to avoid adverse effects to breeding birds;
- Measures outlined in GEN-11 require a biological monitor to supervise activities conducted within aquatic or riparian habitats and upland habitats within 300 feet thereof in order to identify and avoid or relocate California red-legged frogs in the action area; and
- Braunton's milk-vetch, Lyon's pentachaeta, spreading navarretia, coastal California gnatcatcher, Conejo dudleya, Santa Monica Mountains dudleya, Marcescent dudleya, San Fernando Valley spineflower, Quino checkerspot butterfly, and vernal pool branchiopods are not expected to be present within the expanded action area, and no critical habitat is

designated within the expanded action area and therefore no additional effects above what has been analyzed in the biological opinion are anticipated to occur.

Thank you for your continued coordination with us to minimize the effects of your project on federally listed species. Communication with our staff and a clear, concise, request letter from you allowed us to expedite the handling of this request. If you have any questions regarding this matter, please contact Jenny Marek of our staff at (805) 644-1766, extension 325.

Sincerely,

/s/: Jeff Phillips

Jeff Phillips
Deputy Assistant Field Supervisor

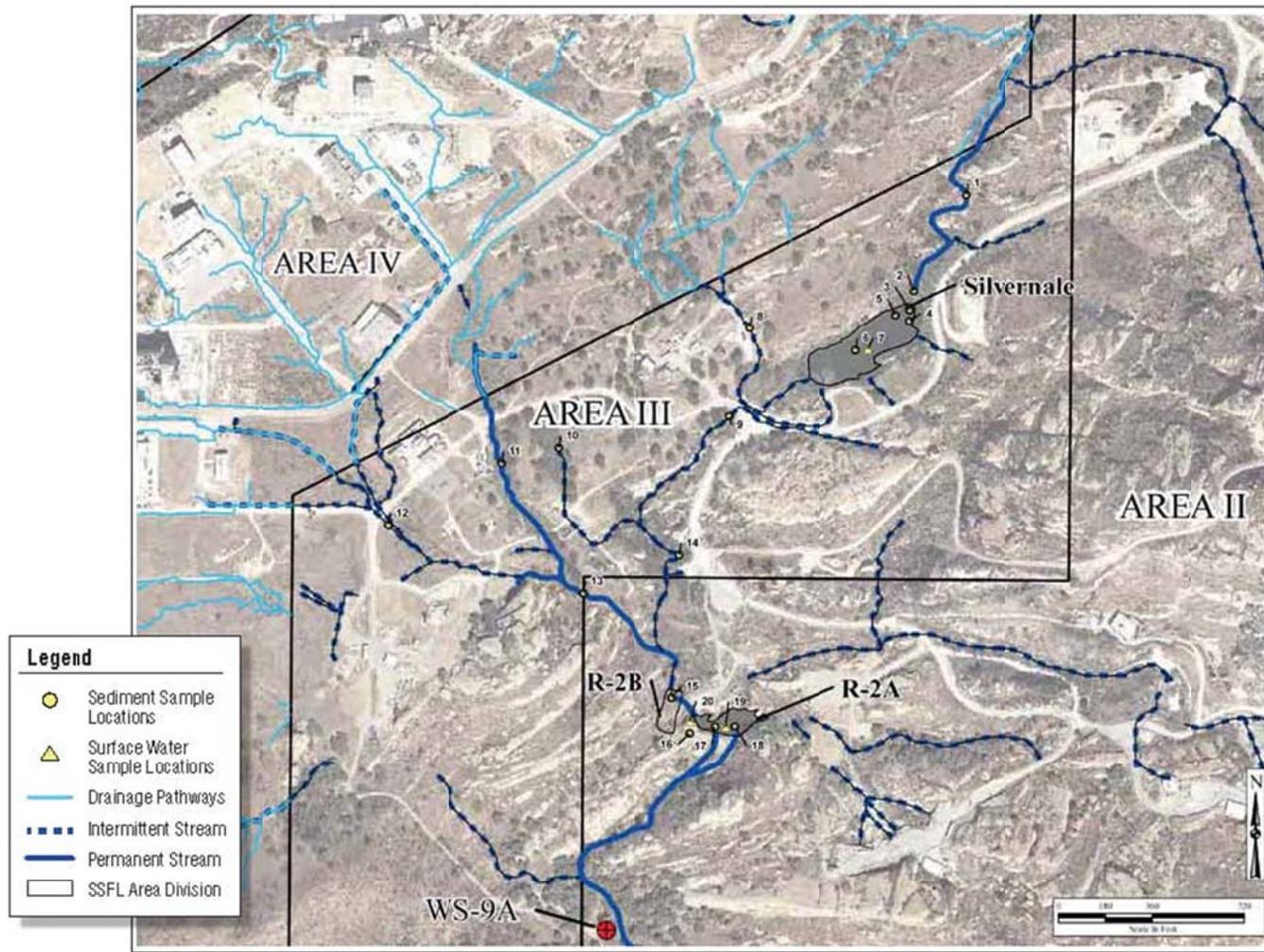
Enclosure

cc:

Stephanie Jennings, Department of Energy

Mary Meyer, California Department of Fish and Game

Rick Brausch, California Department of Toxic Substance Control



Potential Sediment and Surface Water Sampling Locations Area II and III