

## **APPENDIX I**

U.S. Department of Interior, Fish & Wildlife Service, Comments on Avoidance  
Minimization and Compensation Measures, dated December 17, 2007

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## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



In reply refer to:  
81420-2008-TA-0496

Mr. Leonard Bandell  
Madera Quarry, Inc.  
P.O. Box 994248  
Redding, California 96099-4248

**DEC 17 2007**

Subject: Comments on Proposed Avoidance, Minimization, and Compensation Measures for Madera Ranch Quarry Project (Madera County, California)

Dear Mr. Bandell:

This letter is in response to your request that the U.S. Fish and Wildlife Service (Service) concur with the proposed avoidance, minimization, and compensation measures for the proposed Madera Ranch Quarry Project (project). These measures were submitted in your document Madera Ranch CTS Compensation Outline Final 111907.doc (submitted via electronic mail on November 19, 2007). This proposal is based on a series of exchanges with Ms. Susan P. Jones and Messrs. Kenneth D. Sanchez, Peter A. Cross, and Jeffrey P. Jorgenson, Service representatives, and is part of an ongoing consultation with the U.S. Army Corps of Engineers (USACE; Service reference: 06-I-1080). Our comments are submitted pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The proposed project is to develop a hardrock quarry and associated facilities on approximately 125 acres of the ± 540 acre Madera Ranch in Madera County, California. The proposed project also includes a 4.9 mile long Road 209 improvement/realignment corridor within the Hildreth Creek floodplain. The surrounding area has a rural character and consists of mixed oak-grassland vegetation.

Two federally-listed species likely occur at the site: the federally-listed as threatened California tiger salamander (*Ambystoma californiense*; salamander) and the federally-listed as endangered San Joaquin kit fox (*Vulpes macrotis mutica*; kit fox). According to the California Natural Diversity Database, there are salamander reports from throughout the surrounding area, while kit foxes are known from the Central Valley to the west, as well as to the northwest and the southeast in the foothills. Kit foxes are highly mobile, though, and are known to range widely.

Over the past several months, Service and Madera Ranch Quarry representatives have met on numerous occasions to discuss various aspects of the project, especially avoidance, minimization,

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Mr. Leonard Bandell

2

and compensation measures with respect to the salamander and the kit fox. As a result of these meetings, the following measures have been accepted by both parties:

Conservation Measures  
for the  
California Tiger Salamander and San Joaquin Kit Fox

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The following measures will be implemented as part of the proposed project to provide compensatory mitigation for affects to the California tiger salamander and the San Joaquin kit fox.

1. Attached as Exhibit "A" is a drawing of MQI's Madera Property (Ranch) showing the disturbance of 120.9 acres. There is an additional 14.54 acres which will be disturbed by MQI's realignment of County Road 209. The total disturbed area is approximately 135 acres. MQI shall mitigate for the loss of salamander habitat by the creation of the permanent easement referred to in Item 3.
2. Temporary Conservation Easement (TCE) as Security Pending the Establishment of a Permanent Conservation Easement (PCE). While MQI is undertaking those activities referred to in Item 3 for the creation of the PCE, it shall create a TCE on a minimum of 405 acres of upland habitat, as shown on Exhibit "B". The purpose of creating the TCE is to afford MQI time to undertake the activities referred to in Item 3. These activities will be undertaken after the Army Corps of Engineers issues its permit for MQI's quarry project. The easement holder shall be acceptable to the Service.
3. Creation of Permanent Conservation Easement. As a condition to the creation of the PCE, MQI shall do the following:
  - a. Develop a management plan to include, but not be limited to the following:
    - (i) restrictions on surface disturbances acceptable to the Service;
    - (ii) restrictions on introduction of warm-water gamefish to ponds;
    - (iii) use of microbial larvicides, rather than mosquito fish or chemical agents, for mosquito control in ponds;
    - (iv) delineation of the boundaries of the easement in perpetuity;
    - (v) refinement of the existing management and monitoring activities;
    - (vi) restoration of the existing onsite pond noted as Pond #2 as aquatic breeding habitat for California tiger salamanders through an annual dry-down conducted during August or September to prevent bullfrog breeding and recruitment; and
    - (vii) creation of a new, on-site pond, shown as Pond 4C (or other suitable site as determined by hydrologic analysis), as suitable aquatic breeding habitat for the salamander.
  - b. Dedicate the PCE to an agency acceptable to the Service. The PCE shall be for that portion of the Ranch as shown as PCE on Exhibit "C" and comprising Contingent Conservation Measures a minimum of 270 acres. This shall be done simultaneously with the Service extinguishing the TCE.
  - c. Dedicate an endowment to the entity undertaking the management activities which shall be calculated through a PAR analysis which funds the annualized costs of management and monitoring.

Mr. Leonard Bandell

3

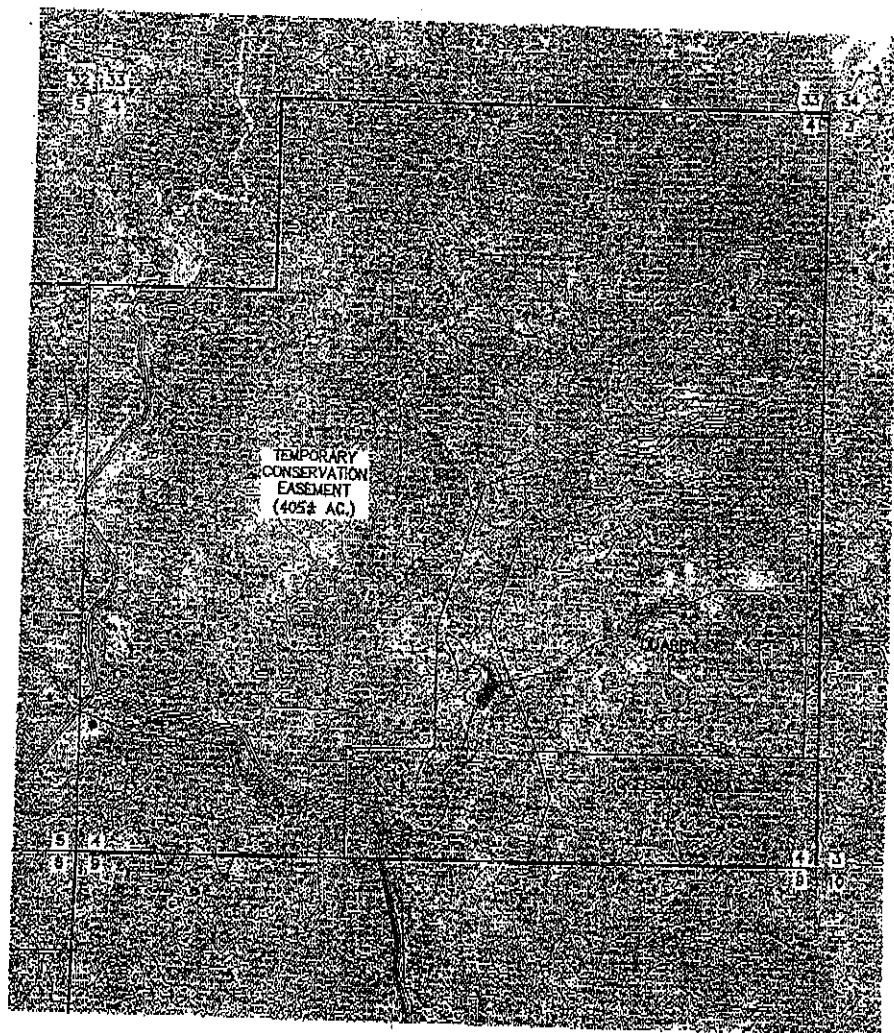
4. As an alternative to Item 3 above and at the sole discretion of MQI, MQI shall purchase 405 acres of salamander upland habitat compensation credits from a Service-approved conservation bank (at a compensation ratio of 3:1).
5. The measure adopted as shown in Item 3 shall also be deemed to be sufficient mitigation for the loss of 135 acres of habitat that is suitable for San Joaquin kit fox.
6. Hauling operations on Road 209 will be limited to between 30 minutes after sunrise and 30 minutes before sunset during December 1 to February 28 (i.e., the season when most adult salamanders would be moving to and from local breeding ponds).

[see Exhibits A, B, and C, below]



Mr. Leonard Bandell

5

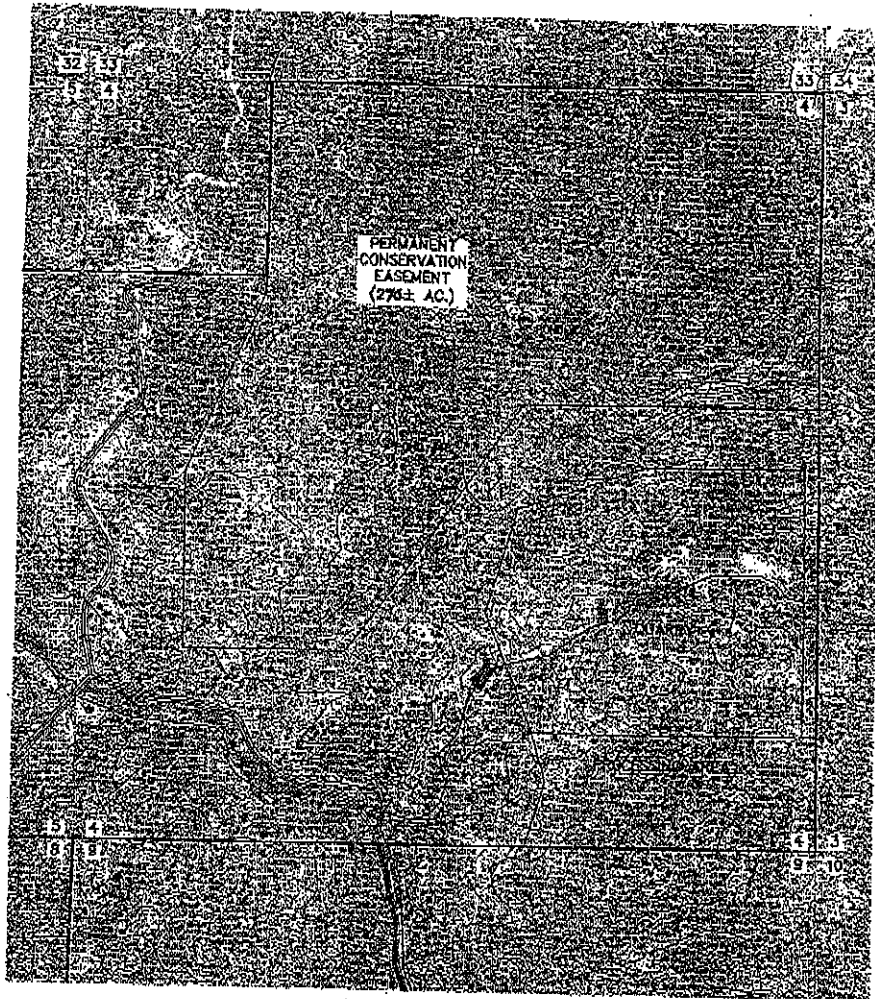


**EXHIBIT B**

Exhibit B

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6



**EXHIBIT C**

Exhibit C

Mr. Leonard Bandell


7

[End of agreed to measures and exhibits]

These measures will be incorporated by Madera Ranch Quarry Project representatives into the biological assessment and draft biological opinion, as appropriate. In addition, these measures, as we have mentioned during our earlier discussions, respond only to issues under the Act and do not obligate the USACE to any action under the Clean Water Act or other relevant regulations. A Service representative, at your invitation, will attend the meeting next week between the USACE and Madera Ranch Quarry Project representatives to discuss project-related issues.

If you have any questions regarding our response to the project, please contact Dr. Jeffrey P. Jorgenson or Ms. Susan P. Jones (Chief, San Joaquin Valley Branch) at 916/414-6630.

Sincerely,

  
Peter A. Cross  
Deputy Assistant Field Supervisor

cc:

California Department of Fish and Game, Fresno, CA (Attn. Annee Ferranti)  
U.S. Army Corps of Engineers, Sacramento, CA (Attn. Mr. Ramon Aberasturi)



Mr. Leonard Bandell

8

Addresses for cc:

Ms. Annee Ferranti, California Department of Fish and Game, 1234 E. Shaw, Fresno, CA 93710  
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1325 J Street, Room 1480, Sacramento, California (Tel 916-557-6865; Fax 916-557-  
6877)