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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Field Office
2730 Loker Avenue West
Carlsbad, California 92008

August 19, 1996

Michael C. Stroud, Manager
Southwest Division: Attention: T. Wright
Naval Facilities Engineering Command
United States Navy
1220 Pacific Highway, Code 20
San Diego, California 92132-5190

Re: Installation Restoration Program (IRP) Emergency Activities at Two Landfill sites on Marine Corps Air Station, El Toro, Orange County, California (1-6-96-F-302).

Dear Mr. Stroud:

The Fish and Wildlife Service (Service) has reviewed the emergency actions proposed for implementation in relation to the referenced. These interim emergency projects occur in areas adjacent to habitat occupied by federally-listed threatened coastal California gnatcatchers (*Poliophtilla californica californica*) (gnatcatcher).

The primary interim project is the installation of a fence around the landfill sites, being addressed in the final IRP. This fence will be installed within existing road right of ways or firebreaks. Installation will commence after fledging of nearby gnatcatchers. The other interim projects include the removal of surface and limited subsurface debris, limited grading of stream banks with placement of rip-rap along severely eroded sections to reduce erosion of landfill material, placement of debris collected from the stream channel at a central location at each landfill site, widening of access roads, and construction of staging areas and field office facilities along Magazine Road.

It is the understanding of the Service that a vegetation map is currently being prepared in order to plan for the avoidance of sensitive habitats. The Service also understands that MCAS, El Toro will provide us the opportunity to review the placement of these activities to insure avoidance of the gnatcatcher. Given the immediate need to clean debris emerging from the landfills and a commitment to compensate for any potentially unavoidable impacts to gnatcatcher habitat, the Service concurs with your need to proceed with the emergency actions, provided the following measures are implemented and formal consultation is initiated as soon as practicable after the emergency is under control (as per 50 CFR 402.05):

1. Prior to implementation of the emergency actions, the locations of activities shall be reviewed by and concurred with the Service.
 - a. The landfill collection, staging areas, and field office facilities shall be located in previously disturbed areas away from occupied habitat.
 - b. The widening of the gravel roads shall avoid gnatcatcher habitat to the maximum extent possible.
2. Habitat disturbed by the removal of debris, placement of rip-rap, and/or the road widening shall be compensated for by revegetation/restoration of disturbed/cleaned sites at a ratio of 2 acres restored for each acre disturbed.
 - a. The restoration plan shall be developed as part of the formal consultation on the emergency remedy and subject to Service approval. If the final IRP precludes an adequate on-site restoration option, then off-site restoration shall be implemented.
3. The emergency activities shall be conducted outside the gnatcatcher breeding season (February 30 through August 30) to the maximum extent practicable.

This concurrence does not preclude additional avoidance, minimization, or compensation measures that may be determined to be appropriate for the final IRP. The Service anticipates ongoing consultation with your agency for these proposed actions and the final plan. If you have any questions regarding this letter or the consultation, please do not hesitate to contact Marjorie Nelson of my staff at (619) 431-9440.

Sincerely,



Gail C. Kobetich
Field Supervisor