
APPENDIX 4.3-4
CORRESPONDENCE WITH USFWS
REGARDING ELDERBERRY PRESENCE
JULY 8, 2008

Michelle Carlson

From: Daniel Hamilton
Sent: Tuesday, July 08, 2008 11:01 AM
To: Susan Pike
Subject: FW: Ceres Market Place Project - USFWS Correspondence

Importance: High

-----Original Message-----

From: Elizabeth Sibbett [mailto:esibbett@sheppardmullin.com]
Sent: Tuesday, November 13, 2007 12:58 PM
To: Daniel Hamilton
Cc: Miriam Montesinos
Subject: FW: Ceres Market Place Project - USFWS Correspondence
Importance: High

FYI re elderberry bush

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-----Original Message-----

From: Susan_P_Jones@fws.gov [mailto:Susan_P_Jones@fws.gov]
Sent: Tuesday, August 21, 2007 4:36 PM
To: Josh Harwayne
Cc: Tyler Potter
Subject: Re: Request for guidance in regard to elderberry presence at the Ceres Marketplace project

I have read the attached report, and I conclude that we do not have jurisdiction over these elderberry bushes under the Endangered Species Act. They are isolated from any riparian area, and no evidence of beetle presence was found by an experienced elderberry beetle exit hole hunter. Therefore the landowner does not need to get a permit from us, and does not have to compensate for any damage that may occur to these elderberry bushes, including cutting them down. I'm glad you had an experienced biologist look at them and provide a detailed report that allows me to come to that conclusion.

Thank you for contacting us.

Susan Jones, San Joaquin Valley Branch Chief U.S. Fish and Wildlife Office, 2800 Cottage Way, W-2605, Sacramento, CA 95825
916/414-6600, fax 916/414-6713

"Josh Harwayne"

<jharwayne@DDAPla

To nning.com>
<susan_p_jones@fws.gov>
08/21/2007 03:49
cc PM "Tyler Potter"
<tpotter@DDAPlanning.com>
Subject Request for guidance in regard to
elderberry presence at the Ceres
Marketplace project

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