



United States Department of the Interior

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In Reply Refer to:
2025-0025994-S7-001

August 11, 2026
Sent Electronically

Ray Tellis
Regional Administrator
Federal Transit Administration, Region 9
U.S. Department of Transportation
888 South Figueroa Street, Suite 440
Los Angeles, California 90017
Ray.Tellis@dot.gov

Subject: Informal Consultation on the Yuba-Sutter Next Generation Transit Facility
Project, Yuba County, California

Dear Ray Tellis:

This letter is in response to the Federal Transit Administration's July 1, 2026, request for initiation of informal consultation with the U.S. Fish and Wildlife Service (Service) on the proposed Yuba-Sutter Next Generation Bus Operations, Maintenance, and Administration Facility Project (proposed project) in Yuba County, California. Your request was received by the Service on July 1, 2026. We received all necessary information to initiate consultation on July 22, 2026. At issue are the proposed project's effects on the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (beetle), the federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*) (fairy shrimp), and the federally endangered vernal pool tadpole shrimp (*Lepidurus packardii*) (tadpole shrimp). This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

The federal action on which we are consulting is the Federal Transit Administration providing funding to the Yuba-Sutter Transit Authority for implementation of the proposed project. Pursuant to 50 CFR 402.12(j), you submitted a biological assessment for our review and requested concurrence with the findings presented therein. These findings conclude that the proposed project may affect but is not likely to adversely affect the beetle, the fairy shrimp, or the tadpole shrimp. The proposed project is not within designated or proposed critical habitat for any federally listed species.

In considering your request, we based our evaluation on the following:

- 1) Your July 1, 2026, letter requesting initiation of informal consultation.
- 2) Your June 2026 *U.S. Fish and Wildlife Service Biological Assessment: Yuba-Sutter Next Generation Bus Operations, Maintenance and Administration Facility* (biological assessment).
- 3) The March 2026 *Yuba-Sutter Next Generation Bus Operations, Maintenance and Administration Facility: Biological Resources Technical Report* prepared by AECOM (consultant) and referenced in the biological assessment.
- 4) Email communications between the Federal Transit Administration and the Service.
- 5) Other information available to the Service.

The proposed project is the construction of a new transportation facility for the Yuba-Sutter Transit Authority on an undeveloped 19-acre property at 6035 Avondale Avenue in Linda, California. The proposed project location is bounded by Avondale Avenue on the west, North Beale Road on the south, Levey Road on the north, and a residential neighborhood on the east. The facility will generally include several buildings, parking areas, vehicle fueling and bus wash facilities, a new bus stop on North Beale Road, improvements to Avondale Road and its intersection with North Beale Road, and associated utilities and perimeter fencing. The proposed project will require the removal of 12 elderberry shrubs (*Sambucus* spp.), the sole host plant for the beetle, along North Beale Road to the south. The northern perimeter fence will avoid the one elderberry shrub in this area of the proposed project. The western perimeter fence will be installed across three seasonally ponded depressions that may be marginally suitable for the fairy shrimp and tadpole shrimp; these depressions will be avoided during construction, except that workers may enter the depressions during the dry season when installing the perimeter fence line. Construction is anticipated to start in 2027 with a duration of 14 to 18 months.

As part of the proposed action, the Federal Transit Administration has included conservation measures to reduce effects to the beetle, fairy shrimp, and tadpole shrimp, which are outlined in the biological assessment and summarized here. These conservation measures are considered part of the proposed action evaluated by the Service. General conservation measures include a staff Environmental Awareness Training Program, stormwater quality and erosion and sediment control measures, hazardous materials storage measures, dust control, waste management, limiting construction to proposed work areas, and installing construction fencing around environmentally sensitive areas. Specific to the beetle is a measure requiring the northern fence line to avoid entering the drip line of the elderberry shrub that lies at the northern extent of the property, as appropriate based on site constraints, so that the shrub can be retained in place. Specific to the fairy shrimp and tadpole shrimp are measures to restrict work within 50 feet of aquatic habitat to the dry season, installing construction fencing around the aquatic habitat, ensuring that the permanent perimeter fencing posts will not be installed within the aquatic habitat, and having a biological monitor present during activities within 50 feet of the aquatic habitat.

The action area is defined in 50 CFR § 402.02, as “all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action.” For the proposed project, the action area encompasses the 19-acre property at 6035 Avondale Avenue as well as a 50-foot buffer surrounding the property. Habitat within the action area is primarily composed of highly disturbed ruderal grassland. Surrounding land uses are primarily residential, commercial, industrial, and agricultural, with a small amount of undeveloped land to the south. The northern boundary of the action area is Levey Road, which acts as a levee to control flooding from the Yuba River. The nearest point on the Yuba River is approximately 0.7 mile northwest of the action area where the Union Pacific Railroad crosses the river into Marysville.

Valley Elderberry Longhorn Beetle

For the most recent comprehensive assessment of the beetle’s rangewide status, please refer to the September 26, 2023, *5-Year Review: Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus)* (Service 2023), hereby incorporated by reference. The action area is located within the Sacramento River Management Unit (Service 2019). Based on multiple elderberry shrub surveys conducted between 2022–2026 by Marcus H. Bole & Associates, there are 13 live elderberry shrubs within the action area as of June 2026. One elderberry shrub is located along the northern boundary of the proposed project site and will be avoided, while twelve elderberry shrubs are located along the southern boundary of the proposed project site and will be removed. All elderberry shrubs are within non-riparian habitat, and no beetle exit holes were observed during any of the surveys.

There is one occurrence of the beetle recorded in the California Natural Diversity Database within 5 miles of the action area (Diversity Database 2026). This occurrence is located along the Yuba River 1.3 miles west of the action area. In addition, a beetle exit hole was observed on 1 of 45 elderberry shrubs identified around the nearby Union Pacific Railroad bridge, which is 0.7 mile northwest of the action area along the Yuba River, during pre-project surveys for the Union Pacific Railroad Milepost 140.02 Segment B Bridge Replacement Project (Service File Number 08ESMF00-2019-F-1170-1). It is unlikely that the beetle would disperse from the Yuba River to the action area, as it would have to traverse 1 linear mile of non-riparian habitat that is unsuitable or only marginally suitable for dispersal, without sufficient elderberry shrubs to facilitate movement across the intervening landscape.

After reviewing all of the available information, the Service concurs with your determination that the proposed project may affect, but is not likely to adversely affect, the beetle. The proposed project reached the “may affect” level for the beetle because the proposed project is within the range of the beetle, suitable habitat exists within the action area, and the beetle is known to occur nearby. However, because of the lack of beetle exit holes within the action area and the fact that dispersal of the beetle onto the action area from nearby sites is unlikely, the Service believes that the likelihood of the beetle occurring in the action area is extremely low. Therefore, any potential adverse effects to the beetle from the proposed project are extremely unlikely to occur and are thus considered discountable for the purposes of this consultation.

Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp

For the most recent comprehensive assessment of the fairy shrimp's and tadpole shrimp's rangewide status, please refer to the May 2024 *Vernal Pool Fairy Shrimp (Branchinecta lynchi)*, *Vernal Pool Tadpole Shrimp (Lepidurus packardii)*, and *Conservancy Fairy Shrimp (Branchinecta conservatio) 5-Year Review: Summary and Evaluation* (Service 2024), hereby incorporated by reference. The action area is located within the Southeastern Sacramento Valley Vernal Pool Region (Service 2005). The only aquatic features within the action area are three small seasonally ponded depressions in the dirt shoulder of Avondale Avenue on the western boundary of the proposed project site. These features are not natural, likely having been formed due to heavy soil compaction from past and ongoing land use activities in the action area, and some parts of the aquatic features were previously paved or covered in concrete. They total 0.03 acre in size.

These seasonally ponded depressions may or may not have hydroperiods that support the lifecycle of the fairy shrimp and tadpole shrimp (minimum inundation period of 18 days for the fairy shrimp and 41 days for the tadpole shrimp [Helm 1998]). The depressions were inundated in December 2024 and were dry in March and April 2025. During surveys in March and April 2025, the depressions were observed supporting a bloom of Great Valley popcornflower (*Plagiobothrys stipitatus*), which is a native plant often associated with vernal pools, along with many weedy, ruderal plant species. Overall suitability for the fairy shrimp and tadpole shrimp is low due to the high level of disturbance, but their presence cannot be ruled out due to known occurrences of both species within roadside aquatic features in the surrounding area (Diversity Database 2026). Protocol-level surveys were not performed for the fairy shrimp or tadpole shrimp. There are three occurrences of the fairy shrimp and seven occurrences of the tadpole shrimp recorded in the California Natural Diversity Database within 5 miles of the action area (Diversity Database 2026). These include occurrences documented within ditches, road ruts, or other artificial vernal pool-like features along the sides of ditches or railroad tracks.

All of the seasonally ponded depressions will be completely avoided during construction of the proposed project except during installation of the permanent perimeter fence. The perimeter fence will be installed during the dry season and a biological monitor will be present to ensure that installation does not disturb the seasonally ponded depressions. The perimeter fence will be installed over top of the depressions, but no fence posts will be placed within the depressions.

After reviewing all of the available information, the Service concurs with your determination that the proposed project may affect, but is not likely to adversely affect, the fairy shrimp and the tadpole shrimp. The proposed project reached the "may affect" level for these species because the proposed project is within the range of the fairy shrimp and tadpole shrimp, marginally suitable habitat exists within the action area, and the fairy shrimp and tadpole shrimp are known to occur nearby. However, because the proposed project will avoid the depressions and includes conservation measures to ensure avoidance, the Service considers any potential adverse effects to the fairy shrimp or tadpole shrimp from the proposed project to be extremely unlikely to occur and therefore discountable for the purposes of this consultation.

If you have any questions regarding this letter, please contact Ian Perkins-Taylor, Senior Fish and Wildlife Biologist, by email (ian_perkins-taylor@fws.gov) or by phone at (916) 414-6585, or myself by email (adam_stewart@fws.gov), by phone at (916) 414-6654, or at the letterhead address.

Sincerely,

Adam Stewart
Acting Sacramento Valley Division Supervisor

cc:

Kathleen Kelly, Federal Transit Administration, kathleen.kelly@dot.gov

LITERATURE CITED

- [Diversity Database] California Natural Diversity Database. 2026. Biogeographic Data Branch, California Department of Fish and Wildlife, Sacramento, California. Accessed July 2026.
- Helm, B.P. 1998. Biogeography of eight large branchiopods endemic to California. *In* C.W. Witham, E.T. Bauder, D. Belk, W.R. Ferren Jr., and R. Ornduff, editors. Ecology, conservation, and management of vernal pool ecosystems – Proceedings from a 1996 Conference. California Native Plant Society, Sacramento, California.
- [Service] U.S. Fish and Wildlife Service. 2005. Recovery plan for vernal pool ecosystems of California and Southern Oregon. U.S. Fish and Wildlife Service, Region 1. Portland, Oregon. December 15, 2005.
- [Service] U.S. Fish and Wildlife Service. 2019. Revised Recovery Plan for Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*). U.S. Fish and Wildlife Service, Region 8, Sacramento, California. October 4, 2019.
- [Service] U.S. Fish and Wildlife Service. 2023. 5-Year Review: Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*). U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, Sacramento, California.
- [Service] U.S. Fish and Wildlife Service. 2024. Vernal Pool Fairy Shrimp (*Branchinecta lynchi*), Vernal Pool Tadpole Shrimp (*Lepidurus packardii*), and Conservancy Fairy Shrimp (*Branchinecta conservatio*) 5-Year Review: Summary and Evaluation. U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, Sacramento, California. May 2024.