



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: PAS 265.1058.1394

January 12, 2004

Memorandum

To: Deputy Manager, California/Nevada Operations Office, Sacramento, California

From: *Acting* Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California

Subject: Biological Opinion for the Issuance of an Incidental Take Permit for the Hyundai Automotive Test Track Facility, California City, Kern County, California
(1-8-04-FW-3)

This document transmits the U.S. Fish and Wildlife Service's (Service) biological opinion regarding the issuance of incidental take permits (ITPs) to the Hyundai Motor America (Hyundai) and the City of California City (City) for implementation of the Habitat Conservation Plan for the Hyundai Automotive Test Track Facility (HCP). Issuance of the ITPs is pursuant to section 10(a)(1)(B) and section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (Act). The Service proposes to issue the ITPs to Hyundai and the City for a period of 30 years.

The Applicants are requesting coverage of incidental take under the ITPs for the federally threatened desert tortoise (*Gopherus agassizii*). No other species are covered by the ITPs.

The biological opinion was prepared using information from the following documents: (1) the July 2003 Draft Environmental Assessment/Habitat Conservation Plan and Appendices (DEA/HCP) (Sapphos 2003), (2) the December 2003 Final Environmental Assessment/Habitat Conservation Plan and Appendices (FEA/HCP)(Sapphos 2004), (3) the July 2003 Draft Implementing Agreement, and (4) various other published agency and academic literature and information in the Service's files. The complete administrative record for this consultation is on file at the Service's Ventura Fish and Wildlife Office.

BIOLOGICAL OPINION

DESCRIPTION OF THE PROPOSED ACTION

The Service proposes to issue incidental take permits to, and enter into an implementing agreement with, Hyundai and the City for the implementation of the HCP for the Hyundai