

United States Department of the Interior

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In reply refer to:
AESO/SE
22410-2006-I-0333

December 27, 2012

Email Transmission
Memorandum

To: Field Manager, Lake Havasu Field Office, Bureau of Land Management, Lake Havasu City, Arizona

From: Field Supervisor

Subject: Extension and Modification of the Programmatic Biological Assessment for Pacific Gas and Electric Topock Compressor Station Remedial and Investigative Actions, January 2007

Thank you for your correspondence received by us on December 12, 2012. This memorandum documents our review of your request to extend for five years the terms of our 2007 concurrence on the effects of certain activities described in the biological assessment (PBA), in San Bernardino County, California and Mohave County, Arizona, in compliance with section 7 of the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 et seq.). In your request you also indicated a revised Action Area, up to four test wells and up to two potential production wells to accommodate the freshwater source investigation required for the final remedy selected in the U.S. Department of the Interior's (DOI) Record of Decision (2011) and soil sampling activities requested by the DOI and the California Department of Toxic Substances Control. Test wells and soil sampling would require an additional 6.4 acre of allowable upland habitat disturbance to accommodate activities. In our February 8, 2007, response to your request for informal consultation, we concurred with your findings that the proposed project may affect, but is not likely to adversely affect the southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), Mohave desert tortoise (*Gopherus agassizii*), razorback sucker (*Xyrauchen texanus*), and bonytail (*Gila elegans*) and its critical habitat in the Colorado River. We also provided concurrence with modifications of this project to include 15 new well clusters in 2010. For this phase of the project, the candidate Sonoran desert tortoise (*Gopherus morafkai*) is also considered for actions to be taken in Arizona. Based on our review of the potential effects of extending the ongoing activities under the PBA for five years, the extension of the action area, new wells and soil sampling, we reconfirm our concurrences on the species listed above and provide a new concurrence for the Sonoran desert tortoise.

Description of the Proposed Action

A complete description of the modification to the proposed action was included with your December 2012, request for reinitiation. The proposed changes add additional areas in Arizona and California for exploration of water sources and new wells, and additional sites for soil testing. An additional 6.4 acres of upland vegetation communities would be needed to complete the additional actions under the PBA. At present, a total of 5.5 acres (2.5 floodplain acres and 3.0 upland acres) are covered under previous concurrences. The amount used to date of that amount is 1.682 acres (0.062 floodplain acres and 1.6 upland acres). The request under this consultation would provide an additional 6.4 acres of upland vegetation communities for implementation of the new wells and a portion of the soil testing. The limited amount of soil testing to be done in the floodplain would be subsumed into the existing allowance of 2.5 acres.

There are no other changes to the 2007 proposed action.

DETERMINATION OF EFFECTS

We concur with your determination that the proposed action may affect, but is not likely to adversely affect five listed species and one candidate species found in the vicinity of the proposed action for the following reasons:

Southwestern willow flycatcher

- Recent surveys have detected only migrant flycatchers in the vicinity of the expanded action area. Through implementation of conservation measures included in the proposed action, and given that upland portions of the project area are of limited suitability for flycatcher habitat, effects are insignificant and discountable.

Yuma clapper rail

- Recent surveys have detected Yuma clapper rails in areas adjacent to the action area in Arizona. Through implementation of conservation measures included in the proposed action, and given that upland portions of the project area are not suitable habitat for clapper rails, effects are insignificant and discountable.

Mohave desert tortoise

- Surveys in 2004-2007 determined there was no desert tortoise habitat within the project site. No effects to desert tortoise are anticipated.

Razorback sucker

- Occupied habitat for the razorback sucker would not be affected by the increased disturbance of the upland areas.

Bonytail with critical habitat


- Occupied habitat for the bonytail would not be affected by the increased disturbance of the upland areas.
- Direct or indirect interaction between the proposed action and physical and biological features is not likely to occur since the new wells are outside of designated critical habitat.

Sonoran desert tortoise

- Survey information did not document the existence of any Sonoran desert tortoise in the action area in Arizona. Burrows found were deemed by experienced tortoise surveyors not to be those of the desert tortoise. In the event a Sonoran desert tortoise is detected during the course of work under the PBA and its amendments, conservation measures in the proposed action will reduce the risk of effect to those individuals.

In keeping with our trust responsibilities to American Indian Tribes, we are providing for participation of the Bureau of Indian Affairs (BIA) in this consultation and, by copy of this memorandum, are notifying the Chemehuevi Indian Tribe, Cocopah Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Fort Yuma Quechan Tribe, Hualapai Tribe, Havasupai Tribe, Twenty-nine Palms Band of Mission Indians, and the Yavapai-Prescott Indian Tribe. We encourage you to coordinate with the BIA. BLM continues to address their Section 106 consultation responsibilities with the nine Tribes and plans to invite all affected Tribes to participate in the consultation process when the Groundwater Remedy Design/Remedial Action Work Plan and the Soils Investigation Work Plan are finalized.

Thank you for your continued coordination. No further section 7 consultation is required for this project at this time. Should project plans change, or if additional information on the distribution or abundance of listed species or critical habitat becomes available, this determination may need to be reconsidered. In all future correspondence on this project, please refer to consultation number 22410-2006-I-0333. Should you require further assistance or if you have any questions, please contact Lesley Fitzpatrick (x236), Carrie Marr (x214), or me (x244) at (602) 242-0210.


 JLS Steven L. Spangle

cc: Chairman Edward D. "Tito" Smith, Chemehuevi Indian Tribe, Havasu Lake, CA
 Ron Escobar, Tribal Secretary/Treasurer, Chemehuevi Indian Tribe, Havasu Lake, CA
 Chairperson Sherry Cordova, Cocopah Tribe, Somerton, AZ
 Jill McCormick, Cultural Resources Manager, Cocopah Tribe, Somerton, AZ
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