



United States Department of the Interior

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In reply refer to:
AESO/SE
02EAAZ00-2014-I-0335

FILE COPY

July 7, 2014

Memorandum

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

From: Field Supervisor

Subject: Request for Concurrence on the Pacific Gas and Electric Topock Compressor Station Final Groundwater Remedy, San Bernardino County, California and Mohave County, Arizona

Thank you for your correspondence received by us on June 6, 2014. This memorandum documents our review of your request for concurrence on the effects of certain activities for the Final Groundwater Remedy to address the presence of chromium from the Topock Compressor Station in groundwater in California as 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 referred to a continuation of the Soils Investigation (covered under the December 27, 2012 extension of the remedial and investigative actions consultation [22410-2006-I-0333]) through 2017, as not being part of your current request.

In your request for consultation, you indicated the proposed action was not likely to adversely affect the following species listed under the ESA: southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), Mojave desert tortoise (*Gopherus agassizii*), razorback sucker (*Xyrauchen texanus*), and bonytail (*Gila elegans*) and its critical habitat in the Colorado River. You also requested our concurrence with a finding of not likely to jeopardize the western yellow-billed cuckoo (*Coccyzus americanus*), a species proposed for listing as threatened under the ESA, and the Sonoran desert tortoise (*G. morofkai*), a candidate for listing under the ESA. We concur with your findings and provide our rationales below.

Description of the Proposed Action

A complete description of the proposed action was included with your June 2014, request for consultation. The proposed action under this request is for the implementation of the final groundwater remedy over a period of 50 years and, once the remedy is complete, the removal of facilities associated with the proposed action. A total of 14,222 acres of land within the 1,434.4 acre action area in Arizona and California (that includes a portion of the Havasu National

Wildlife Refuge [HNWR] in both states) could be disturbed by implementation and removal activities. Actions under the final groundwater remedy are many and diverse; however, they fall into a number of categories that also reflect in part past activities undertaken as part of the remedial and investigative actions. The primary means to address the chromium is through the use of several well systems that allow the containment of the chromium plume, control movement of groundwater to force contaminated groundwater to the treatment wells, and treatment wells where chemicals that convert the hexavalent chromium to the more benign trivalent chromium would be injected into the groundwater. This process requires monitoring wells and surface structures for storing chemicals and freshwater, piping associated with the wells and storage structures, power supplies, evaporation ponds, roads, construction equipment storage, and support buildings within the action area to be constructed, operated and maintained. Some of these structures are already on site, but many others will require new construction. Removal of facilities once the remediation is complete will require decommissioning of wells and removal of all or some of the facilities and restoration of the land to its previous condition.

The proposed action also contains considerable site and species related conservation actions that are designed to minimize the loss of vegetation on site, reduce the risk of disturbance to migrating or resident wildlife including threatened and endangered species, and, as noted above, restoration actions for the site.

DETERMINATION OF EFFECTS

We concur with your determination that the proposed action may affect, but is not likely to adversely affect five listed species, one proposed 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, although nesting flycatchers are found further north on the HNWR outside the action area and are not likely to be affected by noise or other effects of implementation. Because protocol-level surveys have not detected nesting flycatchers within the action area, blanket work limitations between March 15 and September 30 do not appear warranted at this time.
- Conservation measures will include conducting pre-activity surveys between March 15 and September 30 for all work planned in or near potential flycatcher habitat. If nesting flycatchers are present, construction activities would be halted and the FWS immediately consulted to determine an appropriate response to avoid impacts. It is believed that these avoidance measures would reduce the effects of such actions to insignificant.

Yuma clapper rail

- Recent surveys have detected Yuma clapper rails in areas adjacent to the action area in Arizona on HNWR. Surveys of potential habitat in California have not located any individuals; however, those smaller marshes may be used by individuals dispersing through the area.
- Individuals in Arizona near the freshwater pipeline could be affected by construction of that pipeline as it passes close to the marsh along the Oatman-Topock Highway. These effects would be from construction noise. To minimize the amount of noise reaching the marsh during the early breeding season, pre-construction surveys would assess whether

rails are present. If so, any construction activities would have to be at least 200 feet away from the marsh during March 15 to May 31, unless otherwise approved by FWS. Construction after this period but still within the breeding season (June 1-July 1) could occur, but for only a seven to ten day period for any one event, unless otherwise approved by FWS. Maintenance of the pipeline, wells, and associated structures would be limited and have little to no effects on the adjacent marsh areas.

- Conservation measures will reduce the opportunity for disturbance of clapper rails during the breeding season for construction actions. Maintenance actions would also be restricted to areas beyond 200 feet during this period, except as otherwise approved by FWS. Outside of the rail breeding season, construction activities will not be subject to duration restrictions. With these limitations, these disturbance effects are insignificant.

Mojave desert tortoise

- Surveys since 2004 have not documented desert tortoises within the action area.
- The proposed action contains pre-construction surveys and monitoring to detect desert tortoises and other measures to ameliorate any effects should one be found. With the current status of the tortoise in the action area, the potential for effects is discountable.

Razorback sucker

- Activities associated with the final groundwater remedy are, with the exception of collected water samples from the river, conducted outside of the wetted area of the river channel. Some limited action takes place in the 100-year floodplain/riparian area; however, those are limited in extent.
- Spill prevention plans to address spills of chemicals or other materials is part of the operational plan for the site and will be in force for the duration of the action. These plans ameliorate the risk of hazardous materials entering the river and affecting individual razorback suckers. With these measures in place, effects are insignificant and discountable.

Bonytail with critical habitat

- Activities associated with the final groundwater remedy are, with the exception of collected water samples from the river, conducted outside of the wetted area of the river channel. Some limited action takes place in the 100-year floodplain/riparian area; however, those are limited in extent.
- Spill prevention plans to address spills of chemicals or other materials is part of the operational plan for the site and will be in force for the duration of the action. These plans ameliorate the risk of hazardous materials entering the river and affecting individual bonytail. With these measures in place, effects are insignificant and discountable.
- Project actions within the 100-year floodplain of designated critical habitat are limited in extent to wells, some roads, or other minor features. A limited amount of the floodplain would be impacted. The level of disturbance would not rise to the level of adversely affecting critical habitat.

Western yellow-billed cuckoo

- Recent surveys have detected only migrant cuckoos in the vicinity of the expanded action area and suitable breeding habitat is not present in or immediately adjacent to the action area. Because previous bird surveys have not detected nesting cuckoos within the project

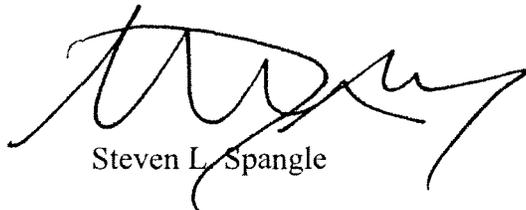
area, work limitations between May 1 and September 30 do not appear warranted at this time. Protocol-level surveys have been initiated in 2014 and are expected to provide additional information on this species within the Action Area.

- Conservation measures will include conducting pre-activity surveys between May 1 and September 30 for all work planned in or near potential cuckoo habitat. If nesting cuckoos are present, construction activities would be halted and the USFWS immediately consulted to determine an appropriate response to avoid impacts. Conservation measures that provide for project site monitoring reduce the effects of such actions to insignificant.

Sonoran desert tortoise

- Survey information did not document the existence of any 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 proposed action, conservation measures in the proposed action will reduce the risk of effect to those individuals to insignificant.

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 02EAAZ-2014-I-0335. 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.



Steven L. Spangle

cc: Refuge Manager, Havasu National Wildlife Refuge, Fish and Wildlife Service, Needles, CA
Field Supervisor, Ventura Fish and Wildlife Office, Ventura, CA