



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Sacramento Fish and Wildlife Office
 2800 Cottage Way, Room W-2605
 Sacramento, California 95825-1846



IN REPLY REFER TO:
 1-1-04-F-0027

FEB 13 2004

Mr. Gerardo Rios
 Chief, Permits Office
 U.S. Environmental Protection Agency
 Region IX
 75 Hawthorne Street
 San Francisco, California 94105-3901

DOCKET	
05-AFC-1	
DATE	FEB 13 2004
RECD.	JUL 25 2005

Subject: Amendment to Section 7 Biological Opinion on the Pastoria Energy Facility, Kern County, California

Dear Mr. Rios:

This letter is in response to your request dated January 15, 2004, that was received in this office on January 22, 2004, to amend the biological opinion (BO) issued on January 23, 2001, for the Pastoria Energy Facility in Kern County, California (File # 1-1-01-F-0006). The U.S. Fish and Wildlife Service (Service) issued an amendment to the biological opinion due to additional adverse effects on the endangered San Joaquin kit fox (*Vulpes macrotis mutica*) on June 29, 2001 (1-1-01-F-0168). You have requested the Service amend the BO due to the recent discovery of a population of endangered blunt-nosed leopard lizards (*Gambelia silia*) on site. Formal consultation has been reinitiated because an endangered species may be affected in a manner not considered in the original BO; the applicant has proposed changes to the project due to the discovery of the listed reptile. This document has been prepared in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act).

This amended biological opinion is based on a letter from URS Corporation to the Service dated February 2, 2004; a letter from the U.S. Environmental Protection Agency to the Service dated January 15, 2004; a biological assessment from Pastoria Energy Facility, LLC in January 2004, telephone conversations between Sue Jones of the Service and Ed Merrihew of Calpine; a meeting between URS, Calpine, California Energy Commission and the Service on January 29, 2004; and other information available to the Service.

This package includes three copies of the following documents provided to address formal and informal Data Requests for the Pastoria Energy Facility 160 MW Expansion Project AFC (05-AFC-1). The Data Request for which each document is being submitted is noted after each document listed below.

1. Pastoria Energy Facility Post Construction Report for the Natural Gas Pipeline dated 2004 (addresses Response to Data Request 34)
2. Biological Resources Annual Compliance Report (Report Period March 2004 – March 2005) dated July 2005 (addresses Response to Data Request 34)
3. Biological Resources Mitigation Implementation and Monitoring Plan dated March 2004 (addresses Response to Data Request 34)
4. Nationwide Permit Notification Corps of Engineers 404 Permit prepared for Pastoria Energy Facility, LLC dated August 2000 and related agency transmittal letters (addresses Response to Data Request 34)
5. Amended Biological Opinion, issued by the USFWS on February 13, 2004 (addresses Response to Data Request 35) *Document 5 of 6*
6. Contract Between Wheeler Ridge-Maricopa Water Storage District and Pastoria Energy Facility, LLC dated November 29, 2000 (addresses Response to Data Request 41)

Oversize Document(s)

05-AFC-1

1. MAP(S) # _____

Document 5 of 6

2. PICTURE(S) # _____

For more information contact:

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