

Mary Dyas - Fwd: RE: Carrizo survey needs

From: Brian McCollough
To: Mary Dyas
Date: 3/24/2008 8:31 AM
Subject: Fwd: RE: Carrizo survey needs
Attachments: guideplt.pdf

Mary,
 Here's the latest in the ongoing survey debate....
 I'll be over to chat with you in a moment.
 Brian

>>> <Theresa_Miller@URSCorp.com> 3/21/2008 5:54 PM >>>

Good afternoon David,

We have consulted with CDFG often during this process, especially in regards to BNLL and GKR survey effort. We are concerned that you have not been updated on previous discussions, meetings, and correspondence we have had with other CDFG staff. We would like to make sure there is consistency in CDFG staffing and direction from here forward. We had a pre-pre filing meeting with CDFG, USFWS, and CEC on May 29, 2007 to discuss the BNLL surveys as well as all other special status species surveys that may be required by CDFG and FWS. Deb Hillyard was present during this meeting, and it was understood by URS and Ausra that Deb would be the primary CDFG Point of Contact for this project.

During the May 29, 2007 meeting, it was decided that BNLL survey effort would be determined based on the BNLL habitat assessment done by a species expert (David Germano). Based on Germano's assessment, the BNLL survey team, led by Wes Rhodehamel of Live Oak Associates (LOA), (who also had detailed discussions with Dr. Germano and Deb Hillyard), understood that a reduced level of effort for the BNLL surveys would be sufficient. We are working with Wes to get the full communication logs regarding this issue.

The LOA team did visit the BNLL reference sites in 2007, and several others during the season and documented that young of last year BNLL as well as adult BNLL were reported to be above ground at Elk Hills and Buttonwillow, and they continually monitored BNLL activity in other places to compare to what we were seeing on the project site.

Also, to clarify, I was not intimating that this would be an early BNLL year ('*For this year's surveys, the assumption that it will be an early year for BNLL is unsubstantiated*'). I was suggesting that we thought it was reasonable for CDFG to expect us to conduct BNLL surveys in April and May (the early portion of the BNLL protocol survey season missed last year) and that we want CDFG to acknowledge the fact that surveys were conducted last June and July when reviewing the survey results in total.

During the May 29, 2007 meeting, GKR was also discussed. CDFG mentioned that Bob Stafford has seen GKR precincts some where north of Hwy 58, but when he stopped by the

DOCKET	
07-AFC-8	
DATE	MAR 24 2008
RECD.	MAR 24 2008

project site he **did not** find evidence of any GKR precincts. Furthermore, during the April habitat assessments and BNLL surveys last year, the small mammal experts on our team observed that the site had a low density of burrows excavated by small mammals, and they did not observe any burrows that showed typical signs of those excavated by GKR or other kangaroo rat species. Kangaroo rat sign was not present onsite, there were no specific areas deemed appropriate to place traps as part of a trapping survey protocol. We still find it an unreasonable request to require trapping on a site that lacks appropriate sign of k-rat occupation. We are preparing a detailed habitat assessment report to further document this information in a formal manner.

Regarding the botany surveys, plant surveys were conducted in April. Complete transects of the site were done during the habitat assessment as well as during the BNLL surveys. All species that were present on site during these surveys were inventoried. We did not visit a reference site; however, if a plant were present, we feel confident that we could identify it based on the literature search (which included all of the references you listed) or by keying them out with Jepson. Some species were not keyed to beyond genera because these genera were not included on rare plants lists we consulted. We believe the plant surveys were more than adequate given the site is an active agricultural field that is disked and planted often; however, we will re-visit the project site and conduct protocol surveys again this year. Please provide any specific reference sites on public-accessible lands within 5 miles of the site that you know of so that our botanists can visit the reference site(s) prior to the project site surveys.

Thank you,
Theresa

Theresa Miller
Wildlife Biologist
URS Corporation
1615 Murray Canyon Rd
Suite 1000
San Diego, CA 92109
Office: 619-294-9400 ext 1070
Mobile: 619-888-0131
Fax: 619-293-7920

This e-mail and any attachments are confidential. If you receive this message in error or are not the intended recipient, you should not retain, distribute, disclose or use any of this information and you should destroy the e-mail and any attachments or copies.

"David Hacker" <DHACKER@dfg.ca.gov>

"David Hacker"
<DHACKER@dfg.ca.gov>

03/21/2008 09:17 AM

To "Deborah Hillyard" <DHILLYARD@dfg.ca.gov>,
"Julie Vance" <JVANCE@dfg.ca.gov>,
<Bmccollough@energy.state.ca.us>,
<Ryork@energy.state.ca.us>,
<Theresa_Miller@urscorp.com>
cc <perry@ausra.com>,
<angela_leiba@urscorp.com>,

<patrick_mock@urscorp.com>
SubjectRE: Carrizo survey needs

Good morning Theresa,

The BNLL protocol is the standard and it was not followed. A full protocol survey is the minimum required to ensure that no take of this fully-protected species occurs. URS has provided no evidence that the species was even detectable during last year's survey effort.

The species expert who visited the site stated that 2007 surveys generally had poor results even in robust populations. The species expert apparently did not recommend a reduced survey effort, nor was DFG consulted on deviating from the protocol .

We see no reason to believe that the partial survey effort or habitat characterization provides any evidence of absence. For this year's surveys, the assumption that it will be an early year for BNLL is unsubstantiated.

Rodent burrows occur on site and no conclusive sampling was performed to determine the species which use those burrows. They were described as "mice" burrows in the application information. I agree that qualified small mammal trappers were present, but they did not do any trapping. Giant kangaroo rat would be the only small mammal for which burrow surveys might in some cases be acceptable for absence determinations, but the analysis and survey effort did not consider other special-status small mammals which occur in the vicinity.

Protocol plant surveys would inventory all species which occur on the site. Good surveys would use reference sites to ensure that rare species which occur in the vicinity or that are likely to occur on site are detectable during surveys. I recommend that you review the DFG protocol (attached) prior to this year's surveys, which should be starting now. Start with the CNDDDB, USFWS list, and Consortium of California Herbaria for an idea of which species are known from the area. The 2007 surveys were performed only in April, which would not capture many rare species' bloom periods. The BNLL surveys were performed in June, which was late in the season for most plant species out there, and, again, in a poor survey year. In addition, several apparently native taxa were identified only to the generic level (e.g. Plagiobothrys sp., Eriogonum sp., Cryptantha sp.), while specific and sub-specific identifications are required to determine if the plants are special-status. The plant surveys performed would not suffice in any year.

If URS has more data than what has been presented, please feel free to share it with us. Have a Good Friday.

Dave Hacker

Environmental Scientist
California Department of Fish and Game
3196 South Higuera St., Suite A
San Luis Obispo, CA 93401
805.594.6152

>>> <Theresa_Miller@URSCorp.com> 3/21/2008 8:07 AM >>>

David,
Thank you for sending the preliminary list, and giving us a chance to discuss it with you. It appears that the technical information provided in the AFC is either not detailed enough or that the data was not fully reviewed by CDFG staff. We conducted extensive surveys last year and feel that it is unreasonable for CDFG to request repeats of all of the surveys without acknowledging that they were done last year. URS believes the level of effort was sufficient to detect species likely to be present.

Please see our responses to the list below.

Thank you,

Theresa

David Hacker" <DHACKER@dfg.ca.gov>

"David Hacker" <DHACKER@dfg.ca.gov>
03/20/2008 12:58 PM

To

"Brian McCollough" <Bmccollo@energy.state.ca.us>, <Theresa_Miller@urscorp.com>

cc

"Deborah Hillyard" <DHILLYARD@dfg.ca.gov>, "Julie Vance" <JVANCE@dfg.ca.gov>, "Rick York" <Ryork@energy.state.ca.us>

Subject

Re: Carrizo survey needs

Hi Brian and Theresa:

As we've discussed, we are putting our recommendations in a letter from our Region Director to the CEC. The letter will be sent shortly and will comprise our official recommendations. We will likely recommend something along the lines of the preliminary list below. Keep in mind that the CESF site is in an agricultural setting, but should not be equated with extensive, intensive, irrigated agriculture in terms of potential for wildlife and botanical resources.

The herds of pronghorn and tule elk on site should be a good indicator of the difference between California Valley and say, the heart of the Central Valley agricultural areas.

Agriculture here is intermittent, non-irrigated grain crops, contiguous with extensive rangelands known to support many special-status species. URS has already confirmed a suite of special-status species on the project site during limited focused survey work, [this is an inappropriate characterization of URS survey efforts in 2007] suggesting that comprehensive focused surveys could detect more species and provide the sufficient detail [URS 2007 was sufficiently comprehensive to detect species likely to be present] required for determining significance of impacts and proportional mitigation. Not to mention that a large area has remained fallow for many years adjacent to the project site (north and east of 58), providing high potential for recolonization by several species.

Please let me know if I can clarify anything else prior to your receiving our comment letter.

Thanks for contacting me and we'll talk again soon. Here's the preliminary list:

1. blunt-nosed leopard lizard survey per protocol (fully protected species, no take allowed, we have already discussed the incomplete surveys from last year)
Surveys were done last year at the request of CDFG. Because they were started late in the season, and last year was a bad year, we feel that it is reasonable to expect an early season survey for BNLL. However, surveys from last year should be acknowledged and a lower level of survey effort (6-7 surveys between April and May) should be expected this year. The site was assessed as marginal habitat by Germano and others, indicating that repeat surveys are less than appropriate.
2. San Joaquin antelope squirrel survey (protocol attached)
Each survey day consisted of a minimum of 6 to 13 biologists walking transects at 30 feet apart. All are familiar with ground squirrel species. With this many biologists on site at one time, repeatedly throughout the spring and summer, it would be reasonable to assume that if the species was there, it or its sign would be observed during these surveys. This species was not observed during the surveys.
3. small mammal trapping for potential nocturnal species (e.g. short-nosed kangaroo rat, Tulare grasshopper mouse)

Several small mammal trapping experts were included in the BNLL survey teams last year. During the habitat assessment conducted on April 24, and during the BNLL surveys, it was observed, and reported in the AFC, that the habitat is not suitable for small mammals and that small mammal trapping surveys would be unnecessary. There were no sign detected to suggest a trapping program is appropriate for this site.

4. botanical inventory per DFG and USFWS protocol (start now--none was completed last year) Does CDFG have a list of species to survey for at this time? Botanical surveys were conducted last year, in April and during the BNLL surveys; several botanists were included on the BNLL survey team and would have noticed any type of native/rare plant if it were present on the project site. The site has been disked and cultivated repeatedly for several decades. Ruderal species dominate the plant species list.

5. western spadefoot toad breeding survey in the unnamed drainage on Section 33 (now if water is present; this sp. breeds in the same channel where it intersects Soda Lake Road). The drainage does not support water at this time, and Soda Lake Road is approximately 8 miles southeast of the Section 33 on the CESF project site. Site hydrology is not appropriate to expect this species to be present.

Dave Hacker

Environmental Scientist
California Department of Fish and Game
3196 South Higuera St., Suite A
San Luis Obispo, CA 93401
805.594.6152

>>> "Brian McCollough" <Bmccollo@energy.state.ca.us> 3/20/2008 11:09 AM >>>

Hello Dave,
Regarding the proposed Carrizo Solar Energy Farm project, and given last year's surveys results, what surveys do you recommend for this year to determine the presence (or absence) of biological resources on the project site?
Thanks,

Brian McCollough
California Energy Commission
Environmental Office, Siting Division
Biological Resources Unit
1516 9th St., MS-40
Sacramento, CA 95814
(916) 653-1648

Theresa Miller
Wildlife Biologist
URS Corporation
1615 Murray Canyon Rd
Suite 1000
San Diego, CA 92109
Office: 619-294-9400 ext 1070
Mobile: 619-888-0131
Fax: 619-293-7920

This e-mail and any attachments are confidential. If you receive this message in error or are not the intended recipient, you should not retain, distribute, disclose or use any of this information and you should destroy the e-mail and any attachments or copies.

This e-mail and any attachments are confidential. If you receive this message in error or are not the intended recipient, you should not retain, distribute, disclose or use any of this information and you should destroy the e-mail and any attachments or copies.