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February 24, 2010

Ms. Cathy Wolff-White  
U.S. Department of the Interior  
Bureau of Land Management  
2610 Sweetwater Avenue  
Lake Havasu City, Arizona 86406

**Subject: Proposed Frequency Modifications for Protocol Surveys Performed in Accordance with the Programmatic Biological Assessment for the Pacific Gas and Electric Company Topock Compressor Station**

Dear Ms. Wolff-White:

This letter has been prepared to propose modifications to the frequency of performed protocol surveys in accordance with the Programmatic Biological Assessment (CH2M HILL 2007) for the Pacific Gas and Electric Company Topock Compressor Station Remedial and Investigative Actions (Consultation Reference: AESO/SE 22410-2006-I-0333, 8 Feb 2007; PBA).

Annual protocol surveys for the Southwest Willow Flycatcher (SWFL) and Desert Tortoise (DETO) were conducted at Topock from 2005 through 2009, with only transient SWFL sightings and negative results for the presence of DETO over the five years of completed surveys. Based on this historical record of protocol survey results and the consideration of site conditions described below, PG&E is requesting a modification to the frequency of the SWFL and DETO protocol-level surveys as described in the PBA. While a change to protocol-level survey frequency is proposed below, the pre-work surveys for bird nests (e.g., SWFL) and desert tortoise that are conducted before construction or specific sampling tasks will continue without modification to frequency or methods.

### **SWFL Survey Frequency**

A reduction of SWFL protocol survey frequency from annual to biennial is proposed for Topock. This request is based on the negative findings from 5 years of completed surveys in which no nesting pairs and only occasional transient SWFL have been sighted.

The distribution of transient sightings within the area of potential effect (APE) and the status of remediation work at the site are two other factors in support of this request. The transient SWFL sightings generally occurred within more remote portions of the APE in Arizona where the Tamarisk habitat is denser than in project areas that are subject to routine access for other data collection (GANDA 2005a-2009a). The concentration of field activities at the site is on the

California floodplain in the vicinity of the BNSF railroad bridge and MW-20 Bench (away from past transient SWFL sightings) and upland areas. In these areas, field work is already scheduled so that the more involved field sampling events occur before or after the May through September nesting bird season. The quarterly sampling events are performed in late April and early October, so that only limited-scope monthly groundwater sampling events are performed on the floodplain area from May through September. Those limited-scope summer events are preceded by a sweep by the on-site field contact representative to confirm the absence of nesting birds.

PG&E proposes that the SWFL protocol survey for 2010 be followed by one in 2012 as the start of a biennial survey frequency.

### **DETO Survey Frequency**

Cessation of DETO protocol surveys is proposed for the PG&E Topock site. This request is based on the absence of tortoise sightings in five years of annual protocol surveys conducted from 2005 through 2009 (GANDA 2005b-2009b). Only aged partial tortoise remains and inactive burrows were found in the five years of completed surveys. The Topock site upland areas are considered to be marginal DETO habitat. There are no California Natural Diversity Database (CNDDDB) records within 15 km of the PG&E Topock survey area. The nearest CNDDDB desert tortoise occurrence was recorded in 1987, 16 km west of the PG&E Topock survey area. While cessation of annual protocol DETO presence/absence surveys is proposed, please note that pre-construction biological monitoring will continue to be performed before new field activities at the PG&E Topock site.

No further annual DETO presence/absence protocol surveys are proposed, with the completed 2009 DETO survey serving as the final protocol survey.

### **Schedule**

We will be happy to discuss these proposed modifications if you have any questions or comments. We appreciate your prompt review of this proposal, and request your decision by March 22, 2010 in order to coordinate the DETO survey if another is required.

Please contact me at (805) 234-2257 with any questions or concerns.

Sincerely,



Yvonne Meeks

cc: Carrie Marr/USFWS  
Pamela Innis/DOI  
Aaron Yue/DTSC