



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

In Reply Refer To:
FWS-ERIV-08B0060-09SL0504

MAR 19 2009

Tricia Bernhardt
Project Manager
Tetra Tech EC, INC.
1940 E. Deere Avenue, Suite 200
Santa Ana, California 92705

Subject: Request for Information on Endangered and Threatened Species in the Vicinity of the Proposed Project Genesis-Ford Dry Lake Solar Project, Riverside County, California

Dear Ms. Bernhardt:

This letter responds to your February 24, 2009, letter (received February 27, 2009) requesting information on species of concern, including federally-listed species and candidate species, that may occur in and around the Project Genesis-Ford Dry Lake solar thermal power generating facility being proposed on Bureau of Land Management (BLM) lands. The species information herein updates the information we provided to Penny Eckert of your office in an October 25, 2007, letter.

Section 7 of the Endangered Species Act of 1973 (Act), as amended, requires Federal agencies to consult with the U.S. Fish and Wildlife Service (Service) should it be determined that their actions may affect federally listed threatened or endangered species. Section 9 of the Act prohibits the "take" (*e.g.*, harm, harassment, pursuit, injury, kill) of federally listed wildlife. "Harm" is further defined to include habitat modification or degradation where it kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering. Take incidental to otherwise lawful activities can be authorized under sections 7 (Federal consultations) and 10 (habitat conservation plans) of the Act.

If a proposed project is authorized, funded, or carried out by a Federal agency and may affect a listed species, then the Federal agency must consult with us on behalf of the applicant, pursuant to section 7 of the Act. During the section 7 process, measures to avoid and minimize project impacts to listed species and their habitat will be identified and incorporated into a biological opinion that includes an incidental take statement that exempts incidental take by the Federal agency and applicant.

Received

MAR 30 2009



TETRA TECH EC INC
DENVER OFFICE

At this time, no candidate species occur within the vicinity of the proposed project. However, it appears that the federally-threatened desert tortoise (*Gopherus agassizii*) may occur on and/or in the vicinity of the proposed project. While we do not have site-specific species information for the proposed project area, federally-designated critical habitat for the desert tortoise (Chuckwalla Unit) is located south of the proposed project. Therefore, we recommend that you seek assistance from a biologist familiar with the habitat conditions and associated species, particularly desert tortoise, in and around the project site to assess the potential for direct, indirect and cumulative impacts likely to result from the proposed activity.

We also recommend that, for the 2009 field season, you conduct desert tortoise surveys following the Service's 1992 *Field Survey Protocol For Any Non-Federal Action That May Occur Within The Range Of The Desert Tortoise* and that all potentially suitable tortoise habitat in the action area associated with the proposed project be surveyed. The "action area" is defined by regulation as all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action (50 CFR §402.02). This analysis is not limited to the "footprint" of the action nor is it limited by the Federal agency's authority. Rather, it is a biological determination of the reach of the proposed action on listed species. Subsequent analyses of the environmental baseline, effects of the action, and levels of incidental take are based upon the action area.

Please also note that there may be BLM and State sensitive species concerns in this area. Therefore, we recommend that you contact the BLM and the California Department of Fish and Game to obtain lists of sensitive species that may occur in the vicinity of the proposed project and to determine which species may require surveys pursuant to the National Environmental Policy Act and California Environmental Quality Act.

Should you have any questions regarding this letter, survey protocols for federally-listed species, or your responsibilities under the Act, please call Tannika Engelhard of my staff at (760) 431-9440.

Sincerely,



for Karen A. Goebel
Assistant Field Supervisor

Enclosure

cc:

Kim Nicol, California Department of Fish and Game, Bermuda Dunes Field Office
Mark Massar, Bureau of Land Management, North Palm Springs Field Office

**Federally Listed Species
Which Occur or May Occur on or Near the Proposed Genesis-Ford Dry Lake Project,
Riverside County, California**

Common Name	Scientific Name	Status
<u>REPTILES</u> desert tortoise	<i>Gopherus agassizii</i>	T, CH

E: endangered
T: threatened

CH: critical habitat