

DOCKET

11-AFC-04

DATE MAR 21 2012

RECD. MAR 23 2012

>>> Scott White <Swhite@aspeneg.com> 3/21/2012 6:23 PM >>>
Chris, Lisa – can you please look this over and docket it if appropriate?

Jon –

Please keep in mind that this is a state-listed endangered species. CEC is responsible for reviewing and permitting the project pursuant to the California Endangered Species Act. CEC must evaluate all potential impacts, including indirect or off-site impacts. In order to evaluate those impacts, we will need to have thorough baseline data throughout all potential habitat that may be directly or indirectly affected by the project.

Elf owls may nest in any woodpecker cavity. URS has proposed reducing the on-site survey area from the recommended approximately 1,200 acres of mapped microphyll woodland on-site to approximately 250 acres considered by URS to be more favorable habitat. We have seen no indication that woodpecker cavities would be found only in this 250 acre subset of microphyll woodlands. The site is within geographic range, and suitable habitat is present throughout the 1,200 acres of microphyll woodlands, for ladder-backed woodpecker, Gila woodpecker, and possibly gilded flicker or northern flicker. Palo verde trees throughout these woodlands on-site and in the surrounding areas are suitable nest sites for these woodpeckers.

The off-site buffer area surveys are necessary to evaluate any potential off-site impacts (e.g., loss of foraging habitat within home range of a nest site). We (the REAT agency biologists) will review the literature to judge whether there may be a biological basis for reducing the requested off-site buffer area.

I believe the logistics problem you describe could be resolved by contracting with a second qualified ornithologist. With two qualified people surveying the area, complete coverage could be finished in half the time.

You are correct that Bob McKernan is not consulting on the project (i.e., he is not under contract either to the applicant or to the REAT agencies). Nevertheless, he is an expert and has been willing to offer background information on these bird issues. His input has been very valuable to date, and we hope that he will continue to help with the project, though of course his time and availability are limited.

You write that he is not familiar with the Rio Mesa site. Please be aware that our data requests for elf owl surveys are based on the Application for Certification, which identifies approximately 1,200 acres of microphyll woodland on the site. This is not a matter of Mr. McKernan's familiarity with the site.

Thanks again for checking. We will get back to you re: the buffer distance, but we continue to request the 1-mile buffer area, pending any written revision to the data request.

Best, -SW

From: Goin, Jon [<mailto:jon.goin@urs.com>]

Sent: Wednesday, March 21, 2012 3:59 PM

To: Scott White

Cc: Heather Blair; Rick York (Ryork@energy.ca.gov); Shankar Sharma; Magdalena Rodriguez; McKernan, Robert; Nisa Marks (nisa_marks@fws.gov); Leiba, Angela; Mock, Patrick; Langsford, Derek

Subject: RE: Rio Mesa elf owl surveys

Scott, what is the biological justification for a 1 mile buffer and surveying all microphyll woodland throughout the entire site?

Our owl biologist took a look at this level of effort and has calculated that if we were to do this, it would take at least 16 days of straight surveying (no breaks) to complete one survey, a 15 day break needs to happen between each survey per cactus ferruginous pygmy owl protocol, and with no weather delays of any kind, completing the survey would take almost the entire survey window available to complete this survey. And this is assuming a March 1 start. I've also talked to Bob McKernan about this survey and he has expressed that he is not familiar with the Rio Mesa site nor is he consulting on this project.

Jon

Jon Goin

Senior Biologist

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From: Scott White [<mailto:Swhite@aspeneq.com>]

Sent: Wednesday, March 21, 2012 2:40 PM

To: Goin, Jon

Cc: Heather Blair; Rick York (Ryork@energy.ca.gov); Shankar Sharma; Magdalena Rodriguez; McKernan, Robert; Nisa Marks (nisa_marks@fws.gov)

Subject: RE: Rio Mesa elf owl surveys

Jon – Our primary disagreement was whether or not the surveys should be conducted.

But we also noted in the proposed methods attachment to BSE's Reply Brief that the "compromise" would survey a selected subset of microphyll woodland, based on aerial interpretation of tree density. We can't find any biological justification for surveying any reduced subset of microphyll woodland. I talked to Bob McKernan at length about this. We continue to request elf owl surveys throughout the microphyll woodland on-site and 1-mi buffer area off-site.

Thanks for checking.

Best, -SW

From: Goin, Jon [<mailto:jon.goin@urs.com>]

Sent: Wednesday, March 21, 2012 2:19 PM

To: Scott White

Cc: Heather Blair

Subject: FW: Rio Mesa elf owl surveys

Hey Scott, figured I should forward my below email to you as well in case Heather is unavailable in the near future.

Jon Goin
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From: Goin, Jon
Sent: Wednesday, March 21, 2012 2:02 PM
To: 'Heather Blair'
Subject: Rio Mesa elf owl surveys

Hi Heather,

I left you a vm as well but wanted to double check with you about the elf owl portion of the Compromise Proposal and what you conveyed during your presentation at the schedule hearing at CEC on Monday. I remember you saying that the survey effort for elf owl that we presented in our Compromise Proposal was a sufficient level of effort but in quickly trying to read all the bullet points on your Power Point, the slide may not have matched exactly with what was in the Compromise. I just wanted clarify with you before we start that survey this weekend and make sure we're all on the same page. Thanks Heather. Please give me a call if any questions.

Jon

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