



United States Department of the Interior



In Reply Refer to:
81420-2008-F-0194-
R001-3-

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

JUN 11 2014

Mr. James Kenna
California State Director
Bureau of Land Management, California State Office
2800 Cottage Way, Suite W-1623
Sacramento, California 95825

Mr. Randy Moore
Pacific Southwest Regional Forester
U.S. Forest Service, Pacific Southwest Region
1323 Club Drive, 4th Floor South
Vallejo, California 94592

Subject: Reinitiation of Formal Consultation on the Pacific Gas and Electric Company
Transmission Separation Project, California

Dear Mr. Kenna and Mr. Moore:

This is in response to your July 12, 2012, letter requesting reinitiation of formal consultation on the June 27, 2003, biological opinion (biological opinion) for the *Pacific Gas and Electric Company (PG&E) Transmission Separation Project, located in the Plumas, Sequoia, and Sierra National Forests within Butte, Plumas, Madera, and Fresno Counties; in the Redding, Folsom, and Bakersfield Districts within Madera, Fresno, Amador, Calaveras, Tuolumne, Nevada, Placer, Butte, Yuba, Shasta, and Tehama Counties; and Various Other Jurisdictions, California* (project) (Service File Number 1-1-01-F-0114). The U.S. Fish and Wildlife Service (Service) received your request and March 2012 supplemental biological assessment on September 19, 2012. The biological opinion analyzed the project's effects on the federally-listed as threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (beetle).

In order to conduct routine and emergency operations and maintenance activities, PG&E must remove or prune elderberry shrubs (*Sambucus* sp.) (shrubs), the sole host plant for the beetle, along their transmission and distribution lines. As provided in 50 CFR §402.16, this reinitiation request is due to an increase in the original exemption of take limits for the beetle. Also, PG&E requested clarification of the definition of a shrub in order for PG&E to provide a more accurate evaluation of the effects to the beetle from the proposed action.

The original biological opinion evaluated the effects of the proposed action on 7,500 shrubs pruned (temporary) and 600 shrubs removed (permanent). Since the issuance of the biological opinion, PG&E determined that more pruning and shrub removal was necessary to keep their transmission lines clear, and therefore they would exceed the original amount of take anticipated for the beetle. In addition, since the definition of a shrub was not included in the original biological opinion, the Service, Bureau of Land Management (BLM) and the U.S. Forest Service (FS) recommended that

PG&E develop a standard method for estimating the project's impacts based on the acreage of the shrub canopy identified within the action area versus the number of stems pruned. PG&E has developed new impact estimates based on the following information:

- PG&E reviewed impact trend data from 2003-2012 from their beetle Impact Reporting Database. Annual estimates of impacts were identified and used as one component in the derivation of new take estimates.
- PG&E met with various internal departments to determine their expected estimates of potential impacts for all future actions.
- PG&E used four years of survey data from 189 randomly selected locations where beetle habitat was impacted and calculated the average area for a shrub.

Based on these analyses, PG&E estimates that an average size shrub impacted within the action area is approximately 0.027 acre. In addition, PG&E is assuming that no more than one-third of the canopy (based on arboricultural standards for maintaining good tree health) is impacted when pruning (i.e., 0.009 acre). Using these estimates, PG&E's original take estimates were approximately 67.5 acres of temporary loss (i.e., pruning of or accidental damage to stems below 6 feet); and 16.2 acres of permanent loss (i.e. removal of habitat). PG&E anticipates their project will now temporarily impact 83 acres and permanently impact 43 acres of beetle habitat.

PG&E also proposes to track the future impacts on beetle habitat based on the area of elderberry shrub canopy that contains stems greater than 1 inch in diameter and is below 6 feet (i.e., length of impact x width of impact below 6 feet in the canopy). Examples of how PG&E proposes to calculate and estimate the impacts associated with the project are described in the December 9, 2013, *Attachment A. Biological Assessment Additional Information*.

This reinitiation is based on: 1) your July 19, 2013, response to our request for additional information, received by the Service on July 19, 2013; 2) your December 9, 2013, letter providing supplemental information; 3) emails, telephone calls, and meetings between the Service, the BLM, and the FS; and 4) additional information available to the Service.

On pages 2-5, add the following to the existing **Consultation History** section of the June 27, 2003 biological opinion:

March 1, 2010

The Service sent a letter to PG&E regarding questions on their reporting methodology; annual limits of take, and quantification of take for the June 27, 2003, biological opinion.

April 21, 2010

The Service received a letter from PG&E dated April 20, 2010, in response to the Service's March 1, 2010 letter. The letter transmitted information on the beetle and its host plant, the elderberry, from Marcel Holyoak of U.C. Davis, outlining issues regarding reporting and permit compliance, and defining a shrub.

December 1 -29, 2010

Letters exchanged between the Service and PG&E as a follow-up to the December 7, 2010, meeting held at the Service between PG&E and Service staff. The letters summarized the meeting which

included discussions on reporting and monitoring issues for the conservation measures in the original June 27, 2003, biological opinion.

February 2, 2011

PG&E coordinated a site visit with the Service staff to tour Yolo County. The purpose was to view PG&E sites and their transmission towers/lines to better understand the maintenance activities on the shrub which may affect the beetle.

September 19, 2012

The Service received a joint letter from the BLM and FS dated July 12, 2012, requesting reinitiation of the June 2003 biological opinion for an increase in the original take authorization.

July 2, 2013

The Service sent a letter to the BLM and FS responding to the July 12, 2012, reinitiation request. We requested additional information to complete the reinitiation package which included questions on the method of how an increase in shrubs was derived and what were the additional proposed conservation measures to protect the beetle.

July 19, 2013

The Service received a joint letter from the BLM and FS dated July 19, 2013. The letter transmitted additional information as requested in our July 2, 2013, letter.

July 31, 2013

A meeting occurred between the BLM, FS, and the Service staff to review the additional information received for the reinitiation and to clarify monitoring and trimming/pruning standards.

December 9, 2013

The Service received a joint letter from the BLM and FS dated December 9, 2013. The letter transmitted additional information as discussed in our July 31, 2013, meeting. This letter was the BLM and FS's final response to the Service's request of necessary information for the reinitiation.

On pages 25-28, replace the entire **Effects of the Proposed Action** section in the June 27, 2003, biological opinion with the following:

Permanent Loss of Elderberry Shrubs

The project will remove 43 acres of habitat for the beetle from the routine vegetation management activities associated with the project. The removal of these shrubs will adversely affect the beetle through the modification and degradation of its habitat. The project will result in harm, injury, or killing of the beetle in the form of direct habitat loss.

Temporary Disturbance of Elderberry Shrubs

The routine maintenance associated with the project will temporarily disturb 83 acres of potential beetle habitat. The temporary disturbance caused by pruning elderberry shrubs within the canopy

below 6 feet will adversely affect the beetle by the removal of the stems in which they may be living. The project will result in harm, injury, or killing of the beetle in the form of direct habitat loss.

The project will adversely affect the beetle; however, the proposed conservation and minimization measures should minimize effects to the beetle. Compensation for the project has already occurred at four locations totaling 1,000 acres of land which provides habitat for the beetle. These conservation areas will protect and manage habitat for the beetle in perpetuity, which benefits the beetle by maintaining the overall distribution of the beetle and potentially increasing beetle populations throughout its range.

On pages 25-28, replace the entire **Amount or Extent of Take** section in the June 27, 2003, biological opinion with the following:

Amount or Extent of Take

The Service cannot quantify the total number of individuals that will be taken as a result of the proposed action because it is impossible to know how many beetles may inhabit the stems. The life cycle of the beetle takes one or two years to complete. The beetle spends most of its life in the larval stage, living within the stems of a shrub. So in instances in which the number of individuals that may be taken cannot be determined, the Service quantifies take in the number of acres affected by the project. Since take is expected to result from these impacts to the beetles' habitat, the quantification of acres of habitat becomes a direct surrogate for the species that will be taken. Therefore, the Service anticipates take incidental to this project as the 43 acres of permanently removed habitat and the 83 acres of habitat that will be temporarily impacted by pruning activities. Upon implementation of the *Reasonable and Prudent Measures* and the *Terms and Conditions* considered in the beetle programmatic, incidental take of the beetle in these acres as a result of the proposed Pacific Gas and Electric Company Transmission Separation Project will become exempt from the prohibitions described under section 9 of the Act.

On pages 36-37, replace the entire **Conclusion** section in the June 27, 2003, biological opinion with the following:

Conclusion

After reviewing the current status of the beetle, the environmental baseline for the action area covered in this biological opinion, the effects of the project, the cumulative effects, and the proposed conservation measures, it is the Service's biological opinion that the Pacific Gas and Electric Company Transmission Separation Project, as proposed, is not likely to jeopardize the continued existence of this species. The Service reached this conclusion because the project-related effects to the species, when added to the environmental baseline and analyzed in consideration of the lack of cumulative effects, will not rise to the level of precluding recovery of the species or reducing the likelihood of survival of the species. The effects to the beetle are small and discrete, relative to the range of the species, and although the loss of habitat will contribute to the overall reduction of habitat within the range of the species, the conservation measures will contribute to the long-term preservation and management of beetle habitat. The project has already contributed to the conservation of the beetle by preserving 1,000 acres of beetle habitat at four locations that will manage large contiguous sections of habitat for the benefit of the species.

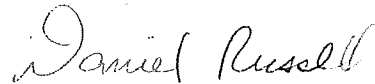
Mr. Randy Moore and Mr. James Kenna

5

All other contents of the June 27, 2003, biological opinion remain the same.

If you have any questions regarding our response, please contact Jason Hanni, Senior Fish and Wildlife Biologist, or Kellie Berry, Chief, Sacramento Valley Division, at (916) 414-6645.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Russell".

Daniel Russell
Deputy Assistant Field Supervisor

cc:

Amy Fesnock, BLM, Sacramento, CA
Patricia Krueger, USFS, Vallejo, CA
Peter Beasley, PG&E, Grass Valley, CA

