

APPENDIX P-3
Section 7 Supplemental Letter

December 20, 2019

10212.0010

Mr. Eric Porter
US Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

Subject: *Supplemental Information Regarding the Biological Assessment for the Campo Wind Project with Boulder Brush Facilities, San Diego County, California*

Dear Mr. Porter:

Based on our conversations August 19 and November 8 and 21, 2019, there were several components to the Biological Assessment (BA) prepared for the Campo Wind Project with Boulder Brush Facilities (Project) that required follow-up. This letter is intended to provide that additional information for the Project file and your use. Each separate topic will be addressed below.

Life of the Project

The Project includes a base of 25 years, with the potential for a 13-year extension. Upon decommissioning, the various project areas will be revegetated and/or restored as described in the BA. If additional extensions are proposed, then a reinitiation of the Biological Opinion would occur. Note that Section 7 would still be the mechanism as the Bureau of Indian Affairs (BIA) is the lead agency and it is anticipated that it would remain so.

Conservation Measure Title Change

Agree with the proposed change in the title of Section 6, "Conservation Measure" to "Species Conservation Measures."

Estimate of Area to be Revegetated

As noted in the EIS, EIR and the BA, the Project will revegetate temporary impact areas. Specifically, disturbed areas that are not required to be clear for operations and maintenance activities (i.e., temporarily disturbed areas) shall be revegetated or stabilized using soil binders within 90 days of construction completion. Temporary impacts shall be revegetated to provide erosion control, slope stabilization, or other necessary function. Revegetation areas may incorporate salvaged materials, such as seed collection and translocation of plant materials, as determined to be appropriate. The Boulder Brush Facilities would have approximately 85 acres of temporary disturbance. An approximate calculation for temporary disturbance is not yet available for the Campo Wind Facilities; however, it will be determined prior to final design and specified by the Project's final engineering plans. A subset of these areas are included within the 332.62 acres of impacts to potential QCB habitat on the combined Boulder Brush and Campo study area.

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Confirmation of Fuel Modification Impacts

The required fuel modification impact areas have been included within the overall permanent and temporary impact GIS layers and analysis. Therefore, they would be a subset of the areas that are included within the 332.62 acres of impacts to potential QCB habitat on the combined Boulder Brush and Campo study area. Currently, the fuel modification zone is 20 feet on either side of Boulder Brush Facilities access roads (County requirement). A 6-foot-wide vegetation management area would be maintained along either side of Campo Wind Facilities access roads.

Weed Management Plan Review

While the USFWS will be provided the opportunity to review the draft weed management plan, as the USFWS is not a plan-approving agency, the Project is not required to include USFWS edits or suggestions on the draft weed management plan. As discussed in the EIR (Mitigation Measure M-BI-C):

“A weed management plan shall be developed and approved by the Tribe prior to commencement of construction activities on the Reservation. The plan shall include the following:

- *Weed inventory and risk assessment;*
- *Identification of problem areas and necessary preventive measures;*
- *Annual surveys within the restoration areas to document weed patches for 2 years post construction;*
- *Success standards, such as no more than a 10% increase in weed species in restoration areas;*
- *Adaptive management measures; and*
- *Reporting.*

All herbicide application shall be in compliance with applicable state and federal laws and regulations under the prescription of a Pest Control Adviser and implemented by a licensed applicator.”

Effects Determinations

It was requested that a formal Effects Determination for all potential federally listed species known to occur within the Campo, Cameron Corners, Live Oak Springs, and Tierra Del Sol U.S. Geological Survey quadrangles and surrounding quadrangles (i.e., Action Area Vicinity) be provided. A revised Table 3-1 from Section 3.0 of the BA is provided below:

Table 3-1. Federally Listed Plant and Wildlife Species Known in the Action Area Vicinity

Common Name Scientific Name	ESA Status	Habitat	Potential to Occur	Effects Determination
Plants				
San Bernardino blue grass <i>Poa atropurpurea</i>	Endangered	Meadows and seeps, elevation ranging from 4,460 to 8,055 feet	Unlikely to Occur in Action Area: No potential. The Action Area is outside of the species' known elevation range, and there is no suitable vegetation present. This species was not included in the USFWS official species list, and therefore not known to occur in the Action Area (Appendix B).	No Effect
Amphibians				
Arroyo toad <i>Anaxyrus californicus</i>	Endangered	Semiarid areas near washes, sandy riverbanks, riparian areas, palm oasis, Joshua tree, mixed chaparral, and sagebrush; stream channels for breeding (typically third order); adjacent stream terraces and uplands for foraging and wintering	Unlikely to Occur in Action Area: Low potential. There are no suitable perennial washes or stream channels for breeding present in the Action Area. The closest known arroyo toad occurrences are located approximately 5.5 miles west of the Action Area in the Cottonwood Creek area (USFWS 2018), a different watershed. There are no records of arroyo toad east of this location (USFWS 2018; CDFW 2018a). Surveys conducted for the 2010 biological survey area (BSA) were negative (AECOM 2012). This species is included in the USFWS official species list for the general area, and therefore was included here though there is low potential based on habitat and distance from known occupied areas (Appendix B).	No Effect
Birds				
California condor <i>Gymnogyps californianus</i>	Endangered	Forages on open terrain, foothill grassland, and oak savannah; nests in cavities on steep rocks or burned hollows of old-growth conifers and giant sequoia trees	Unlikely to Occur in Action Area: Very Low potential to forage and not expected to nest. No suitable nesting habitat present and the only anecdotal records are at least 15 miles away from the Action Area from 2017 (other years are further from the site) (USFWS 2018). The species has been reintroduced into Baja California, Mexico and locations north of Los Angeles – both more than 100 miles away. This species was not included in the USFWS official species list, and	No Effect

Table 3-1. Federally Listed Plant and Wildlife Species Known in the Action Area Vicinity

Common Name Scientific Name	ESA Status	Habitat	Potential to Occur	Effects Determination
			therefore not known to occur in the Action Area (Appendix B).	
Southwestern willow flycatcher <i>Empidonax traillii extimus</i>	Endangered	Nests in dense riparian habitats along streams, reservoirs, or wetlands; uses variety of riparian and shrubland habitats during migration	Unlikely to Occur in Action Area: Low potential. Focused protocol surveys conducted in 2010 for this species were negative. The closest known CNDDDB occurrence is 27.8 miles northwest of the Action Area (CDFW 2018a). There is marginal riparian habitat for this species, which prefers habitat along perennial streams and rivers. This species is included in the USFWS official species list for the general area, and therefore was included here though there is low potential based on habitat and distance from known occupied areas. (Appendix B).	No Effect
Least Bell's vireo <i>Vireo bellii pusillus</i>	Endangered	Nests and forages in low, dense riparian thickets along water or along dry parts of intermittent streams; forages in riparian and adjacent shrubland late in nesting season	Unlikely to Occur in Action Area: Low potential. Focused protocol surveys conducted in 2010 for this species were negative. The closest known CNDDDB occurrence is 6 miles west of the Action Area (CDFW 2018a). There is marginal riparian habitat for this species, which prefers habitat along perennial streams and rivers. This species is included in the USFWS official species list for the general area, and therefore was included here though there is low potential based on habitat and distance from known occupied areas. (Appendix B).	No Effect
Mammals				
Peninsular bighorn sheep <i>Ovis canadensis nelsoni</i> pop. 2 DPS	Endangered	Dry, rocky, low-elevation desert slopes, canyons, and washes; females near water during lambing season	Unlikely to Occur in Action Area: No potential. The Reservation is located in the inner-montane zone of San Diego County, west of the desert slopes occupied by this species and approximately 6 miles (9.6 kilometers) from the western edge of the species' known range (CDFW 2018e). The closest CNDDDB occurrence is 3.6 miles northeast of the Action Area within the Jacumba and In-Ko-Pah Mountains in	No Effect

Table 3-1. Federally Listed Plant and Wildlife Species Known in the Action Area Vicinity

Common Name Scientific Name	ESA Status	Habitat	Potential to Occur	Effects Determination
			more-suitable habitat (CDFW 2018a). The Action Area lacks the open dry, rocky desert habitat preferred by this species. This species is included in the USFWS official species list for the general area, and therefore was included here though there is low potential based on habitat and distance from known occupied areas. (Appendix B).	
Invertebrates				
Quino checkerspot butterfly <i>Euphydryas editha quino</i>	Endangered	Annual forblands, grassland, open coastal scrub, and chaparral; often soils with cryptogamic crusts and fine-textured clay; host plants include <i>Plantago erecta</i> , <i>Antirrhinum coulterianum</i> , and <i>Plantago patagonica</i> (Silverado Occurrence Complex)	Known to occur. Twenty-seven Quino observations were documented during 2010 USFWS protocol surveys. Approximately 3,803.1 acres (1,539.1 hectares) of suitable habitat was recorded. Observations were concentrated in the southern portion of the 2010 BSA (AECOM 2012). In 2018 and 2019, updated surveys were conducted for the Action Area. No occurrences of Quino were recorded during the focused surveys in 2018, but were recorded in 2019 within the Boulder Brush Corridor. This species is included in the USFWS official species list, and therefore is known to occur or has an expected range overlapping the Action Area (Appendix B).	May affect, and is likely to adversely affect.
Laguna Mountains skipper <i>Pyrgus ruralis lagunae</i>	Endangered	Restricted to montane meadows of Laguna Mountains and Mount Palomar	Unlikely to Occur in Action Area: No potential. This species' range is restricted to the Laguna Mountains and Mount Palomar. The closest recorded occurrence is approximately 10 miles northwest of the Action Area (CDFW 2018a; USFWS 2018).	No Effect

Mitigation Land Acquisition

The Project is currently pursuing possible off-site mitigation land options and expects to continue coordination with the USFWS regarding possible options. Modification to existing conservation measure AM-QCB-9 to memorialize mitigation site expectation reads as follows:

AM-QCB-9 The Project Developer will acquire appropriate mitigation land at a minimum 1:1 ratio that fully meets the compensation needs for QCB. These lands will be approved by the USFWS prior to acceptance of the acquisition and will minimally be in escrow by the time operations commence (i.e., sale of energy occurs per the Power Purchase Agreement). These focal loci of these lands should be within the East County San Diego vicinity (specifically in and around the Southeast San Diego and eastern Southwest San Diego Recovery Units) and should either be situated within a 1km buffer of known QCB locations or within 2km between known QCB clusters.

Land Management Plan

Following the acquisition of mitigation lands, the Project Developer will need to prepare a land management plan. New conservation measure AM-QCB-10 memorializes this requirement and is outlined as follows:

AM-QCB-10 Upon the acquisition of a USFWS-approved mitigation site, the Project Developer will prepare a Land Management Plan (LMP) for USFWS approval. The LMP must be provided and approved within 6 months of securing the mitigation site (i.e., completion of escrow). The LMP will minimally include the following components:

- Plan area components and project description
- Goals, objectives, and strategies
 - Vegetation (mapping, targets, non-native plants, weed control, enhancements if any); wildlife and sensitive plants (general inventory, quino checkerspot); property management (access controls, roads, fire plan, cultural resource management, trash removal); communications, public involvement, scientific uses, and data sharing; program administration and reporting (LMP implementation, LMP review/revision)
- Management costs and funding
 - PAR analysis
 - Labor rates and travel expenses
 - Vegetation mapping
 - Weed mapping and updates
 - Weed control
 - Weed-related monitoring
 - Quino measures
 - Other wildlife and plants (if needed)
 - Startup period road assessment

Mr. Porter

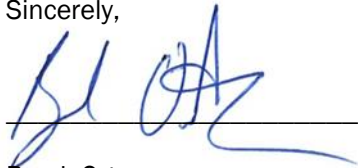
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- Onsite presence and site inspections
 - Fire plan
 - Community outreach
 - Property maintenance
 - Other land manager tasks
 - Materials and equipment
 - Administrative costs
 - Contingency funds
- Supporting documents (i.e., other documents that are deemed important enough to include in the appendix, for example – escrow documents or purchase agreements, etc.)

Ideally, a draft LMP will be prepared when the property is entering escrow and once a land manager is determined, they will participate in the finalizing of the document and the final PAR analysis. Funding of the LMP will include a long-term endowment intended to grow for three years prior to use and a short-term endowment intended to cover immediate management during the initial 3-year period.

Please contact me at bortega@dudek.com or 760.479.4254 if you have any questions, concerns, or seek additional information.

Sincerely,



Brock Ortega
Principal/Senior Wildlife Biologist

