



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



IN REPLY REFER TO:
1-1-04-F-0069

FEB 12 2004

Ms. C. Shane Collins
Natural Resources Manager
Western Area Power Administration
Corporate Services Office, A7400
P.O. Box 28123
Lakewood, CO 80228-8213

Subject: Amendment to Section 7 Biological Opinion on the Path 15
Transmission Line Project, Merced and Fresno Counties,
California

Dear Ms. Collins:

This letter is in response to your request received by electronic mail on December 15, 2003 to amend the biological opinion (BO) issued June 10, 2003, for the Western Area Power Administration (Western) Path 15 Transmission Line Project (File # 1-1-03-F-0101). You have requested the U.S. Fish and Wildlife Service (Service) amend the BO due to a need to increase the expansion of the Los Banos Substation into which the power line connects, and to modify the standard pre-activity survey timing window for upland species, including San Joaquin kit foxes (kit foxes) (*Vulpes macrotis mutica*).

The project description in the BO addresses the original request for a one acre expansion of the existing Los Banos Substation, owned and operated by Pacific Gas & Electric (PG&E), to make room for new equipment for the terminus of the new Path 15 transmission line. Additional engineering analysis demonstrates that an additional 3 acres is needed for this equipment. Biological surveys were conducted on the additional 3 acres for the original project and no listed species were found.

Western requested electronic mail on October 14, 2003, that the pre-activity survey window for upland species surveys, including kit fox, be expanded from the standard of 14 to 30 days in advance of construction to 5 to 30 days prior to construction. Western stated that the new survey window matches the archeological survey window, and that

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they are able to react and modify their activities in a 5-day period to address any species needs outlined in the existing BO.

The Service finds that the additional 3 acre footprint at the Los Banos Substation will have an adverse effect on kit foxes, but that Western has avoided, minimized, and compensated for these effects. The Service also finds that the change in the timing window for conducting pre-activity surveys could benefit the kit fox because there will be less time in which conditions could change and animals could take up residence in the path of the project.

After reviewing the current status of the kit fox, the environmental baseline for the action area, the effects of the proposed project, with these two modifications, and cumulative effects, it is the Service's biological opinion that the project, as proposed, is not likely to jeopardize the continued existence of the listed species addressed in the June 10, 2003, BO.

This concludes formal consultation on the Path 15 Transmission Line Project in Fresno and Merced Counties. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by this action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending investigation.

Please contact Susan Jones (San Joaquin Valley Branch) of this office at (916) 414-6630, if you have any questions.

Sincerely,



Ken Sanchez
Assistant Field Supervisor
Endangered Species Program

cc:

California Department of Fish and Game, Fresno, California (Attn: S. Juarez, M. Mulligan)