



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003

IN REPLY REFER TO  
08EVEN00-2014-B-0004-FWS-2014-00016

December 6, 2013

## Memorandum

To: Field Manager, Needles Field Office, Bureau of Land Management, Needles,  
California

Assistant Field Manager, Las Vegas Field Office, Bureau of Land Management,  
Las Vegas, Nevada

From: Acting Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California

Subject: Errata for the Biological Opinion for First Solar's Stateline and Silver State Solar  
South Projects, San Bernardino County, California and Clark County, Nevada  
(Stateline: 2800(P), CACA-048669, CAD090.01; Silver State South: 6840 (NV-  
052))(Stateline: 8-8-13-F-43; Silver State South: 84320-2010-F-0208-R003)

After we issued the referenced biological opinion on September 30, 2013, we became aware of several errors in the final document. Through this memorandum, we acknowledge these errors and provide corrected information.

Page 26. The final biological opinion omitted a portion of a paragraph that appeared in the draft biological opinion we provided to the Bureau of Land Management and First Solar for their review. The wording of the portion of the paragraph that we inadvertently omitted from the final biological opinion is the same as that in the draft document, with the exception that we corrected the estimate of the number of affected desert tortoises. This paragraph follows in its entirety.

Since the completion of the 5-year review, the Service has issued several biological opinions that affect large areas of desert tortoise habitat because of numerous proposals to develop renewable energy within its range. These biological opinions concluded that proposed solar plants were not likely to jeopardize the continued existence of the desert tortoise primarily because they were located outside of critical habitat and desert wildlife management areas that contain most of the land base required for the recovery of the species. The proposed actions also included numerous measures intended to protect desert tortoises during the construction of the projects, such as translocation of affected individuals. In aggregate, these projects resulted in an overall loss of approximately 35,100 acres of habitat of the desert tortoise. We also predicted that these projects would translocate, injure, or kill up to 1,528 desert tortoises (see table below); we concluded that most of the individuals in these totals would be juveniles. The mitigation required by

the Bureau and California Energy Commission, the agencies permitting these facilities, will result in the acquisition of private land within critical habitat and desert wildlife management areas and funding for the implementation of various actions that are intended to promote the recovery of the desert tortoise. Although most of these mitigation measures are consistent with recommendations in the recovery plans for the desert tortoise and the Service continues to support their implementation, we cannot assess how desert tortoise populations will respond because of the long generation time of the species.

Page 27. The final biological opinion depicted the Estimated Number of Desert Tortoises Onsite to be 1,529; the correct number is 1,528. This number also appears in the previously omitted paragraph that we included above.

Page 37. The first sentence of the third paragraph on this page states: “The Service has issued two biological opinions for the construction and operation of two photovoltaic solar facilities located within the action area.” Although the Silver State North Project generates electricity via photovoltaic panels, the Ivanpah Solar Electric Generating System uses thermal technology. Consequently, we correct this sentence to read: “The Service has issued two biological opinions for the construction and operation of two solar facilities located within the action area.”

Pages 37 and 38. On page 37 of the final biological opinion, we noted that BrightSource had reported 25 deaths among desert tortoises that it was monitoring; however, the table on page 38 provided information on only 24 deaths. In rechecking reports from BrightSource, we determined that the actual number of monitored desert tortoises that had been found dead was 26.

The following text and table correct these errors.

To date, 26 desert tortoises have died but no significant difference exists among control, resident, and translocated animals (Service 2013e; see following table); most of the deaths resulted from predation. Two deaths can be attributed to project activities. We expect that at least a few additional animals died during construction and were not detected.

Cause of Death	Treatment of Desert Tortoises				Total
	Control	Resident	Translocated	Holding Pen	
Canid Predation	2	5	4	-	11
Hyperthermia <sup>1</sup>	3	2	1	-	6
Vehicle Strike	1	1	-	-	2
Livestock Trampling	-	-	1	-	1
Unknown	2	1	1	1	5
Golden Eagle Predation	-	-	1	-	1
<b>Total</b>	<b>8</b>	<b>9</b>	<b>8</b>	<b>1</b>	<b>26</b>

Page 86. The summary of our findings for the Stateline Solar Project in the Conclusion section of the biological opinion contained the misstatement that 0.3 percent of suitable habitat in the Eastern Mojave Recovery Unit would likely be lost as a result of the proposed action. The correct percentage is 0.03, as stated on page 84 of the final biological opinion. The revision of this paragraph for the Stateline Solar Project follows.

3. The proposed action will not appreciably reduce the distribution of the desert tortoise in the action area because it would result in the loss of approximately 0.03 percent of suitable habitat in the Eastern Mojave Recovery Unit. Construction of the project would result in a net loss of desert tortoise habitat and is likely to impair connectivity to some degree in the linkage between the project site and the Clark Mountains. This linkage has already been compromised to a large degree by the Ivanpah Solar Electric Generating System, DesertXpress, Primm, and the Large-Scale Translocation Site. Additionally, the point of constriction that the proposed action would cause would be short in length and natural features in that area also pose constraints to connectivity. The Bureau and Stateline will fund and implement numerous measures to improve management of the remaining habitat for desert tortoises in the surrounding area. These measures include expanding the Ivanpah Desert Wildlife Management Area by approximately 42 square miles; this change in management direction would increase the emphasis on protection of desert tortoises in the remaining habitat.

The changes described in this document involve the correction of typographical or minor mathematical errors. None of the changes involve the factors that would necessitate the re-initiation of consultation, as described in the implementing regulations for section 7(a)(2) of the Endangered Species Act of 1973, as amended (50 Code of Federal Regulations 402.16). Consequently, these changes do not require the re-initiation of formal consultation.

We appreciate the readers who made us aware of these errors and regret any inconvenience that they may have caused. If you have any questions, please contact Ray Bransfield or Rachel Henry of my staff at (805) 644-1766, extension 317 and 333, respectively.