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Via Docket 24-OPT-02

July 22, 2025

Drew Bohan
Executive Director
California Energy Commission
715 P Street
Sacramento, CA 95814
drew.bohan@energy.ca.gov

**Re: Comments of the City of San Juan Capistrano regarding the
Post Scoping Biological Resources Data Requests**

On June 27, 2025, California Energy Commission (CEC) staff issued a post scoping biological resources data request for the Compass Energy Project in response to a letter from the California Department of Fish and Wildlife (CDFW). The data request ask the applicant to complete and conduct additional surveys for Crotch's Bumble Bee and Burrowing Owl during the remaining colony active and breeding season subject to certain procedures and timing.

The CEC's supplemental data request requires additional surveys for Crotch's Bumble Bee (CBB) and Burrowing Owl (BUOW; SDR BIO-1 and SDR BIO-2). As noted in the request, CDFW establishes survey protocol for these special status species. CBB active season surveys are required to be conducted from March to September, aligning with the foraging and nesting periods. BUOW requires four (4) separate survey events conducted from one hour before sunrise to two hours after sunset, as follows: Survey #1 (Feb 15–April 15), Survey #2 (three weeks apart), Survey #3 (three weeks apart), Survey #4 (three weeks apart, one visit after June 15). Note that BUOW overwintering surveys, conducted outside of these windows, are not determinative of species presence. CDFW protocol surveys must include a detailed map showing survey coverage among other requirements.

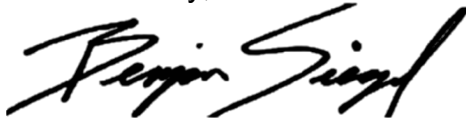
The surveys conducted by Dudek on July 31, 2024, and August 24, 2024, do not meet the CDFW criteria. Specifically, only two (2) surveys were conducted for BUOW, instead of the required four (4). The surveys did not include an accompanying detailed map to identify the survey locations. The 2024 surveys did not cover the buffer area (500 meters for BUOW) or habitat adjacent to Oso Creek, as requested by CEC. Source: <https://statics.teams.cdn.office.net/evergreen-assets/safelinks/1/atp-safelinks.html>.

Based on CDFW's survey criteria and CEC's supplemental data request (SDR BIO-1 and SDR BIO-2), the applicant is required to conduct CBB and BUOW surveys during the next survey window starting February 2026 and ending July/August 2026. Additionally, the applicant must include the buffer areas requested by the CEC, which was not included in the BUOW survey conducted in July and August of 2024. Furthermore, the surveys must include detailed maps showing the area surveyed.

The applicant cannot satisfy the timelines required by CDFW for the CEC data requests given the limited remainder of the colony and breeding season. Furthermore, our review of the site indicates that there are no prior CDFW surveys that have been conducted at the site, and thus neither the applicant nor the CEC can rely on prior CDFW surveys to supplement the data request. Therefore, the additional surveys can only be conducted in the next breeding season in 2026. No other exception applies.

Should you have any questions regarding the information in this letter, please contact Paul Garcia, Principal Analyst, at (949) 443-6327 or by email at pgarcia@sanjuancapistrano.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Benjamin Siegel". The signature is fluid and cursive, with the first name "Benjamin" and last name "Siegel" clearly distinguishable.

Benjamin Siegel
City Manager