

DOCKETED

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Project Title:	Compliance - Application for Certification of Sycamore Cogeneration Project
TN #:	214545
Document Title:	Sycamore Cogeneration Facility - Response to Request to Remove Environmentally Sensitive Area Fencing 20161122
Description:	Sycamore Cogeneration Facility - Response to Request to Remove Environmentally Sensitive Area Fencing 20161122
Filer:	Mary Dyas
Organization:	California Energy Commission
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CALIFORNIA ENERGY COMMISSION

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SACRAMENTO, CA 95814-5512
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November 22, 2016

Kacy O'Malley
HES Specialist – Environmental
Natural Resource and Property Transfer
Chevron North America Exploration and Production Company
9525 Camino Media
Bakersfield, CA 93311

**SUBJECT: SYCAMORE COGENERATION FACILITY (84-AFC-6C) DISPOSITION
OF ENVIRONMENTALLY SENSITIVE AREAS**

Ms. O'Malley,

In 2014, we began discussions on the removal of a number of marked environmentally sensitive areas (ESA) associated with the Sycamore Cogeneration Facility. Staff has reviewed all of the materials available pertaining to the ESAs, conducted a site visit in May 2016 to view the ESAs, and has determined that a number of ESAs may have the fencing removed including exclusion zones number 1, 2, 6, 8, 10, 15, 16, 19, 23, 24-27, 31, 33, 34, 35, 37, 38, 39, 41, and 45-55 (see **Table 1** in the attached analysis). These ESAs may be removed from the map, and no longer need to be monitored.

Please take note that per Energy Commission approval (see **Attachment 1**), exclusion zones number 2, 3, 4, 5, 7, 8, 10, 14, 15, 16, 19, 20, 24, 25, 26, 27, and 31-39 were removed in September 1998 after being surveyed.

All remaining ESAs listed on **Table 1** in the attached analysis must remain marked on the map (see **Attachment 2**) and maintained on the site with appropriate fencing (metal poles and cables) and signage (containing a phone number to call to obtain authorization for any activity within the protected zone or to report any accidental disturbance in the zone) as per the conditions of certification. The fencing and signage should be maintained in good condition to prevent deterioration of the ESAs. As noted in the conditions of certification, the "marked sensitive biological resource areas will be maintained for the life of the Sycamore project."

If you have any questions or concerns, feel free to contact me at (916) 651-8891 or by email at mary.dyas@energy.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mary Dyas".

MARY DYAS
Compliance Project Manager
Siting Transmission and Environmental Protection
Division

Cc: Docket Unit

SYCAMORE COGENERATION FACILITY (84-AFC-6C)

Disposition of Environmentally Sensitive Areas

Carol Watson

INTRODUCTION

The Sycamore Cogeneration Facility (SCF) is a 300-megawatt cogeneration facility that was certified by the California Energy Commission in December 1986 and began commercial operation in January 1988. The facility is located approximately five miles north of the city of Bakersfield, and five miles east of State Route 99 in the Kern River oilfields in Kern County, California. The SCF provides electrical generation to the grid and process steam to the nearby Chevron oilfields.

BACKGROUND

There are several special status species on the project site and in the vicinity, including San Joaquin kit fox (SJKF, state threatened, federally endangered), Bakersfield cactus (federally and state endangered), and cottony buckwheat, a California Native Plant Society (CNPS) Rare Plant Rank 4.2. Per the Energy Commission Decision for the project, the project owner was required to maintain exclusion zones, called Environmentally Sensitive Areas (ESAs), to protect occurrences of these species and immediately adjacent habitat from potential adverse impacts of construction and operation of the project. Fifty-three ESAs were originally recorded at the time of construction of the project, during pre-clearance surveys. The locations of the original ESAs are imprecise, as they were recorded on topographic maps prior to widespread use/availability of more sophisticated survey equipment, such as Global Positioning System (GPS) units. Three ESAs, #54, #55, and #56 listed on **Table 1**, below, were ESAs observed which do not correspond with original ESA mapping (MCB2015a).

Surveys were conducted in August 1998 to check the condition of SJKF dens within the exclusion areas to determine if some of the zones could be removed because the dens no longer existed. SCF then submitted a request for the removal of a number of “exclusion areas where dens have collapsed and exclusion fencing could be removed.” Twenty-six SJKF exclusion zones were approved for removal in September 1998. In March 1999, another submittal confirmed the removal of 25 exclusion zones (where dens had collapsed and exclusion fencing was removed). Exclusion zone #13 was approved for removal; however, the fencing was not removed with the others.

The project owner has requested Energy Commission approval to remove several additional ESAs, and based on Energy Commission staff’s guidance, directed a qualified biologist (McCormick Biological, Inc.) to perform surveys of the ESAs and document existing and new occurrences of special-status species. These surveys were performed in March 2015, and entailed 100 percent coverage of the SCF. The biologist located and visited each of the previously established ESAs, using aerial maps from the original preconstruction survey. On May 12, 2016, staff visited the project site to view the current condition of a subsample of ESAs and to confer with onsite representatives.

SAN JOAQUIN KIT FOX AND BAKERSFIELD CACTUS

The San Joaquin kit fox and the Bakersfield cactus are protected under Energy Commission conditions of certification (Energy Commission, 1986). The exclusion zones for both San Joaquin kit fox and Bakersfield cactus are to be maintained in perpetuity (Condition of Certification 5-2, m). There are provisions for removal of kit fox dens if construction must take place within the dens; no work has been proposed in the ESAs (McCormick Biological, Inc., 2015). In addition, kit fox dens were originally intended to be protected by exclusion zones whether or not they were active (Condition of Certification 5-2, h). These conditions of certification were developed during the project siting process by staff, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and the project owner. The project owner had to get a federal Section 10 Incidental Take permit to comply with the Endangered Species Act; it does not seem advisable to remove any Environmentally Sensitive Areas from the project site, as that would appear to conflict with the conditions of certification.

The ESAs for San Joaquin kit fox should therefore remain in place, and if they must be removed, are to be replaced with artificial dens (Condition of Certification 5-2, k). Additionally, per Condition of Certification 5-7, the exclusion areas are to be maintained and marked with signs indicating sensitivity of the site, and the phone number of onsite personnel to call if the zone needs to be breached for some reason (condition 5-7). Den entrances must not be blocked or tampered with.

Bakersfield cactus ESAs should also be maintained per Condition of Certification 5-2a, and may be transplanted should work need to occur within the ESA. Therefore, no Bakersfield cactus ESAs should be removed. Per the 2015 evaluation of the ESAs (McCormick Biological, Inc., 2015), a number of ESAs for kit fox and Bakersfield cactus recorded at the time of construction of the project were not identified on the project site, and no resources were found in these areas. These ESAs may be removed from the map, and no longer must be monitored. All other ESAs must remain marked on the map and maintained on the site with appropriate signage as per the conditions, see **Table 1**, below.

Table 1: Disposition of Environmentally Sensitive Areas

ESA No.	Potential Resources	Recommendations	Notes
1	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
2	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
3	San Joaquin kit fox den	Retain ESA	
4	San Joaquin kit fox den	Retain ESA	
5	San Joaquin kit fox den	Retain ESA	
6	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
7	San Joaquin kit fox den	Retain ESA	
8	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
9	San Joaquin kit fox den	Retain ESA	
10	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed

ESA No.	Potential Resources	Recommendations	Notes
11	San Joaquin kit fox den	Retain ESA	
12	San Joaquin kit fox den	Retain ESA	
13	San Joaquin kit fox den	Retain ESA	
14	San Joaquin kit fox den	Retain ESA	
15	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
16	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
17	San Joaquin kit fox den	Retain ESA	
18	San Joaquin kit fox den	Retain ESA	
19	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
20	San Joaquin kit fox den	Retain ESA	
21	San Joaquin kit fox den	Retain ESA	
22	San Joaquin kit fox den	Retain ESA	
23	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
24	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
25	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
26	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
27	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
28	San Joaquin kit fox den	Retain ESA	
29	San Joaquin kit fox den	Retain ESA	
30	San Joaquin kit fox den	Retain ESA	
31	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
32	San Joaquin kit fox den	Retain ESA	
33	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
34	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
35	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
36	San Joaquin kit fox den	Retain ESA	
37	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
38	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
39	San Joaquin kit fox den	Remove ESA	Neither the ESA or kit fox den observed
40	Bakersfield Cactus	Retain ESA	
41	Bakersfield Cactus	May be removed	This ESA was not located and may be removed from list
42	Bakersfield Cactus	Retain ESA	
43	Bakersfield Cactus	Retain ESA	
44	Bakersfield Cactus	Retain ESA	
45	Cottony Buckwheat	May be removed	
46	Cottony Buckwheat	May be removed	
47	Cottony Buckwheat	May be removed	
48	Cottony Buckwheat	May be removed	
49	Cottony Buckwheat	May be removed	
50	Cottony Buckwheat	May be removed	
51	Cottony Buckwheat	May be removed	
52	Cottony Buckwheat	May be removed	

ESA No.	Potential Resources	Recommendations	Notes
53	Cottony Buckwheat	May be removed	
54	unknown	May be removed	Cottony buckwheat observed here
55	unknown	May be removed	No resources observed here
56	Bakersfield Cactus	Retain ESA	Bakersfield cactus observed

COTTONY BUCKWHEAT

The conditions of certification for the project do not mention placement of exclusion zones, or Environmentally Sensitive Areas, around occurrences of cottony buckwheat, which is a CNPS list 4.2 plant species. This species is not considered special status under the California Environmental Quality Act (CEQA); only CNPS list 1 and 2 species are considered special-status plants under CEQA. Therefore, exclusion zones previously established for the cottony buckwheat may be maintained or removed at the project owner's discretion. See **Table 1** for disposition of individual cottony buckwheat ESAs.

RECOMMENDATIONS

The purpose of the ESAs is to prevent adverse impacts to special-status plants and wildlife. In the future, ESAs should be maintained, with fencing materials in good shape, and with appropriate signs on each ESA. This will prevent deterioration of the ESAs. The Energy Commission staff understands that all remaining ESAs have now been marked using GPS units, and therefore, tracking and monitoring of each individual ESA will be easier in the future.

REFERENCES

- CEC1986a. California Energy Commission, 1986. Energy Commission Decision, Application for Certification of the Sycamore Cogeneration Project. Docket 84-AFC-6. December 1986.
- CEC1998a. California Energy Commission. Compliance Unit Transmittal and Coordination Sheet. Log #: 98-0013. 09/09/1998.
- CEC1999a. California Energy Commission. Compliance Unit Transmittal and Coordination Sheet. Log #: 99-0006. 03/23/1999.
- MCB2015a. McCormick Biological, Inc. 2015. Chevron North America Exploration and Production Company Kern River Area Sycamore Co-generation Facility Environmentally Sensitive Area Evaluation.

ATTACHMENT 1

COMPLIANCE TRACKING LOG 99-0006

COMPLIANCE UNIT TRANSMITTAL AND COORDINATION SHEET

(1) Project Name : Sycamore (2) C/M Log #: 99-0006
 (3) Docket File #: 89-AFC-6C (4) Date Logged: 3-23-99
 (5) Project Manager: J. SCOTT (6) DATE DUE: 4-6-99

AP 3-23-99

(7) To: J. BROWNELL Linda (8) Other Staff Copied: NA

(9) SUBJECT: Kit Fox Den Survey and Removal of Exclusion Zone Fencing

(10) CONDITION OF CERTIFICATION #(s): Bio-7

(11) [] Project can't proceed without CPM/staff approval of this submittal.

(12) [] Field trip required to verify and close this condition.

(13) SPECIAL INSTRUCTIONS: _____

STAFF RESPONSE Please review the attached submittal and check the appropriate box(s). Make necessary comments and/or recommendations on the reverse side.

[] This is a satisfactory submittal that is in compliance w/ongoing (e.g., monthly, annual submittals) condition #(s) 5.2 h,m §5.7.

[] Submittal closes condition # (s) _____.

[] Submittal indicates non-compliance with condition #(s) _____.

[] Other (explain on reverse side).

Initial, Date and Return to Compliance Unit.

Tech Reviewer	Tech Senior	OM
<u>LKS 3/24/99</u> (Kept report)	<u>AP 3-26-99</u>	<u>AP 3-26-99</u>

(revised 4/95)

COMPLIANCE UNIT USE ONLY:

FILE: IN-HOUSE Biological Resources
(Tech Area to be filed in)
 LTS

Approval for close out.

Return Date	CPM	Closed out
<u>3/26/99</u>	<u>JZS</u>	<u>3/29/99</u>



MAR 22 1999

Sycamore Cogeneration Company

Box 80598, Bakersfield, CA 93380

• (805) 392-2630

Gordon M. Thomson, Executive Director

March 18, 1999

SY-6695

Ms. Jeri Scott
Compliance Project Manager
Siting & Environmental Division
California Energy Commission
1516 Ninth Street, MS-2000
Sacramento, CA 95814

Re: **Kit Fox Den Survey and Removal of Exclusion Zone Fencing**

Dear Ms. Scott:

Pursuant to Commission Decision (Docket No. 84-AFC-6), amended Condition B-7 (Biological Resources), attached are the results for removal of fencing around twenty-five dens within the ½ mile radius at Sycamore Cogeneration Zone of Influence. William Vanherweg, certified wildlife biologist prepared the enclosed report.

If you have any questions, please contact Mervyn Soares at (805) 392-2643.

TDH:plc

Attachment

xc: L. Spiegel – CEC (w/attachment)

William J. Vanherweg

Certified Wildlife Biologist

•Biological Surveys •Impact Analysis •Regulatory Agency Consultation
•Mitigation Design •Habitat Management & Conservation Planning

332 North Stine Rd.
Bakersfield, California 93309

FAX (805) 839-0375
(805) 324-7308

2 March 1999

Mr. Mervyn Soares
Sycamore Cogeneration Facility
P.O. Box 80598
Bakersfield, CA 93380

Dear Mervyn:

We have completed our survey of 38 San Joaquin kit fox (*Vulpes macrotis mutica*) den exclusion zones and monitored the removal of fencing (after receiving CEC approval) from around 25 of the exclusion areas within the Sycamore Cogeneration Plant zone of influence. The surveys were conducted on 24 August 1998 by biologists Julie A. Schneider and William J. Vanherweg. Exclusion post and cable removal from around former dens was completed by Sycamore personnel and monitored by William J. Vanherweg on 28-29 September 1998.

The exclusion areas were labeled with the numbers 2-39 (Figure 1), Den No. 1 was excavated in 1989 and no longer exists. The purpose of the survey was to check the condition of dens within the exclusion areas to determine if some of the zones could be removed because dens no longer exist. Table 1 contains a list of exclusion areas where dens still exist, Table 2 contains a list exclusion areas where dens have collapsed and exclusion fencing was removed.

Table 1. San Joaquin kit fox den exclusion zones where dens have not collapsed and exclusion zone fencing remains.

Exclusion Zone Number	Description/Condition of Den	CEC approved Action
6	One earthen potential den	Fencing not removed
9	One earthen potential den	Fencing not removed
11	Known pipe den (not buried)	Fencing not removed
12	Six collapsed den entrances, three open	Fencing not removed
13	Three collapsed dens	Fencing not removed
17	One 8" buried pipe den	Fencing not removed
18	Two 10" pipe dens	Fencing not removed
21	One active known den	Fencing not removed
22	Three earthen potential dens, six collapsed	Fencing not removed
23	One 10" pipe den	Fencing not removed
28	One active known den, one potential den	Fencing not removed
29	Two active known dens	Fencing not removed
30	Two 6" pipe dens	Fencing not removed

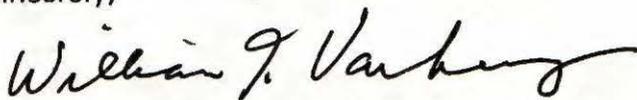
Table 2.

San Joaquin kit fox den exclusion zones where dens have collapsed and exclusion zone fencing was removed.

Exclusion Zone Number	Description/Condition of Den	CEC Approved Action
2	Three collapsed dens	Fencing removed
3	Four collapsed dens	Fencing removed
4	No dens evident	Fencing removed
5	No dens evident	Fencing removed
7	Four collapsed dens	Fencing removed
8	No dens evident	Fencing removed
10	Three collapsed dens	Fencing removed
14	Four collapsed dens	Fencing removed
15	Three collapsed dens	Fencing removed
16	No dens evident	Fencing removed
19	Active ground squirrel, no kit fox dens	Fencing removed
20	No dens evident	Fencing removed
24	No dens evident	Fencing removed
25	No dens evident	Fencing removed
26	No dens evident	Fencing removed
27	Four collapsed dens	Fencing removed
31	No dens evident, active ground squirrel	Fencing removed
32	One collapsed den	Fencing removed
33	No dens evident, one inactive squirrel burrow	Fencing removed
34	Four collapsed dens	Fencing removed
35	No dens evident	Fencing removed
36	No dens evident, part of reveg area	Fencing removed
37	No dens evident, active ground squirrel	Fencing removed
38	No dens evident	Fencing removed
39	No dens evident	Fencing removed

Please call if you have any questions regarding our survey or the removal of exclusion area fencing at the Sycamore Facility.

Sincerely,



William J. Vanherweg
Senior Biologist

ATTACHMENT 2

ENVIRONMENTALLY SENSITIVE AREA MAP (MAY 2016)

May 11, 2016 Sycamore Cogen ESA Status Map

