

DOCKETED

Docket Number:	84-AFC-06C
Project Title:	Compliance - Application for Certification of Sycamore Cogeneration Project
TN #:	214818
Document Title:	Commission Order (91-1120-04b) Approving Installation and Operation of a Second Natural Gas Pipeline
Description:	Order Approving Amendments to the Project Description Cultural and Bio Conditions of Certifications and LORS 11/20/1991
Filer:	Raquel Rodriguez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	12/15/2016 1:58:46 PM
Docketed Date:	12/15/2016

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND
DEVELOPMENT COMMISSION

IN THE MATTER OF:)
)
SYCAMORE COGENERATION COMPANY,) DOCKET NOS. 84-AFC-6 &
SYCAMORE COGENERATION PROJECT &) 82-AFC-2
KERN RIVER COGENERATION COMPANY,) ORDER APPROVING Amendments
KERN RIVER COGENERATION PROJECT) to the Project Description
) and Cultural & Biological
) Conditions of Certification
) and Engineering LORS.
_____)

The California Energy Commission(CEC) received a request from the Sycamore Cogeneration Company and the Kern River Cogeneration Company(SCC/KRCC) to install and operate a second natural gas pipeline.

The pipeline will connect both the Sycamore and the Kern River cogeneration projects to a second natural gas source provided by the Mojave/Kern River interstate natural gas supply line. The pipeline provides both plants with a reliable alternative natural gas source in addition to the current natural gas supplier, Southern California Gas Company. SCC/KRCC have determined that the second natural gas pipeline will provide significant economic, reliability, and flexibility benefits to the Sycamore and Kern River cogeneration projects.

The pipeline will start near Round Mountain Road at the Mojave/Kern River gas supply line. The SCC/KRCC pipeline will run 4 miles in a westerly direction through the Kern River oil field and connect to metering stations at the KRCC and SCC power plants. The line will terminate at the SCC metering station.

Since SCC is the furthest facility serviced by the gas line, staff has determined that the SCC Conditions of Certification would be used as a basis for review and mitigation of the entire proposed pipeline. Only the project description in the KRCC decision must be amended to include the second gas line.

Staff analyzed the proposed amendment and finds that the changes are consistent with the conditions and the overall intent of the Commission Decisions.

Staff has concluded that the proposed amendment is noncontroversial in nature, and, based upon staff's analysis and recommendation, the Commission finds:

1. The proposed changes to the Project Description for SCC & KRCC and the Cultural and Biological Conditions of Certification and the Engineering LORS for SCC are consistent with the overall intent of the SCC & KRCC decisions;

2. The proposed changes do not appear to harm the public interest or the interest of any previous party to the certification proceeding;
3. The proposed changes are based on information not reasonably or readily available to the parties prior to certification;
4. Staff has received no negative comments from interested parties notified of the proposed change;
5. SCC & KRCC are in agreement with the proposed changes.
6. There are no new or additional unmitigated environmental impacts associated with this change.

CONCLUSION AND ORDER

The Commission hereby adopts staff's recommendations and findings as its own and hereby orders the Sycamore Cogeneration Project and Kern River Cogeneration Project Conditions of Certification be amended to read as follows:

Kern River Cogeneration Project (82-AFC-2):

PROJECT DESCRIPTION:

The Kern River Cogeneration Project design will be amended to include a second natural gas pipeline and an additional gas supplier.

Sycamore Cogeneration Project (84-AFC-6):

PROJECT DESCRIPTION:

The Sycamore Cogeneration Project design will be amended to include a second natural gas pipeline and an additional gas supplier.

CULTURAL RESOURCES:

Cultural:

- 4-1. Sycamore shall designate a qualified archaeologist for the project. Sycamore shall provide to the CEC CPM the name, address, telephone number, and qualifications of the designated archaeologist. Sycamore shall not begin construction until the CEC CPM notifies Sycamore that the designated archaeologist has been approved.

Verification: At least 30 days prior to the start of construction on the project, Sycamore shall submit the required information to the CEC CPM for review and approval.

- 4-2. Sycamore shall ensure that the designated archaeologist has access to the site during trenching operations and shall inform the archaeologist and construction personnel that the archaeologist has the authority to halt construction until the archaeologist can evaluate potential significant resources and perform any appropriate

mitigation. Sycamore shall provide to the CEC CPM documentation that the archaeologist and construction workers have been informed. Sycamore shall not start construction until the CEC CPM informs Sycamore that the documentation has been approved.

Verification: Prior to the start of project construction Sycamore shall provide the required documentation to the CEC CPM for review and approval.

- 4-3. Sycamore shall ensure that the designated archaeologist monitors all project related ground disturbance (including trenching) along the eastern portion of the proposed route located on the Kern River flood plain.

Verification: The CEC CPM or designee will determine by telephone, visits to the project site, and/or review of the final report, as deemed necessary, whether or not Sycamore has complied with this condition.

- 4-4. In the event that buried or otherwise obscured cultural resources are encountered during project construction, work in the immediate area of any find shall be halted until the designated archaeologist is consulted to ascertain the nature and significance of the find and any needed mitigation is completed. Sycamore shall inform the CEC CPM of the discovery of potentially significant cultural resources within 24 hours of the discovery. The CEC CPM or designee will consult with Sycamore and the designated archaeologist regarding appropriate evaluation and potential mitigation measures. Evaluation, mitigation, and the resumption of ground- disturbing construction activities shall not occur until the CEC CPM or designee approves the procedures to be followed and any needed mitigation is completed.

Verification: Sycamore shall inform the CEC CPM of the discovery of potentially significant cultural resources within one day of the discovery.

- 4-5. Sycamore shall submit to the CEC CPM for review and approval a copy of the final report from the designated archaeologist regarding monitoring efforts for the project.

Verification: Sycamore shall submit the required information to the CEC CPM within 30 days after the designated archaeologist submits the final report to Sycamore.

- 4-6. If monitoring reveals any significant cultural resources, Sycamore shall ensure that the final report is filed with the Southern San Joaquin Valley Information Center of the California Archaeological Inventory at California State University, Bakersfield.

Verification: Sycamore shall provide to the CEC CPM documentation that the final cultural resources report has been filed with the information center.

4-7. If any significant cultural resources are recovered as a result of ground disturbing activities associated with the project, Sycamore shall ensure their curation at an appropriate institution. Before the start of construction, Sycamore shall provide to the CEC CPM for review and approval the name and address of the institution at which potential curation is proposed. Sycamore shall not begin project construction until the CEC CPM has approved of the proposed institution.

Verification: At least 15 days Prior to the start of construction Sycamore shall provide to the CEC CPM the required documentation.

Paleontological:

4-8. Sycamore shall designate a qualified paleontologist to monitor project ground disturbing activities that may affect potential significant paleontological resources. Sycamore shall provide to the CEC CPM the name, address, telephone number, and qualifications of the designated paleontologist. Sycamore shall not begin construction until the CEC CPM notifies Sycamore that the designated paleontologist has been approved.

Verification: At least 30 days prior to the start of construction on the project, Sycamore shall submit the required information to the CEC CPM for review and approval.

4-9. Sycamore shall submit to the CEC CPM for review and approval a revised paleontological mitigation plan for the pipeline project. It shall include all of the modifications specified in staff's analysis and mitigation measures discussion. Sycamore shall not begin construction on the pipeline project until the CEC CPM notifies Sycamore that the revised plan has been approved.

Verification: At least 30 days prior to the start of any project construction, Sycamore shall submit the revised mitigation plan to the CEC CPM for review and approval.

4-10 Sycamore shall ensure that all elements of the approved mitigation plan are properly implemented.

Verification: The CEC CPM or designee will determine whether Sycamore is in compliance with this condition through telephone calls, site visits, and/or review of reports, as the CEC CPM or designee deems appropriate.

4-11 Sycamore shall ensure that all paleontological monitors have access to the site during trenching operations and shall inform the paleontological monitors and construction personnel that the monitors have the authority to halt construction until they evaluate potential significant resources and perform any appropriate mitigation. Sycamore shall provide to the CEC CPM documentation that the monitors

and construction workers have been informed. Sycamore shall not start construction until the CEC CPM informs Sycamore that the documentation has been approved.

Verification: At least 15 days prior to the start of project construction, Sycamore shall provide the required documentation to the CEC CPM for review and approval.

4-12 Sycamore shall submit to the CEC CPM for review and approval a status report from the designated paleontological specialist describing in general terms the extent of fossil resources encountered and retrieved during project construction. The status report shall include an estimate of when the final report on the analysis of the fossil materials recovered will be submitted to the CEC CPM.

Verification: Within 30 days after the completion of project construction, Sycamore shall submit the status report to the CEC CPM.

4-13 Sycamore shall submit to the CEC CPM for review and approval a copy of the final report from the designated paleontologist as required by the revised paleontological mitigation plan which describes monitoring and mitigation activities related to the project.

Verification: Sycamore shall submit the required information to the CEC CPM within 30 days after the designated paleontologist submits the final report to Sycamore.

4-14 After CEC CPM approval of the final paleontological report, Sycamore shall ensure that the report is filed with the California State Museum of Paleontology, University of California at Berkeley.

Verification: Sycamore shall provide to the CEC CPM documentation that the final paleontological report has been filed with the California State Museum of Paleontology, University of California at Berkeley.

4-15 Sycamore shall ensure the curation at the California State Museum of Paleontology, University of California at Berkeley, of any significant paleontological resources collected in the course of project monitoring and mitigation.

Verification: Sycamore shall provide to the CEC CPM documentation that arrangements have been made to provide for the curation of the paleontological resources collected.

BIOLOGY:

5-8 SCC shall ensure that pipeline construction be conducted in a manner that minimizes the amount of habitat disturbed. At least ten days before construction begins, SCC shall provide the CEC Compliance Project Manager (CPM) with aerial photographs of the pipeline route in

order to document habitat disturbance prior to any construction activity. SCC shall submit a second set of aerial photographs taken of the pipeline route 30 days after construction has been completed. Both sets of aerial photographs shall be 9 x 9 inch false color infrared, stereo pairs with 60% overlap and 30% sidelap, at a scale of one inch equals 200 feet, and with mile markers clearly and accurately marked on each photo.

Once the level of disturbance has been determined, SCC shall provide adequate funds to acquire and preserve suitable habitat off-site. The amount of funding required to accomplish this condition shall be based on the necessity to purchase three acres of compensation habitat (for each endangered species affected) for every acre of permanently disturbed habitat caused by trenching or surface grading and one acre of compensation habitat for every acre of temporary disturbance caused by above ground placement of pipe. The preliminary estimate is 34.55 acres at \$1,000.00 per acre provided that habitat for Bakersfield cactus will not be permanently disturbed. Because the precise amount cannot be readily determined at this time, habitat acquisition guarantee funding in the amount of \$50,000.00 shall be established in an interest bearing account by SCC no later than ten days after this amendment has been approved by the CEC and before the start of construction. This account shall be established in a financial institution selected by SCC. The interest rate shall be that of the average money market account or better at the time the account is established.

Construction related activities at the site shall not begin until all aspects of this condition are completed to the satisfaction of the CEC CPM.

Once the final amount of disturbance and habitat compensation has been determined by CEC CPM in consultation with DFG and USFWS, SCC shall either add to the fund or receive a refund as appropriate.

Within thirty days following the CEC CPM's final determination of habitat disturbance and compensation required, SCC shall transfer the appropriate funds and interest accrued on those funds to the CEC CPM for deposit into the Special Deposit Fund Account already established for Sycamore through the State Controller's Office as Acct# 942035-45-505.

Verification: No later than fifteen days after this amendment has been approved by the CEC and before the start of construction, SCC will provide the CEC CPM copies of documents showing that the guarantee account has been established in the amount of \$50,000.00.

Within thirty days of CEC staff's final determination of habitat disturbance and compensation, SCC will provide the CEC CPM a check for deposit into the State Special Deposit Fund Account already established for Sycamore through the State Controller's

office as Acct. # 942035-45-505.

If SCC has not complied with any aspect of this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance, construction will not be allowed to start, or continue if already started.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

- 5-9 A qualified biologist designated by SCC shall be present or readily available during all phases of construction and shall advise SCC's construction supervisor of details concerning required conditions and mitigation. The biologist shall also ensure that all endangered species are properly protected during construction activities.

The designated biologist for this project is defined as meeting the minimum requirements of having a bachelor's degree in biological science, zoology, botany, ecology or closely related field, plus one year experience working with biological resources found in the Southern San Joaquin Valley. The designated biologist shall submit to the CEC CPM for review and approval, resumes of all other biologists who will work on this project. Resumes shall be delivered to the CEC CPM at least 15 days before said biologist is scheduled to begin work.

Construction related activities at the site shall not begin until all aspects of this condition are completed to the satisfaction of the CEC CPM.

Verification: The CEC CPM will review resumes and notify the designated biologist of approval or rejection of the proposed biologists within 5 days of receiving resumes.

If SCC has not complied with this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance, construction will not be allowed to proceed in areas specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

- 5-10 No sooner than 30 calendar days prior to the start of construction the

designated biologist or other qualified biologist approved by the CEC CPM shall conduct a pre-construction survey of the SCC pipeline route to identify important biological resources.

SCC shall provide the CEC CPM a written survey schedule at least ten days prior to the start of the survey.

This survey shall be conducted in a 200-foot wide corridor centered on the pipeline route and 200 feet around any area outside the corridor that will be impacted during construction, e.g., staging areas, access roads. The locations of important biological resources recorded during previous biological inventory surveys of the pipeline shall be confirmed and any previously unidentified important resources shall be mapped and recorded. Important biological resources include known or potential San Joaquin kit fox dens, San Joaquin antelope squirrel or blunt-nosed leopard lizard activity areas, Bakersfield cactus and other sensitive plant species¹ locations, or any other recognized important biological resource(s) that the biologist determines will be adversely impacted by pipeline construction

Construction related activities at the site shall not begin until all aspects of this condition are completed to the satisfaction of the CEC CPM.

Verification: Based on the preconstruction survey schedule, the CEC CPM or designee will determine through visits to the project site in the company of the SCC biologist, as deemed necessary, whether or not SCC has complied with this condition.

If SCC has not complied with any aspect of this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance, construction will not be allowed to commence.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be reached.

5-11 A written report detailing the results of the preconstruction survey(s) shall be submitted to CDFG, USFWS, and the CEC CPM. This report shall contain maps showing the locations of all important biological resources recorded during the preconstruction survey(s).

¹ "Sensitive species" are: threatened or endangered species, candidate threatened or endangered species, endangered and rare plant species recognized by the California Native Plant Society, and "species of special concern" as identified by the California Department of Fish and Game.

The maps shall have a 1:12,000 scale topographic base. Updated maps shall be given to the construction contractor.

No construction activity shall begin at the project site until the CEC CPM has notified SCC, in writing, that the report is satisfactory.

Verification: Within 15 working days after receiving the report, the CEC CPM will review the preconstruction survey report to determine if preconstruction mitigation requirements have been met and notify SCC of the results.

If the report is satisfactory, the CEC CPM will notify SCC that this condition has been met and construction may begin.

If the report is not satisfactory, the CEC CPM will provide SCC with written questions and allow SCC five working days to respond. In the event that the CEC CPM finds that the report as submitted is substantially incomplete, the CEC CPM may require SCC to revise and resubmit the report.

5-12 Kit fox use of dens in the project area shall be evaluated during the preconstruction surveys by the designated biologist or other qualified biologist approved by the CEC CPM. Kit fox dens shall be classified according to the following USFWS definitions.

- o Known Den: Any existing natural den or man-made structure for which conclusive evidence or strong circumstantial evidence can be shown that the den is used or has been used at any time in the past by San Joaquin kit fox.
- o Potential Den: Any natural den or burrow within the species range that has entrances of appropriate dimensions to accommodate San Joaquin kit foxes for which, however, there is little or no evidence of kit fox use.
- o Pupping Den: Any known San Joaquin kit fox den (as defined above) used by kit foxes to whelp and/or rear their pups.
- o Atypical Den: Any known San Joaquin kit fox den that has been established in or in association with a man-made structure.

All kit fox dens in the project area shall be protected with 50-foot radius exclusion zones and avoided by construction activities. Exclusion zones shall be constructed using metal posts and cable or strengthened nylon cord. Each exclusion zone shall display a sign stating that the area contains important biological resources and listing the telephone number to call if it is necessary to conduct construction activities inside the zone. Exclusion zones shall be maintained until the pipeline construction is completed and shall only be removed under the direction of the biologist.

If destruction of a den is unavoidable, construction shall only proceed after it has been determined by the designated biologist that the den is vacant. Den closure shall proceed in accordance with procedures specified in the USFWS Standard Recommendations for the Protection of the San Joaquin kit fox. Destroyed dens shall be replaced with a pipe den. Whenever possible, the replacement pipe shall be the same as the pipe removed. For natural dens removed, the design of an artificial den shall be approved by CEC-CPM.

To determine activity status, the biologist conducting the surveys shall place a layer of dust-like or other suitable tracking material at the entrance(s) to any potential dens for five consecutive nights. The dusted areas shall be inspected for tracks on five consecutive mornings. Any suitably sized opening in or in association with man-made structures shall be examined with the aid of a high intensity portable spotlight to determine if they are occupied by kit fox. In order to minimize the disturbance of any kit fox found, the light beam shall only be held on the animal just long enough to verify presence.

The information gathered in this preconstruction effort shall be included in the report required for Condition 5-11.

Construction related activities at the site shall not begin until all dens are protected or approved for destruction by the CEC CPM.

Verification; During preconstruction surveys, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If SCC has not complied with any aspect of this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance, construction will not be allowed to commence in areas specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that coordination with other agencies will require additional time before a determination can be made.

5-13 Prior to construction, all Bakersfield cactus populations identified during BioSystem's initial and preconstruction surveys shall be protected by exclusionary zones and avoided during pipeline construction. Exclusionary zones shall be constructed as specified in Condition 5-12 and extend at least ten feet around the population.

If the cactus population is disturbed, SCC shall suspend construction activity in the area(s) subject to this restriction and notify the CEC CPM to provide resolution such as transplanting and obtain approval

before resuming construction activity in the affected area(s).

Construction related activities at the site shall not begin until all aspects of this condition are completed to the satisfaction of the CEC CPM.

Verification: During project construction, the CEC CPM or designee will determine whether or not this condition has been complied with. The determination will, as deemed necessary, be made by visiting the project site in the company of the SCC designated biologist or a biologist appointed to represent the designated biologist.

If SCC has not complied with this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance or, in the judgement of the CEC CPM, takes positive steps toward correcting the noncompliance, construction will not be allowed to proceed in areas specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

- 5-14 To the extent possible, construction activity shall be restricted to a 50-foot wide corridor inclusive of existing roads that are within 50 feet of the centerline. Surface disturbing activities shall also be minimized.

If, during construction, SCC is unable to comply with this condition, SCC shall document each instance. After completing the project, this information shall be considered in evaluating project related habitat disturbance.

Verification: During construction, the CEC CPM or designee will generally determine through visits to the project site, as deemed necessary, the extent to which SCC has restricted its construction activities to 50-foot wide corridors.

After construction, the CEC CPM will confirm whether or not SCC has given due consideration to this information in evaluating project related habitat disturbance.

- 5-15 Wherever practical, existing roads shall be used for access to construction sites.

Verification: During construction, the CEC CPM or designee will generally determine or through visits to the project site, as deemed necessary, whether or not SCC has complied with this

condition.

- 5-16 To the extent possible, SCC shall adjust the pipeline route and disturbance zone to avoid important biological resources identified during preconstruction survey(s) by the designated biologist or other qualified biologist approved by the CEC CPM.

If, during construction, SCC is unable to comply with this condition, SCC shall stop construction immediately at any location(s) where this inability to comply exists, notify the CEC CPM of the circumstances, identify actions taken to correct the problem, and request CEC CPM approval to restart construction activities. Construction shall not resume at the identified location(s) until approval is given by the CEC CPM or designee.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If SCC has not complied with condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance, construction will not be allowed to proceed in areas specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

- 5-17 During construction, a 20 mph speed limit shall be observed at all times in all project areas except on State and County highways and roads.

If this speed limit is not observed, SCC shall post speed limit signs along non-State or non-County roads used for construction. SCC shall submit, to the CEC CPM, the proposed design, number, and placement of signs to be posted.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If, during construction, SCC is unable to comply with this condition, SCC shall stop construction immediately at any location(s) where this inability to comply exists, notify the CEC CPM of the circumstances, identify actions taken to correct the problem, and request CEC CPM approval to restart construction activities. Construction shall not resume at the identified location(s) until approval is given by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

5-18 If construction staging areas are necessary, SCC shall, to the extent possible, locate them in previously disturbed areas. The designated biologist or other qualified biologist approved by the CEC CPM shall survey staging areas for important biological resources. The location and configuration of staging areas shall be adjusted to avoid impacts to important biological resources and the boundaries shall be clearly marked for construction personnel.

In configuring a staging area, any provision made for protecting against the threat of wild fire shall be inside rather than outside the boundary of the staging area. This pertains to the use of fire breaks or vegetation clearing.

SCC shall provide advance written notice including site preparation details to the CEC CPM, for any necessary staging area, and request approval to proceed at least seven working days before site preparation for any proposed staging area(s) is scheduled to begin. In case a proposed staging area requires no site preparation, SCC shall notify the CEC CPM, provide staging area details, and request approval to proceed at least five working days before placing material within the staging area.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If site preparation is necessary for a proposed staging area, the CEC CPM will examine SCC's request for approval, determine its acceptability, and notify SCC of its determination within five working days after receipt. The amount of area disturbed will be incorporated into the final habitat compensation requirement described in Condition 5-8.

If site preparation is not necessary for a proposed staging area, the CEC CPM will examine SCC's request for approval, determine its acceptability, and notify SCC of its determination within three working days after receipt.

5-19 Construction shall take place from no earlier than one hour after sunrise to no later than one hour before sunset. Construction shall also begin at the easternmost section of the pipeline route. To the extent possible, construction shall occur in one mile segments to minimize the length of time displacement and/or disruption occurs to or around kit fox dens. All dens that were eliminated in accordance with Condition 5-12 shall be promptly replaced in a manner that

reduces the number of dens subject to disturbance at any given time during construction activities.

If, during construction, SCC is unable to comply with this condition, SCC shall stop construction immediately at any location(s) where this inability to comply exists, notify the CEC CPM of the circumstances, identify actions taken to correct the problem, and request CEC CPM approval restart construction activities. Construction shall not resume at the identified location(s) until approval is given by the CEC CPM or designee.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If SCC has not complied with this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance, construction will not be allowed to proceed in areas specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

5-20 Provisions for animals to escape, i.e., ramps or earth fill, shall be provided in all open segments of the pipeline trench. The designated biologist or other qualified biologist approved by the CEC CPM shall inspect open trenches for entrapped animals immediately before backfilling.

If, during construction, SCC is unable to comply with this condition, SCC shall stop construction immediately at any location(s) where this inability to comply exists, notify the CEC CPM of the circumstances, identify actions taken to correct the problem, and request CEC CPM approval to restart construction activities. Construction shall not resume at the identified location(s) until approval is given by the CEC CPM or designee.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If SCC has not complied with any aspect of this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance or, in the judgement of the CEC CPM, takes positive steps toward correcting the noncompliance, construction will not be allowed to proceed in areas specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

5-21 Open ends of welded pipe sections shall be covered at the close of each day to prevent wildlife from entering.

During construction, SCC shall inspect the pipes at the close of each day to insure that pipe ends have been covered.

If, during construction, SCC is unable to comply with this condition, SCC shall stop construction immediately at any location(s) where this inability to comply exists, notify the CEC CPM of the circumstances, identify actions taken to correct the problem, and request CEC CPM approval to restart construction activities. Construction shall not resume at the identified location(s) until approval is given by the CEC CPM or designee.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If SCC has not complied with this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance or, in the judgement of the CEC CPM, takes positive steps toward correcting the noncompliance, construction will not be allowed to proceed in areas specifically identified by the CEC CPM or designee.

5-22 Where welding activities are to take place, the adjacent area shall be protected from potential wild fire ignition through means other than fire breaks or vegetation clearing.

If unable to comply with this requirement, SCC shall suspend construction activity in the area(s) where the difficulty occurs and notify the CEC CPM to resolve the problem and obtain approval before resuming construction activity.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If SCC has not complied with this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance or, in the judgement of the CEC CPM, takes positive steps toward correcting the noncompliance, construction will not be allowed to proceed in areas specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

- 5-23 SCC shall collect all food related trash daily and remove it from construction sites so it will be unavailable to scavenging animals overnight. Construction personnel shall be advised to dispose of these materials properly.

If, during construction, SCC is unable to comply with this condition, SCC shall stop construction immediately at any location(s) where this inability to comply exists, notify the CEC CPM of the circumstances, identify actions taken to correct the problem, and request CEC CPM approval to restart construction activities. Construction shall not resume at the identified location(s) until approval is given by the CEC CPM or designee.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If SCC has not complied with this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance or, in the judgement of the CEC CPM, takes positive steps toward correcting the noncompliance, construction will not be allowed to proceed in areas specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

- 5-24 Areas disturbed by pipeline construction shall be recontoured to approximate preconstruction contours except where engineered slopes are required to minimize sloughing of fill on steep slopes.

Verification: After recontouring actions have been completed, the CEC CPM or designee will determine via telephone or through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

- 5-25 As construction is completed on the pipeline, a qualified biologist acceptable to CEC staff shall survey the route and quantify the amount and type of disturbance for purposes of revegetation efforts described below and use in calculating habitat compensation required in Condition 5-8.

Areas disturbed by pipeline construction shall be treated to achieve revegetation during the Winter of 1991-1992 or as soon as possible after construction as agreed to by SCC and the CEC CPM. The qualified biologist shall develop revegetation prescriptions for individual areas based on species composition of adjacent similar habitat, placing emphasis on native plant species and the sensitive plant species that occurred along the pipeline route prior to construction. The revegetation prescriptions shall be submitted to CEC staff for review and approval at least 30 days prior to the scheduled start date of revegetation. Revegetation shall not commence without CEC CPM concurrence on the scheduled start date and seed mix selections.

Revegetation success shall be evaluated during annual spring survey(s). Revegetation will be considered successful if 95% of normal coverage characteristic for annual plants of adjacent habitat and 50% survival of perennial shrubs is achieved at the end of two growing seasons, given average rainfall during the preceding two years.

Remedial revegetation prescriptions shall be prepared for any areas where revegetation has been determined unsuccessful by the CEC CPM. The remedial revegetation prescription shall be prepared for CEC CPM review and approval and submitted within 20 working days of the determination made by the CEC CPM.

Verification: The CEC CPM or designee will determine through visits to the project site in the company of the designated biologist or a biologist appointed to represent the designated biologist, whether or not SCC has complied with this condition.

If this condition is not complied with, the CEC CPM will notify SCC within three working days of making this determination. SCC will correct the noncompliance through remedial revegetation efforts.

5-26 SCC will establish a monitoring program for recording and reporting on kit fox use of replacement dens, if used, and success of the revegetation program.

Verification: At least 30 days prior to construction, SCC shall provide a report outlining the monitoring program to the CEC CPM. Within 15 working days after receiving the report, the CEC CPM or designee shall review the report to determine if the program is acceptable.

If the monitoring program is satisfactory, the CEC CPM will notify SCC that this condition has been met and construction may begin.

If the monitoring program is not satisfactory, the CEC CPM will provide SCC with written questions and allow SCC five days to respond. In the event that the CEC CPM finds that the report as

submitted is substantially incomplete, the CEC CPM may require SCC to revise and resubmit the report.

5-27 SCC and the construction contractor shall, on the advice of the designated biologist or other qualified biologist approved by the CEC CPM, minimize disturbance to important species and their habitat to the extent practicable by making every reasonable effort to do so. Reasonable efforts include, but are not limited to, minor pipeline rerouting and minimizing the width of construction disturbance.

If after the biologist makes a recommendation, and the contractor does not alter or stop construction as appropriate, the biologist shall immediately refer the matter to SCC for resolution.

The biologist shall document, in writing, any instance where he/she makes a recommendation to minimize disturbance to important species and their habitat(s) and that recommendation is not implemented by SCC or its contractor, and the biologist believes that probable harm will occur as a result. The biologist shall provide a written report to SCC within 24 hours. Written documentation of such incidents shall include the time and date, the specific location of the incident, and a brief description of the occurrence. SCC shall, upon referral of an incident by the biologist, immediately notify the CEC CPM and within a time period specified by the CEC CPM provide a written report of this incident, including a description of any measures taken to avoid or reduce potential impact to sensitive species and/or their habitat(s).

If for any reason SCC is unable to implement measures based on advice of the biologist or other wise to comply with this condition, SCC shall immediately stop work at the location and notify the CEC CPM of the circumstances and identify actions taken to correct the problem. At any location where construction has been halted, construction shall not resume at the identified location(s) until approval is given by the CEC CPM or designee.

Verification: During construction, the CEC CPM or designee will determine through visits to the project site, as deemed necessary, whether or not SCC has complied with this condition.

If this condition is not complied with, the CEC CPM will contact SCC and notify them that the problem must be resolved. Until the CEC CPM is able to discuss and resolve the noncompliance with SCC, construction will not be allowed to continue at the location of the problem.

Noncompliance resolution will be conducted in consultation with the CDFG, USFWS, and as deemed appropriate by the CEC CPM.

5-28 The endangered species educational video that was prepared for construction worker education for the cogeneration plant shall be used to educate pipeline construction workers on the need to avoid

important biological resources. All workers, before they are allowed to begin work on the pipeline, shall be required to view the video. They shall sign a written statement indicating that they understand the information presented on the video tape and that they agree to comply with all the measures designed for protection of important wildlife and biological resources along the pipeline facility so long as they are employed on the project. These measures include those recommended in the field by the designated biologist or other qualified biologist approved by the CEC CPM.

SCC shall maintain the construction workers' signed statements for CEC CPM inspection at SCC construction headquarters or any other location agreed to by SCC and CEC CPM. The statements shall be maintained for not less than three years after construction on the pipeline is completed.

All pipeline construction personnel shall be informed that no construction activity, including vehicle movement, is to take place inside important biological resource exclusion zones or outside designated construction areas without consulting with the biologist. If activity inside an exclusion zone cannot be avoided, then the CEC CPM shall be contacted and consulted with prior to the proposed activity.

During the construction phase, construction related activities at the site shall not proceed unless SCC complies with all aspects of this condition to the satisfaction of the CEC CPM.

Verification: At his/her discretion the CEC CPM or designee will visit SCC and view the video tape and inspect the workers' signed statements.

If SCC has not complied with any aspect of this condition, the CEC CPM will notify SCC within three working days of making this determination. Until SCC corrects the noncompliance or, in the judgement of the CEC CPM, takes positive steps toward correcting the noncompliance, construction will not be allowed to proceed in areas specifically identified by the CEC CPM or designee.

For any necessary corrective action taken by SCC, a determination of success or failure of such action will be made by the CEC CPM within five working days after receipt of notice that corrective action is completed, or SCC will be notified by the CEC CPM that coordination with other agencies will require additional time before a determination can be made.

5-29 SCC shall report to the CEC CPM all San Joaquin kit fox, blunt-nosed leopard lizard mortalities observed by SCC or their contractors within 250 feet of the pipeline centerline, roads, staging areas or other such facilities which receive use in relation to construction activities and during maintenance activities associated with operation.

SCC shall notify the CDFG, USFWS and request instructions for deposition of the carcass and inform CEC CPM or designee within 48 hours of a mortality sighting. SCC shall also prepare a written statement which describes the location, date, and time the carcass was found, the circumstances which may have caused the mortality, and when applicable, any necropsy findings.

Verification: SCC shall comply with this condition throughout the life of the project. If SCC has not complied with this condition, the CEC CPM or designee will notify SCC, CDFG, and USFWS within five days of making this determination.

5-30 SCC shall notify the CEC CPM prior to any increase of gas usage that is above the capacity(220 MM SCFD) at design pressure(930 psig) on the permitted supply lines and that is not replacement for gas used in existing permitted facilities, or prior to the start of any gas pipeline construction.

Verification: SCC will notify the CEC CPM at least 60 days prior to the proposed change. The CEC CPM will determine if the Commission has jurisdiction over such action under the existing decision including its amendments and advise SCC accordingly and determine if additional biological resource impacts need to be addressed.

5-31 No terms of any construction contract or right-of-way agreement that SCC enters into for constructing or operating the Sycamore/Mojave gas pipeline shall preclude SCC from complying with any biological resources condition of approval.

Verification: The CEC CPM will not accept as valid, any claims by SCC that noncompliance of any biological resources condition of approval is due to contractual or right-of-way agreement. The CEC CPM will pursue means to bring SCC into compliance.

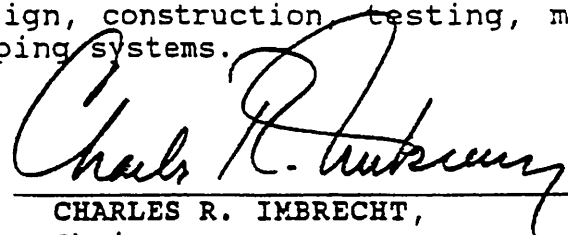
ENGINEERING:

Appendix A

Applicable Laws, Ordinances, Regulations, Standards, Plans & Policies
- Civil Engineering

California Public Utilities Commission General Order No. 112-D -
Rules governing the design, construction, testing, maintenance
and operation of gas piping systems.

Date: November 20, 1991



CHARLES R. IMBRECHT,
Chairman