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Coastal Commission staff comments on Biological Resources Survey Methodology

Additional submitted attachment is included below.

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April 7, 2017

Janea Scott
Commissioner and Presiding Member
Puente Power Project AFC Committee
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Subject: **Coastal Commission Staff Comments on Applicant's *Biological Resources Survey Methodology***

Dear Ms. Scott,

California Coastal Commission ("Commission") staff has reviewed the above-referenced *Biological Resources Survey Methodology* (dated March 27, 2017), prepared by AECOM Technical Services, Inc., and submitted on behalf of NRG Energy Center Oxnard LLC ("Applicant") in response to the March 10, 2017 "Committee Orders for Additional Evidence and Briefing Following Evidentiary Hearings" ("Committee Order"). The Committee Order directs the Applicant to file a survey plan for party and public comment and invite and allow for the participation of the California Energy Commission staff, the California Coastal Commission staff, and the California Department of Fish and Wildlife staff in the design and conduct of additional focused biological surveys to determine the likelihood of the presence of certain rare and sensitive species on the proposed project site.

As a general matter, Coastal Commission staff believes that the additional focused surveys required by the Committee Order will provide a more complete review of the biological resources existing on-site and of the potential for adverse impacts to rare and sensitive species from the proposed project. The specific comments provided below are intended to improve the utility of the surveys in determining the presence or absence of the targeted species on the Mandalay Generating Station ("MGS") site, including both the proposed project location and the on-site alternative footprints discussed in the Final Staff Assessment ("FSA").

<u>Expanded Survey Area</u>
The biological survey area ("BSA") should be expanded beyond the proposed project footprint to include the following additional areas: (a) both of the on-site "Site Reconfiguration" alternative project footprints identified in the FSA; (b) any habitat areas within the MGS property boundary adjacent to the proposed and alternative site footprints; and (c) any habitat areas outside the MGS property boundary within 100 feet of the proposed and alternative site footprints with potential to support the target species. In particular, the dunes and vegetated areas to the west and

north of the proposed project site should be included in the BSA, as these areas could represent "source areas" for sensitive wildlife species venturing onto the project site. Surveys for all species should be conducted within the expanded BSA. General area surveys should be conducted to include the full area, while surveys for species with specific habitat requirements need only be conducted where the respective habitat types occur.

Globose Dune Beetle & Reptile Surveys

The timing, frequency and methodology of the proposed surveys may need to be modified or adjusted in order to maximize the chances of detecting globose dune beetles and sensitive reptile species (California legless lizard, two-striped garter snake, Blainville's horned lizard) within the BSA. The timing and scheduling of the surveys should take into account the temperature and insolation conditions under which the target species are likely to be active and can be found above ground. Surveys should only be conducted if weather and light conditions on the chosen survey date are suitable for these species, and should be rescheduled in the event of unfavorable weather conditions that would reduce the likelihood of detection.

In order to improve the likelihood of detecting targeted globose dune beetles and reptile species, we recommend the following survey frequencies and durations:

- *Globose Dune Beetle*: One daytime survey and one nighttime survey each week for a minimum of four weeks; if beetles are observed during the day or night before completing all surveys, additional surveys are not necessary.
- *Two-Striped Garter Snake* and *Blainville's Horned Lizard*: Visual and coverboard surveys once a week for a minimum of four weeks. If/when a species is observed, additional surveys are not necessary.
- *California Legless Lizard*: Visual, coverboard, and raking surveys once a week for a minimum of four weeks. If/when a lizard is observed, additional surveys are not necessary.

California legless lizards are fossorial, and are rarely sited above ground in the daytime. Surveys for this species will likely need to employ raking procedures in addition to visual surveys and use of coverboards. Raking should only occur in habitat likely to support legless lizards in order to minimize adverse habitat impacts. Raking clearly involves disrupting legless lizard habitat and should be done cautiously by a qualified biologist who has field experience with legless lizards.

Avian Surveys

In general, mating and nesting activities occur from January 1 through August 31 in the Ventura County area. General nesting surveys for Western Snowy Plover, California Least Tern, Least Bell's Vireo, White Tailed Kite, Northern Harrier, California Black Rail, and Burrowing Owl are scheduled to occur once per week in April. To maximize the chances of detecting active nests for any of the above species, a minimum of five general nesting surveys, one week apart, should be conducted.

It is possible that burrowing owls use the area to over-winter and nest elsewhere. Over-wintering typically occurs sometime from December through March. Surveys for over-wintering burrowing owls should be conducted in the BSA winter 2017-2018.

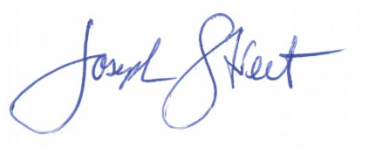
Botanical Surveys

With the significant rainfall during the winter and spring of 2016 – 2017, the spring of 2017 should be a good representative year for rare plant surveys. Reference population surveys are important for getting a search image of the respective rare plant species and should be conducted prior to performing the actual rare plant surveys in the BSA. A minimum of four surveys, scheduled one week apart, should be conducted for each respective rare plant species. If/when a rare plant is observed, additional surveys for the respective rare plant are not necessary.

Additionally, as a general matter, the biologists performing surveys for state- and federally-listed endangered and threatened species, in particular those surveys with the potential to result in "take" of these species, must have all required authorizations and permits from the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service.

Thank you for the opportunity to comment on the proposed *Biological Resources Survey Methodology*. Please do not hesitate to contact us at (415) 904-5249 should you have questions regarding these comments. You may also contact us at the e-mail addresses listed below.

Sincerely,



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cc: Carol Watson, CEC staff