

DOCKETED

Docket Number:	16-AFC-01
Project Title:	Stanton Energy Reliability Center
TN #:	222137
Document Title:	Report of Conversation Inquiry Re Nesting Bird Mitigation for the Stanton Energy Reliability Center
Description:	Conversation between Ann Crisp of the CEC and Tom Dietsch and Christine Medak of the U.S. Fish and Wildlife Service
Filer:	Marichka Haws
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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CALIFORNIA ENERGY COMMISSION

REPORT OF CONVERSATION

Siting, Transmission
and Environmental
Protection Division



FILE:

PROJECT TITLE: Stanton Energy Reliability Center

Docket: 16-AFC-01

TECHNICAL AREA(S): Biological Resources

Email

Meeting Location:

NAME: Ann Crisp

DATE: 8/9-22/2017

TIME: varies

WITH: Tom Dietsch and Christine Medak

SUBJECT: Inquiry Re:Nesting Bird Mitigation for the Stanton Energy Reliability Center

COMMENTS: Staff prepared this report of conversation (ROC) to document correspondence between the staff and U.S. Fish and Wildlife Service (USFWS) representatives, Tom Dietsch and Christine Medak, regarding nesting birds protected under the Migratory Bird Treaty Act (MBTA).

On August 7, 2017, Energy Commission Biological Resources staff requested confirmation via email that the applicant's proposed mitigation measure, which states "nests may be relocated, or young birds may be rehabilitated and released under the guidance of CDFW, as necessary, to avoid project delays attributable to the presence of active bird nests", would be a violation of the MBTA.

On August 7, 2017, Christine Medak replied via email that she believed staff was correct that movement of active nests would be considered take under the MBTA, but she cc'd the USFWS MBTA coordinator in case he had anything to add.

On August 8, 2017, Thomas Dietsch replied via email that the movement of occupied nests (with eggs and/or young) would be a violation of MBTA and could only be done with a permit. Permits can be issued, but this is usually only done in cases of health and human safety. This would not normally be done to avoid delays in construction. Depending on the scale of the project, USFWS could work with the applicant to develop a Nesting Bird Management Plan.

On August 17, 2017 staff replied that they did not believe the scale of the project warranted development of a Nesting Bird Management Plan and concluded, with a condition of certification that requires adequate nesting bird surveys, monitoring, and appropriate buffers, the applicant would be able to achieve compliance with the MBTA.

On August 22, 2017, Thomas Dietsch replied that he agreed that the scale of the project is small. He was fine with appropriate reasonable measures to address the nesting bird issue. Please include the USFWS in any reporting requirements included in the conditions of certification.

cc:

Date:
1-3-18

Signed:

Name Ann Crisp