

CALIFORNIA ENERGY COMMISSION
REPORT OF CONVERSATION Page 1 of 1



**Energy Facilities Siting and
Environmental Protection
Division**

FILE: 08-AFC-04

PROJECT TITLE: Orange Grove

Date: Nov 26, 2008	Time: 10:00	Conference Call
Participants: Tom Duffy (San Diego County Department of Public Works); Dave Lawhead (California Department of Fish and Game); Michelle Moreno (U.S. Fish and Wildlife Service); Susan Sanders and Jared Babula (California Energy Commission)		
SUBJECT: Modification to BIO-7 –COC to Avoid Impacts to Nesting Riparian Birds		

The purpose of the call was to ask for concurrence from USFWS and CDFG for a measure that would allow construction activities less than 300 feet from the active nest of least Bell's vireo and other special status riparian nesting birds.

Based on review of the applicant's submittal (a 13-page letter with attachments addressed to Felicia Miller dated November 25, 2008, titled: *Proposed Modification to Condition of Certification BIO-7*, signed by Elisha Back, Principal, TRC, Irvine Natural Resources and Permitting). This document provided details on a visual/sound barrier that would be erected at the project site to separate the boring pit and construction activities from the active nest site of least Bell's vireo. The document also described how this measure would achieve sound reduction to 60dB or less, and offered revised language to BIO-7 from the Biological Resources Section of the Staff Analysis.

Mr. Lawhead and Ms. Moreno confirmed that the measures described in the revised BIO-7 from the November 25, 2008 letter would avoid impacts to nesting least Bell's vireo. Ms. Moreno wanted additional assurances that some action would be taken if the noise at the nest site exceeded 60dB. I said I would draft some language and send that to her for review.

DOCKET	
08-AFC-4	
DATE	<u>NOV 26 2008</u>
RECD.	<u>DEC 08 2008</u>

cc: Rick York, CEC Siting Division Felicia Miller, CEC Siting PM	Prepared by: Susan Sanders
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