

**DOCKETED**

<b>Docket Number:</b>	09-AFC-04C
<b>Project Title:</b>	Oakley Genrating Station COMPLIANCE
<b>TN #:</b>	224307
<b>Document Title:</b>	BIO-6 Biological Resources Construction Completion Report
<b>Description:</b>	BIO-6: Biological Resources Construction Completion Report prepared Contra Costa Generating Station (CCGS), the owner of Oakley Generating Station (OGS) to ensure final compliance with the Condition of Certification BIO-6 in the Commission Decision. This report is submitted in conjunction with the Facility Closure Plan filed with the California Energy Commission in July 2018.
<b>Filer:</b>	Anwar Ali
<b>Organization:</b>	CCGS LLC
<b>Submitter Role:</b>	Applicant
<b>Submission Date:</b>	7/26/2018 1:20:43 PM
<b>Docketed Date:</b>	7/26/2018

*BIO-6*

# Biological Resources Construction Completion Report

for the

## Oakley Generating Station

Oakley, California

(09-AFC-04C)

Submitted to:

California Energy Commission

Submitted by:



July 2018

With Technical Assistance by:

**JACOBS®**

2485 Natomas Park Drive

Suite 600

Sacramento, CA 95833

# Contents

<b>Section</b>	<b>Page</b>
Acronyms and Abbreviations.....	<b>iv</b>
1.0 Introduction .....	<b>1-1</b>
1.1 Biological Resources Construction Completion Report.....	1-1
1.2 Project Background.....	1-1
2.0 Compliance with Conditions of Certification.....	<b>2-1</b>
3.0 References .....	<b>3-1</b>

## **Figures**

- 1-1 Project Location
- 1-2 Project Features

## **Tables**

- 1 Compliance with the Biological Resources Conditions of Certification

# Acronyms and Abbreviations

AFC	Application for Certification
BRMIMP	Biological Resources Mitigation Implementation and Monitoring Plan
DB	Designated Biologist
CCGS LLC	Contra Costa Generating Station LLC
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
COC	Condition of Certification
CPM	Compliance Project Manager
DB	Designated Biologist
ECCCHCP/NCCP	East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan
LORS	laws, ordinances, regulations, and standards
MW	megawatts
OGS	Oakley Generating Station
PG&E	Pacific Gas and Electric Company
USFWS	United States Fish and Wildlife Service
WEAP	Worker Environmental Awareness Training

# Introduction

## 1.1 Biological Resources Construction Completion Report

Contra Costa Generating, LLC (CCGS LLC) has submitted a Closure Plan to the California Energy Commission (CEC) for the Oakley Generating Station (OGS) (09-AFC-4C), a proposed natural gas-fired, combined-cycle power plant located in Oakley, Contra Costa County, California, and plans to request termination of the OGS's CEC license. The Closure Plan was prepared in accordance with Condition of Certification (COC) CLOSURE-11 as found in the Commission Final Decision for OGS (CEC 2011, Docket No. 09-AFC-4, Order No. 11-0518-15). One of the requirements of CLOSURE-11 is to:

Address conformance of the plan with all applicable laws, ordinances, regulations standards, local/regional plans in existence at the time of facility closure, and applicable Conditions of Certification.

In addition, Biological Resources condition BIO-6, which requires the development of a Biological Resources Mitigation Implementation and Monitoring Plan, requires the following (verification):

Within 30 days after completion of project construction, the project owner shall provide to the CPM, for review and approval a written construction completion report identifying which items of the BRMIMP have been completed, a summary of all modifications to mitigation measures made during the project's site mobilization, ground disturbance, grading, and construction phases, and which mitigation and monitoring items are still outstanding. Additional copies shall be provided to the East Contra Costa County Habitat Conservancy, CDFG (*note: now CDFW*), and USFWS.

This Biological Resources Construction Completion Report was prepared to ensure final compliance with COC BIO-6, even though project construction was not completed. To comply with COC COMPLIANCE-11, CCGS has also prepared a Closure Plan for the OGS (CCGS 2018) and has submitted this plan to the CEC Compliance Project Manager (CPM).

## 1.2 Project Background

On May 18, 2011, the California Energy Commission (CEC) approved and licensed the OGS, an electrical generating facility rated for a gross nominal generating capacity of 624 megawatts (MW). The facility site is at 5550 Bridgehead Road in Oakley, on a 21.95-acre parcel that was formerly part of a larger 210-acre parcel owned by the Chemours Company (Chemours) at 6000 Bridgehead Road. The project site is located at the western city limits of the City of Oakley, adjacent to the eastern city limits of the City of Antioch in Contra Costa County (Figure 1-1).





The facility is designed to tie into the regional electrical grid at Pacific Gas and Electric Company's (PG&E's) Contra Costa Substation in Antioch, California. Power will be transmitted to the grid through a 230-kV generation tie-line connecting to the substation, located 2.4 miles to the southwest of the OGS. The project will replace the existing 60-kV line, located within an existing 80-foot-wide PG&E easement, with a 230-kV line.

Construction of the project started on June 10, 2011. Initial efforts included installation of a small concrete foundation for the emergency diesel generator, clearing and grading of the power block area, creation of drainage facilities (grassy swales) around the power block perimeter, installation of a construction power pole, and creation of a storm water detention pond. Fill removed from the power block area was transferred to temporary storage piles within the Chemours (formerly DuPont) property. By agreement with Chemours, the remaining soil stockpile will be transferred to Chemours for use in the remediation of

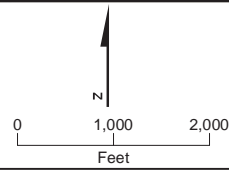
the former DuPont industrial property and its re-development activities (Figure 1-2). Project construction was suspended in September 2011. No additional site- or project-related features were constructed.



**LEGEND**

-  EXISTING 60kV TRANSMISSION LINE
-  DIRT STOCKPILE AREAS
-  LAYDOWN AREA
-  PROJECT SITE

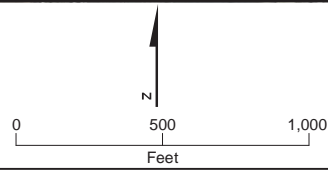
This map was compiled from various scale source data and maps and is intended for use as only an approximate representation of actual locations.



**FIGURE 1-1**  
**SITE LOCATION**  
 OAKLEY GENERATING STATION  
 OAKLEY, CALIFORNIA



This map was compiled from various scale source data and maps and is intended for use as only an approximate representation of actual locations.





# Compliance with Conditions of Certification

This Section addresses the final state of compliance with the Biological Resources Conditions of Certification, per BIO-6. The 21.95-acre project site is located within the boundary of an existing 210-acre site owned by Chemours Corporation.

Table 1 addresses the project's state of compliance at the time of closure with each of the 23 Biological Resources Conditions of Certification in the Commission Decision.

**Table 1. Compliance with the Biological Resources Conditions of Certification**

CoC	Topic/Title	Compliance at Closure
BIO-1	Designated Biologist (DB)	The DB was named in 2011 and remains as DB on the project. Compliance with this condition is complete.
BIO-2	DB Duties	The DB has performed all indicated duties for construction monitoring including monthly compliance reports (through January 2017) and including (with this report) closure. Compliance with this condition is complete.
BIO-3	Biological Monitor Qualifications	Biological monitor qualifications were presented to the CPM before initial construction in June 2011 and approved. Compliance with this condition is complete.
BIO-4	DB Authority	Not currently applicable, as construction was suspended in 2011.
BIO-5	Worker Environmental Awareness Program (WEAP)	The WEAP training program was completed and implemented for the 2011 construction season. Not currently applicable, as construction was suspended in 2011.
BIO-6	Biological Resources Mitigation Implementation and Monitoring Program	The BRMIMP was completed and approved by the CPM and has been implemented during the 2011 construction season and afterwards. This report complies with the Construction Closure reporting requirements of BIO-6.
BIO-7	General Impact Avoidance and Minimization Measures	The impact avoidance and minimization measures were implemented during the 2011 construction season, as documented in the Monthly Compliance Reports. General impact measures remain in place. Compliance with this condition is complete.
BIO-8	Protected Trees Mitigation	CCGS documented final compliance with BIO-8 and City of Oakley Tree Removal Permit 11-01 to the CPM in a letter dated June 21, 2017. Documentation included a letter from the City of Oakley approving the planting of 18 trees to replace and mitigate for the removal of 6 trees protected under the City's tree ordinance. Compliance with this condition is complete. A copy of this letter is attached to the OGS Closure Plan submitted to the CEC in June 2018.
BIO-9	Nesting Migratory Birds	Mitigation measures including pre-disturbance surveys, worker participation in the WEAP program and weekly/daily site visits during construction activities by the Designated Biologist ensured that OGS project is in compliance with BIO-9 at the time of closure.
BIO-10	Bat Species Impact and Avoidance	Minimization measures included pre-construction and pre-disturbance surveys prior to the removal of all trees and any new work in close proximity to trees or other bat holding structures. In addition, worker participation in the WEAP program and weekly/daily site visits during construction activities by the

**Table 1. Compliance with the Biological Resources Conditions of Certification**

CoC	Topic/Title	Compliance at Closure
		Designated Biologist ensured that the OGS project is in compliance with BIO-10 at the time of closure. No bats were observed during construction or maintenance of the OGS project site.
BIO-11	Swainson's hawk	Mitigation measures including pre-disturbance surveys, worker participation in the WEAP program, and weekly/daily site visits during construction activities by the Designated Biologist ensured that the OGS project is in compliance with BIO-11 at the time of closure. Pre-disturbance surveys were conducted prior to any site disturbance. Swainson's hawks were observed nesting around the Chemours (formerly DuPont) property but not on the OGS site.
BIO-12	Burrowing owl	Mitigation measures including pre-disturbance surveys, worker participation in the WEAP program, and weekly/daily site visits during construction activities by the Designated Biologist ensured that the OGS project is in compliance with BIO-12 at the time of closure. No burrowing owls were observed during construction or maintenance of the OGS project site.
BIO-13	American Badger	Impact avoidance and minimization measures such as pre-disturbance surveys, worker participation in the WEAP program, and weekly/daily site visits during construction activities by the Designated Biologist ensured that the OGS project is in compliance with BIO-13 at the time of closure. No American badgers were observed during construction or maintenance of the OGS project site.
BIO-14	San Joaquin Kit Fox	Avoidance and minimizations measures such as pre-disturbance surveys, worker participation in the WEAP program, and weekly/daily site visits during construction activities by the Designated Biologist ensured that the OGS project is in compliance with BIO-14 at the time of closure. No San Joaquin kit foxes were observed during construction or maintenance of the OGS project site.
BIO-15	Western Pond Turtle	Impact and avoidance measures such as pre-disturbance surveys, worker participation in the WEAP program, and weekly/daily site visits during construction activities by the Designated Biologist ensured that the OGS project is in compliance with BIO-15 at the time of closure. No western pond turtles were observed during construction or maintenance of the OGS project site.
BIO-16	Giant Garter Snake	Impact and avoidance measures such as pre-disturbance surveys, worker participation in the WEAP program, and weekly/daily site visits during construction activities by the Designated Biologist ensured that the OGS project is in compliance with BIO-16 at the time of closure. No giant garter snakes were observed during construction or maintenance of the OGS project site.
BIO-17	California Tiger Salamander	Impact and avoidance measures such as pre-disturbance surveys, worker participation in the WEAP program, and weekly/daily site visits during construction activities by the Designated Biologist ensured that the OGS project is in compliance with BIO-17 at the time of closure. No California tiger salamanders were observed during construction or maintenance of the OGS project site.
BIO-18	California Red-legged Frog	Impact and avoidance measures such as pre-disturbance surveys, worker participation in the WEAP program, and weekly/daily site visits during construction activities by the Designated Biologist ensured that the OGS project is in compliance with BIO-18 at the time of closure. No California red-legged frogs were observed during construction or maintenance of the OGS project site.

**Table 1. Compliance with the Biological Resources Conditions of Certification**

CoC	Topic/Title	Compliance at Closure
BIO-19	Wetland E Monitoring and Adaptive Management Plan	<p>Monitoring of rainfall and water levels in Wetland E for five years (BIO-19, SOIL&amp;WATER-6) demonstrated that this feature continued to function properly as a wetland and that project construction did not adversely affect it. Successful completion of the monitoring was documented in the Monthly Compliance Report for Wetland E for November 2015, as follows:</p> <p>The monitoring has demonstrated that the initial construction activities on the OGS site that took place in 2011 have not altered the local drainage system in a way that could adversely affect the wetland. It is therefore not necessary to continue interim construction monitoring of the wetland, as construction is suspended and CCGS has far exceeded the requirements of pre-construction monitoring set forth in the project's CEC license. The monitoring conducted to date has demonstrated that the construction that took place did not affect the wetland.</p> <p>The conservation easement agreement between DuPont Corporation and its successor, Chemours, Inc., will remain in place. Chemours has agreed to accept the OGS property as is.</p> <p>Compliance with BIO-19 is complete at the time of closure.</p>
BIO-20	Antioch Dunes National Wildlife Refuge Funding	The requirement for annual payments to the Antioch Dunes National Wildlife Refuge to mitigate the impacts of nitrogen deposition on the Lange's metalmark butterfly is contingent on project operation and completion. As the project was not completed and will not operate, compliance is complete.
BIO-21	East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan (ECCCHCP/NCCP) Mitigation Fees	The project owner was required to make a one-time payment to the East Contra Costa County Conservancy to compensate for temporary and permanent impacts of the project on wildlife habitat. This payment was required to be made 30 days before construction mobilization and was made. Compliance with this condition is complete.
BIO-22	ECCCHCP/NCP Certificate of Inclusion	The project owner was required obtain a certificate of inclusion in the ECCCHCP/NCCP from the East Contra Costa County Conservancy. CCGS obtained the certificate and submitted it to the CEC within 30 days before construction mobilization as required by BIO-22. Compliance with this condition is complete.
BIO-23	US Fish and Wildlife Service Incidental Take Permit	The project owner was required to provide a copy of any Incidental Take Permit required for the project (for species not covered under the ECCCHCP/NCCP. This permit was not required. Compliance with this condition is complete.

# References

California Energy Commission (CEC). 2011. Energy Commission Decision, Application for Certification for the Oakley Generating Station Project, Docket Number 09-AFC-4. California Energy Commission, Sacramento, California. April.

Contra Costa Generating Station, LLC (CCGS, LLC). 2018. Closure Plan for the Oakley Generation Station. Submitted to the California Energy Commission in compliance with Condition of Certification CLOSURE-11. Prepared by CCGS, LLC with technical assistance by Jacobs Engineering, Inc. June 2018.