

DOCKETED

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Project Title:	Carlsbad Energy Center - Compliance
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Document Title:	Response of California Energy Commission to Mr Reg Whatley's Inquiry- Falcons on the Roof of Encina Power Station
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Filer:	Anwar Ali
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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May 29, 2020

Mr. Reg Whatley
sdtiburon@gmail.com

**CARLSBAD ENERGY CENTER PROJECT (07-AFC-06C) – NESTING
FALCONS ON THE ROOF ENCINA POWER STATION**

Dear Mr. Whatley,

My name is Anwar Ali, the California Energy Commission's (CEC) Compliance Project Manager (CPM) for the Carlsbad Energy Center Project (07-AFC-06C). Thank you for your inquiry dated April 23, 2020, regarding the nesting falcons on the roof of the Encina Power Station and the steps being taken to protect, and if necessary, relocate them.

In accordance with conditions of certification in the Commission Decision (Decision) for the Carlsbad Energy Center Project, CEC staff biologist Carol Watson reviewed the qualifications and approved the designation of an appropriately qualified biologist (Designated Biologist) to assist the project owner (NRG) with compliance with the Decision and relevant laws and regulations during construction/operation of the Carlsbad Energy Center Project, and associated demolition of the Encina Power Station. The CEC-approved Designated Biologist has taken appropriate steps to protect nesting peregrine falcons following initial observance in March, 2020 at the Encina Power Station. Specifically, the American Peregrine falcon is listed by the U.S. Fish and Wildlife as a "Bird of Conservation Concern" and by the California Department of Fish and Wildlife as a "Fully Protected species," and as such, potential project impacts were identified and appropriate avoidance and impact minimization measures were included in the Commission Decision for the project.

A buffer has been established in the vicinity of the nest as required to avoid disturbance of the adults or fledglings until they have fledged. The Designated Biologist continues to monitor the nesting activity and reports the findings to the CEC within the project Monthly Compliance Reports. Ms. Watson and I have

further discussed the buffer and work limitations with George Piantka, NRG Senior Director of Regulatory Environmental Services, to both confirm our mutual understanding of the buffer limitations and proper implementation of avoidance techniques and monitoring. All precautions have been taken as appropriate.

Regarding your suggestion to relocate the falcons, CEC staff would like to inform you that the relocation is a drastic, and last-effort attempt to save a nest in peril, either from anthropogenic or biological threats such as predators. As this nest is already buffered, and regular work on the site is currently curtailed due to the pandemic, no anthropogenic effects would affect the nest. The parents of the chicks are still active, and no predation attempts have been noted; therefore, relocation is not currently considered a reasonable measure.

You have also suggested making the nest available to view with a "Live Cam" so that more than just a curious eye might view, but also a protective study of the wellbeing of all the raptors so both science and public can view their progress. This is inadvisable, as disruption of the fledglings at this point by camera installation would be intrusive and startling to both parents and chicks; nor was it analyzed or included within the Commission Decision for the project as a "monitoring technique" or other beneficial purpose, nor would it serve the falcons in any way.

NRG's actions to protect the nesting falcons are in compliance with all relevant conditions of certification in the Commission Decision: Designated Biologist Selection (**BIO-1**), Designated Biologist Duties (**BIO-2**), Designated Biologist and Biological Monitor Authority (**BIO-4**), Worker Environmental Awareness Program (**BIO-5**), Biological Resources Implementation and Monitoring Program (**BIO-6**), Impact Avoidance Mitigation Features (**BIO-7**), and Mitigation Management to Avoid Harassment and Harm (**BIO-8**).

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If you have any questions or concerns, please contact me at (916) 654-5020, or via e-mail at anwar.ali@energy.ca.gov.

Sincerely,

Anwar Ali

Anwar Ali, Ph.D.
Compliance Project Manager
Siting, Transmission, and Environmental
Protection Division