

DOCKETED

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OTAY MESA ENERGY CENTER (99-AFC-5C) PETITION FOR PROJECT MODIFICATION: OMEC NATURAL GAS PIPELINE RELOCATION DATA REQUESTS SET 1

Technical Area: Biological Resources

Author: Ann Crisp

BACKGROUND

Calpine (project owner) is proposing to install approximately 1,700 feet of 24-inch gas pipeline, designed and built to the same standards and specifications as the existing line, within a new 50-foot-wide easement. The relocation is necessary to accommodate an extension of State Route 11 (SR-11) and the new Otay Mesa East Land Port of Entry (Otay Mesa East LPOE) at the border of the United States and Mexico planned by the California Department of Transportation (Caltrans), United States Department of Transportation Federal Highway Transportation Administration (FHWA), and federal General Services Administration (GSA). Caltrans and FHWA have requested that the project owner relocate the pipeline out of the LPOE footprint. The new 24-inch natural gas line would be located within a 20-foot-wide permanent easement provided by Caltrans and dedicated to the project owner. An additional 15-foot-wide temporary construction easement would be required on either side of the permanent easement. Disturbance would only occur related to the construction of the new section of the natural gas line and the bypassed section would be abandoned in place. No new valves or other equipment would be installed. Construction is currently planned for the Fall of 2022 and the project would be managed by the project owner and coordinated with Caltrans, FHWA, CEC, and cooperating agencies.

Construction activities would occur in biologically sensitive areas, including habitat for special-status species, and there could be impacts to special-status biological resources without implementation of impact avoidance, minimization, and mitigation measures.

DATA REQUESTS

The petition states the Biological Avoidance and Mitigation Measures (AMMs) for the Otay Mesa East LPOE/SR-11 project detailed in the EIR/EIS are consistent with conditions of certification (COC) **BIO-1** through **BIO-9** and **BIO-12** in the Commission Final Decision. Please provide the following additional information:

1. Confirm that when project owner states in the petition that the Biological AMMs for the Otay Mesa East LPOE/SR-11 project are detailed in the EIR/EIS, the reference is to the avoidance and minimization requirements discussed in Chapter 3.19 and listed in Appendix N of the SR-11/Otay Mesa East LPOE Tier II EIR/EIS.
2. Provide clarification on how the project owner would comply with each of the COCs during implementation of the proposed activity (**BIO-1** through **BIO-9** and **BIO-12**). For each COC, list whether the project owner proposes to implement an AMM and/or a COC to achieve compliance and who would be responsible for implementation and reporting.

- a. Provide details how the project owner would be responsible for implementing each of the AMMs listed in Appendix N under Natural Communities, as applicable, in lieu of or in addition to any mitigation measures included in **BIO-1** (e.g., for Items 1 and 2 under Natural Communities: General, who would be installing temporary fencing and silt barriers and how would compliance be reported in the Monthly Compliance Report (MCR)?; how would CEC staff receive the final plans for initial clearing and grubbing of sensitive habitat and project construction that is required to be submitted to the U.S. Fish and Wildlife Service (USFWS) and U.S. Army Corps of Engineers (USACE) for approval, at least 30 days prior to initiating project impacts?, etc.).
 - b. Provide clarification on how the CPM-approved Designated Biologist would be involved in the proposed activities in order to comply with **BIO-2** to **BIO-4**. Who would coordinate with the monitoring biologist provided by Caltrans? Who is proposed to conduct the pre-construction surveys? Staff would need to be provided the results of any pre-construction surveys, construction monitoring, restoration activities, and other monitoring reports etc. as they relate to the gas pipeline installation. These would also need to be reported in the MCR.
 - c. Provide clarification on compliance with the requirement to participate in the training/awareness program described in the AMM Item 6 in Appendix N under Natural Communities. Would Calpine employees and contractors participate in this training in addition to the **BIO-5** WEAP training?
 - d. Provide confirmation that compliance with **BIO-6**, **BIO-7**, and **BIO-8** would be achieved for the proposed construction activities within the easement area because the easement area is covered by the USFWS Section 7 Biological Opinion, California Department of Fish and Wildlife Streambed Alteration Agreement, USACE Section 404 Nationwide Permit, and State Clean Water Act 401 Certification issued to the FWHA and/or Caltrans for SR-11/Otay Mesa East LPOE project. Provide how many acres of San Diego fairy shrimp critical habitat and non-native grassland would be impacted by this activity. Provide any terms and conditions from these permits that would need to be implemented by Calpine for this project activity. These will need to be added to the BRMIMP as an addendum, per **BIO-9**.
3. Provide a copy of the Burrowing Owl Mitigation Plan referenced in text.

OTAY MESA ENERGY CENTER (99-AFC-5C) PETITION FOR PROJECT MODIFICATION: OMEC NATURAL GAS PIPELINE RELOCATION DATA REQUESTS SET 1

Technical Area: Cultural Resources

Author: Cameron Travis

BACKGROUND

The project owner is proposing a modification to relocate a 1,700-foot-long portion of the existing 2-mile-long fuel gas supply pipeline connecting Otay Mesa Energy Center (OMEC) with San Diego Gas & Electric's (SDG&E's) metering station near the U.S.-Mexico border. The fuel gas supply pipeline relocation is needed to accommodate a planned extension of State Route 11 and a new Port of Entry at the U.S.-Mexico border (OMEC 2021, p.6).

DATA REQUESTS

The petition states that "the project will be managed by the project owner and coordinated with Caltrans, FHWA, CEC, and cooperating agencies" and includes mitigation measures proposed by Caltrans in addition to CEC Conditions for Certification. (OMEC 2021, pp.4 and 12). Please answer the following questions:

1. Will the project owner provide the personnel to fulfill CEC cultural resources conditions of certification (see COC **CUL-1** through **CUL-16**) or will Caltrans supply these personnel?
2. If Caltrans will supply the cultural resources personnel, then how will the project owner ensure that Caltrans implements CEC cultural resources COC **CUL-1** through **CUL-16**?

REFERENCE CITED

OMEC 2019 - Otay Mesa Energy Center. Otay Mesa Energy Center (99-AFC-05C) Conditions of Certification As Amended. October 9, 2019

OMEC 2021 - Otay Mesa Energy Center. Otay Mesa Energy Center (99-AFC-05C) Natural Gas Pipeline Relocation: Petition for Post-Certification Change. TN 240034. October 11, 2021