

DOCKETED

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Project Title:	El Segundo Power Redevelopment Project Compliance
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Document Title:	Biology Staff's Request for Additional Information
Description:	Staff's additional questions regarding the project owner's comments on the PSA.
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Memorandum

To: Christine Stora, Compliance Project Manager

Date : May 19, 2014

From : **Ann Crisp**
California Energy Commission
1516 Ninth Street
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Subject: **El Segundo Energy Center Petition to Amend (00-AFC-14C), Biological Resource Staff's Request for Additional Information Regarding Project Owner's Comments Regarding Preliminary Staff Assessment**

After reviewing the project owner's comments on the Biological Resources section of the Preliminary Staff Assessment (PSA) for the El Segundo Power Facility Modification (ESPFM), I have the following questions for the project owner. I will need responses to these questions before considering the reply and whether to accept any proposed revisions to this section of the Final Staff Assessment (FSA).

The project owner's proposed revisions to conditions of certification (COCs) **BIO-9, -10, -16** and **-17** from the PSA are stated as necessary to ensure that the COCs are compatible with the existing facility, existing COCs, and actual conditions at the site. The project owner also proposed changes to **BIO-9, -10, and -16**, and objected to **BIO-17** in its entirety. The project owner included no further explanation for the proposed revisions or deletions. Staff requests additional information and/or explanation regarding the following project owner's comments to the PSA:

- Throughout the Petition to Amend (PTA), the project owner struck out all references to the beach delivery system including in **BIO-9** (Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) and staff incorporated this deletion into the PSA since beach delivery is not at issue in this amendment. However, in commenting on the PSA the project owner referenced the beach delivery in its newly proposed revisions to **BIO-9**. Please provide an explanation for the proposed revision which includes reference to a beach delivery system.
- The project owner added that the **BIO-9** "shall apply to construction only". This was not proposed in the PTA or included in **BIO-9** for the previously approved amendment. The BRMIMP is implemented throughout the life of the project. Please provide an explanation for the proposed revision.
- The project owner proposed a revision to **BIO-9**, Item 6 to include measures for "disturbances to nesting birds" in the BRMIMP. Please provide an explanation for the revision and describe what these measures would include.

- The project owner deleted **BIO-9**, Items 9 and 10. These requirements were proposed in the PTA and were required in **BIO-9** for the previously approved amendment. Please provide an explanation for the proposed deletions.
- The project owner deleted the requirement in **BIO-9**, Item 15 that provides planting of seacliff buckwheat (*Eriogonum parviflorum*) and eradication of iceplant (*Caprobrotus chilensis*) as part of vegetation restoration. These requirements were proposed in the PTA and were required in **BIO-9** for the previously approved amendment. Please provide an explanation for the proposed deletions.
- The project owner proposed strikeouts to staff's proposed modification to **BIO-9**, Item 16 and Item 17, specifically. For **BIO-9**, Item 16 this is a standard general condition included in the BRMIMP. The size of the project determines the scale. For most natural gas projects maps at a 1:2,400 scale is appropriate however the project owner may propose an alternative scale. The CPM would process the approval for scale of maps as part of the Compliance process. For **BIO-9**, Item 17, per the requirements of California Department of Fish and Wildlife (CDFW) anyone holding a Scientific Collecting Permit, requires that the permit holder record and submit field observations of Threatened, Endangered, or Special Concern species for addition to the California Natural Diversity Database (CNDDDB). Therefore, anytime a biologist is onsite conducting monitoring or surveys the biologist is required to report sightings of special-status species to CDFW. Please provide an explanation for the proposed deletions.
- The project owner deleted text from **BIO-10** (Worker's Environmental Awareness Program (WEAP) to eliminate the requirement for WEAP training during operation. This requirement was proposed in the PTA and was required in **BIO-9** for the previously approved amendment. WEAP training is required during demolition, construction, and operation. Please provide an explanation for the proposed deletion.
- Staff added **BIO-16** (General Impact Avoidance and Minimization Measures) to the conditions of certification proposed in the PTA to include measures to minimize or avoid impacts to biological resources. These measures are standard during construction of many projects under the Energy Commission's jurisdiction. The project owner deleted **BIO-16**, Item 1. Please provide an explanation for the proposed deletion.
- The project owner deleted the requirement under **BIO-16**, Item 5 that the death of any special status species would be reported to the Environmental Compliance Monitor during operation. Please provide an explanation for the proposed deletion.
- The project owner deleted the requirement that **BIO-16**, Item 10 and Item 11 would be required during operation. Please provide an explanation for the proposed deletion.
- The project owner deleted **BIO-17** (Pre-Construction Nest Surveys and Impact Avoidance and Minimization Measures for Breeding Birds) in its entirety. As staff stated in the PSA, native birds, are afforded protection by the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Staff proposed Condition of Certification **BIO-17** to avoid disturbance to active nests and ensure compliance with the MBTA. With implementation of Condition of Certification **BIO-17**, significant impacts to nesting birds would not result from proposed project construction activities. Please provide an explanation for the proposed deletion.