

DOCKETED

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State of California – Natural Resources Agency
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EDMUND G. BROWN JR., Governor
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March 22, 2016

Mike Monasmith, Project Manager
California Energy Commission
1516 9th Street MS-15
Sacramento, CA 95814
Mike.monasmith@energy.ca.gov

Subject: Comments on the Mission Rock Energy Center Application for Certification (15-AFC-02), Ventura County.

Dear Mr. Monasmith:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced Application for Certification (AFC) for the Mission Rock Energy Center Project (Project). The proposed Project is located approximately 2 miles west of Santa Paula, near State Highway 126. The AFC is to construct and operate an electrical generating facility. The facility would be a natural gas-fired, simple-cycle power plant comprising five combustion turbine generators, with a nominal generating capacity of 255 megawatts. Additionally, Mission Rock would house 20 on-site ion battery units for the storage of electricity, providing an additional 25 megawatts for up to 4 hours. The plant would be also fitted with a clutch system to enable synchronized condenser operation which, once started, would provide voltage support to the local grid without consuming natural gas.

The following comments and recommendations have been prepared pursuant to the Department's authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.*, and pursuant to our authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines § 15386) to assist the Lead Agency in avoiding or minimizing potential project impacts on biological resources.

The Department appreciates the thorough biological resources section of the AFC and has the following specific comments.

Specific Comments

1. Lake and Streambed Alteration Agreement (LSA). The AFC Biological Resources Section identifies permanent and temporary riparian habitat impacts but does not mention the need for the applicant to submit a notification for a LSA as per Fish and Game Code section 1600 *et seq.* The Department recommends that a notification be prepared and submitted to allow staff an opportunity to coordinate and to evaluate the wetland jurisdictional delineation at the Project site to determine if an agreement is needed. As a Responsible Agency under CEQA Guidelines section 15381, the Department has authority over activities in streams and/or lakes that will divert or obstruct the natural flow, or change the bed, channel, or bank

(including vegetation associated with the stream or lake) of a river or stream, or use material from a streambed. The Department's issuance of a LSA for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. As a Responsible Agency, the Department may consider the Negative Declaration or Environmental Impact Report of the local jurisdiction (Lead Agency) for the Project. Project-related changes in drainage patterns, runoff, and sedimentation should be included and evaluated in the environmental document. To minimize additional requirements by the Department pursuant to section 1600 *et seq.* and/or under CEQA, the document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA.¹

2. Burrowing Owl Protocol Surveys. The AFC Biological Resources Section references the 1995 Burrowing Owl Mitigation Staff Report. The Department concurs with the need to survey for burrow owl identified under Minimization Measure 7 – Burrowing Owl, and recommends the applicant reference and follow the updated 2012 Burrowing Owl Mitigation Staff Report to ensure up to date measures are used. The burrowing owl survey protocol and appropriate mitigation measures can be found at the following website: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html#Birds, listed as "Staff Report on Burrowing Owl Mitigation, California Department of Fish and Wildlife, March 7, 2012".

Thank you for the opportunity to comment on the project. Questions regarding this letter and further coordination on these issues should be directed to Dan Blankenship, Senior Environmental Scientist at (661) 259-3750 or Daniel.Blankenship@wildlife.ca.gov.

Sincerely,



Betty Courtney
Environmental Program Manager I
South Coast Region

ec: Christine Found-Jackson, CDFW, Westlake Village
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¹ A notification package for a LSA may be obtained by accessing the Department's web site at www.wildlife.ca.gov/habcon/1600.