

DOCKETED

Docket Number:	15-AFC-02
Project Title:	Mission Rock Energy Center
TN #:	216218
Document Title:	AMENDED Data Requests, Set 5
Description:	Data Requests re: Biological Resources and Soil and Water Resources (supersedes TN: 216209)
Filer:	Mike Monasmith
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	2/23/2017 3:57:24 PM
Docketed Date:	2/23/2017

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



February 23, 2017

Mitch Weinberg
Calpine Corporation
4160 Dublin Boulevard, Suite 100
Dublin, CA. 94568

**RE: MISSION ROCK ENERGY CENTER (15-AFC-02) DATA REQUESTS,
SET 5 (Nos. 169 – 173)**

Dear Mr. Weinberg;

Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission staff requests the information specified herein. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the project will result in significant impacts, and 3) assess potential mitigation measures.

This request is being made in the areas of Biological Resources (Nos. 169-172) and Soil and Water Resources (No. 173). Written responses to the enclosed data requests are due to the Energy Commission as soon as possible.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send a written notice to both Commissioner Karen Douglas, Presiding Committee Member for the Mission Rock Energy Center, and me, within 5 days of receipt of this letter. The notification should contain the reasons for not providing the information, the need for additional time, or the grounds for any objections. If you have any questions, please call me at (916) 654-4894, or E-mail me at: mike.monasmith@energy.ca.gov.

Sincerely,

Mike Monasmith
Siting Project Manager

Enclosure: Data Requests, Set 5

**MISSION ROCK ENERGY CENTER (15-AFC-02)
DATA REQUESTS SET 5 (Nos. 169 – 173)**

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Technical Area: Biological Resources

Author: Andrea Martine

AFC page 5.2-10 states least Bell's vireo has the potential to occur within the riparian habitats in the vicinity of Mission Rock Energy Center (Mission Rock). Reconnaissance surveys were performed on September 22 & 23 of 2015. On April 8, 2016 a record of conversation was docketed between Energy Commission biological resources staff (staff) and U.S. Fish and Wildlife Service (USFWS) in which USFWS recommended least Bell's vireo protocol surveys as well as a habitat assessment for the southwestern willow flycatcher. In Data Response DR22-1, the applicant provided a technical memorandum of Protocol Surveys for Least Bell's Vireo and Habitat Assessment for Southwestern Willow Flycatcher. Least Bell's vireo were detected in Todd Barranca (located to the west and southwest of the project site) on June 21, July 1, and July 12, 2016. Detections were in the northern and southern margins of the 1000 foot transect.

The surveys did not make a determination of the nesting ("occupied, or territory") of the species. There was no visual confirmation of age class but the applicant believes the detection pattern is due to juvenile birds dispersing from prime habitat. In conversations with staff, the USFWS has indicated their biological experts will assume presence (i.e. territory) in suitable habitats absent a concise determination in a protocol survey that the vireo does not occupy the habitat in question. This in turn would trigger consultation between the applicant with the USFWS pursuant to the Endangered Species Act (ESA), and potentially an individual Habitat Conservation Plan for the project in accord with section 10 of the ESA.

The AFC states "Further discussion will determine whether California Department of Fish and Wildlife (CDFW) and USFWS will require formal consultation." Data Adequacy request No. 11 for Biological Resources asked for copies of preliminary correspondence between the applicant and state and federal resource agencies regarding whether state or federal permits would be required. The applicant's response only referenced staff's communication with USFWS, but no correspondence with CDFW, USFWS, or National Marine Fisheries Service (NMFS) had been made by the applicant to date (4-29-2016).

AFC page 5.2-10 states southern steelhead trout would not occur at the MREC site due to lack of aquatic habitat, but the species does occur in the Santa Clara River. On July 11, 2016, staff contacted NMFS regarding southern steelhead trout. NMFS has concerns about the potential impacts from construction of the project linears across creeks due to temporary levels of increased turbidity and temperature as well as permanent impacts to riparian habitat. This communication was docketed on August 8, 2016 (TN 212670).

DATA REQUEST

169. Please conduct protocol surveys for the least Bell's vireo in the Todd and Ellsworth barrancas within 500 feet of each transmission tower, and the entire riparian habitat adjacent to the proposed power plant location out to 1000 feet.

170. Please provide a map of the nesting territories for all areas listed in Data Request No. 169 above.
171. Please provide evidence of consultation with USFWS and NMFS.
172. Please provide mitigation to prevent “take” of the state and federally-listed endangered least Bell’s vireo and federally-listed endangered southern steelhead trout.

Technical Area: Soil and Water Resources

Author: Marylou Taylor

BACKGROUND

The Santa Paula City Council passed a resolution on October 17, 2016 opposing the Mission Rock Energy Center and instructing the city to not provide potable or recycled water to the Mission Rock Energy Center (TN #214619). During the Committee Status Conference on December 19, 2016, Hearing Officer Cochran asked the applicant about possible options if the city refuses to deliver potable water (TN #215153). The applicant indicated that they could look into alternative potential water sources.

DATA REQUEST

173. Please provide information about an alternate or back-up source of potable water for project operation and provide all information demonstrating there is an adequate and reliable supply available and the applicant has the necessary approvals to use the supply.