

DOCKETED

Docket Number:	19-SPPE-03
Project Title:	Sequoia Data Center
TN #:	231439
Document Title:	Report of Conversation - Information Requests Re Norman Y Mineta San Jose Int Airport Resident Western Burrowing Owl Population
Description:	Conversation between Ann Crisp of the CEC and Kristin Garrison of the CDFW
Filer:	Marichka Haws
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	1/10/2020 12:11:17 PM
Docketed Date:	1/10/2020

CALIFORNIA ENERGY COMMISSION
REPORT OF CONVERSATION Page 1 of 2



**Siting, Transmission
 and Environmental
 Protection Division**

FILE: Sequoia_ROC-
 KGarrison_SJC_10242019

**PROJECT TITLE: Sequoia Data Center
 (19-SPPE-03)**

Docket: N/A

TECHNICAL AREA: Biological Resources			
<input checked="" type="checkbox"/> Telephone	<input checked="" type="checkbox"/> Email	<input type="checkbox"/> Meeting Location:	
NAME: Ann Crisp, Planner II	DATE: October 24, 2019 and November 4, 2019	TIME: 12:00 P.M.	
WITH:	Kristin Garrison, Environmental Scientist, California Department of Fish and Wildlife		
SUBJECT:	Information Requests Regarding Norman Y. Mineta San Jose International Airport Resident Western Burrowing Owl Population		

COMMENTS:

On October 24, 2019, staff discussed the Sequoia Data Center (proposed project) with Ms. Kristin Garrison during a phone call meeting. Ms. Garrison is the Environmental Scientist with California Department of Fish and Wildlife (CDFW) that works on Lake or Streambed Alteration Agreements, California Endangered Species Act, California Environmental Quality Act, and other regulatory matters in Santa Clara County. Staff requested CDFW feedback on the potential for impacts to the known western burrowing owl (*Athene cunicularia hypugaea*) at the Norman Y. Mineta San Jose International Airport (SJC) from the proposed project. Ms. Garrison provided some general information on the western burrowing owl in the area, but stated she would look into the matter further. Other topics discussed included strategies for mitigating impacts to nesting birds from tree removal and other construction activities. Ms. Garrison stated that since there is no regulatory nexus for the proposed project (e.g., no permits required from CDFW) then there is no requirement for submittal of nesting bird surveys to CDFW. However, CDFW should be consulted regarding establishing buffers for active nests of birds protected under California Fish and Game Code. In addition, Ms. Garrison discussed the various strategies for establishing buffers for active nests. On November 4, 2019, Ms. Garrison provided the following follow-up email:

Hello Ann,

Thank you for talking with me about this project and potential impacts to avian species.

I have learned more about western burrowing owls in the Norman Y. Mineta San Jose International Airport:

- *Surveys are done for burrowing owls in Santa Clara County in relation to the SCVHP.*
- *The population, in my general wording, is not doing well. There has been a steady decline over the last 5 years. In 2014 there were 35 adults and 34 chicks, in 2019 there were 4 adults and 11 chicks.*
- *My understanding is that the airport is currently planning for a major expansion. I do*



not know more than this, but it definitely does not sound like a situation that will help increase the owl abundance.

- *You mentioned that you would send burrowing owl measures for my review, that would be great, whenever you get a chance. Timelines on that are up to you.*

Regarding tree removal and nesting birds:

- *Rather than specifying buffers to nests, I tend to provide a measure that allows buffer radii to vary depending on specific situations at the project site or within the project site. This allows for adjustment to the site locality (e.g. having or not having a visual or sound barrier), type of work being conducted at that location (e.g. heavy equipment use to demolish a building or more quiet equipment to paint parking lot spaces), bird species (some species are more sensitive to disturbance than others), and habituation.*
- *You are free to copy this text and use it for the current or future projects you permit: The qualified biologist shall document pre-construction baseline monitoring of the nest to characterize "normal" bird behavior. The qualified biologist shall monitor the nesting birds and shall increase the buffer if the qualified biologist determines that the birds are showing signs of unusual or distressed behavior by project activities. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest.*

Thank you for your coordination. Let me know if you have any questions.

cc: Lon Payne- CEC	Signed: <signed>
	Name: Ann Crisp – Staff Biologist