

DOCKETED

Docket Number:	20-SPPE-01
Project Title:	Great Oaks South Backup Generating Facility Small Power Plant Exemption
TN #:	233485
Document Title:	Report of Conversation- Edits to PD BIO-3
Description:	Email between L. Worrall, CEC staff and S. Galati, applicant representative, regarding minor edits to survey timing in PDF BIO-3.
Filer:	Lisa Worrall
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	6/15/2020 9:41:54 AM
Docketed Date:	6/15/2020



*Siting, Transmission
 and Environmental
 Protection Division*

FILE: n/a

PROJECT TITLE: Great Oaks South Backup
 Generating Facility

Docket: 20-SPPE-01

TECHNICAL AREA(s): Biological Resources

Telephone Email Meeting Location: N/A

NAME(s): Lisa Worrall, Senior Environmental Planner, CEC **DATE:** 06/05/2020 **TIME:**

WITH: Scott A. Galati, DayZen LLC., applicant's representative

SUBJECT: Request for changes to survey timing in PD BIO-3

COMMENTS:

This report of conversation documents an e-mail exchange between Lisa Worrall (staff) and Scott Galati (applicant's representative) regarding staff's request for changes in nesting bird survey timing outlined in PD BIO-3, a mitigation measure incorporated by the applicant into the project design. Staff's proposed edits to PD BIO-3 are indicated in bold text for new text and strikethrough text for deleted text.

The applicant is in agreement with staff's proposed edits to PD BIO-3.

The e-mail exchange is attached.

CC:	<p>Signed:</p> <p>_____ s _____</p> <p>Name: Lisa Worrall, Senior Environmental Planner</p>
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From: [Scott Galati](#)
To: [Worrall, Lisa@Energy](mailto:Worrall.Lisa@Energy)
Cc: [Knight, Eric@Energy](mailto:Knight.Eric@Energy); [Stroud, Andrea@Energy](mailto:Stroud.Andrea@Energy); [Dixit, Raj@Energy](mailto:Dixit.Raj@Energy); [Willis, Kerry@Energy](mailto:Willis.Kerry@Energy)
Subject: RE: Great Oaks South- request for survey timing changes to PD BIO-3
Date: Friday, June 5, 2020 7:48:29 AM

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Lisa,

The Applicant agrees with these changes.



Scott A. Galati
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From: Worrall, Lisa@Energy [mailto:Lisa.Worrall@energy.ca.gov]
Sent: Thursday, May 28, 2020 3:53 PM
To: Scott Galati
Cc: Knight, Eric@Energy; Stroud, Andrea@Energy; Dixit, Raj@Energy; Willis, Kerry@Energy
Subject: Great Oaks South- request for survey timing changes to PD BIO-3

Hello Scott,

Our staff biologist needs to make some changes to the timing of bird surveys described in the Bio 3 Mitigation that was incorporated into the project design for the Great Oaks South project.

Below is the explanation and rationale and need for the changes. The edits to the mitigation text we would like you to incorporate into the project design is also presented.

Your reply with your acceptance of the changes that I can docket can memorialize our agreement and I can make the changes in staff's environmental document project description section based on our agreed language.

This is from our biology staff:

The applicant proposes project design measure PD BIO-3 to reduce impacts to nesting birds. However, the measure places different timing of when to conduct these surveys along with different timeframes (months) during the breeding season. Some birds can complete a nest within 14 days, therefore 30 days is too long a time frame and would allow a bird to build a nest and lay eggs which would prohibit tree removal where the nest occurs and would reduce construction work in this area because a buffer would be needed to protect the bird and the nest. So my changes include conducting surveys no more than 14 days prior to construction for the entire breeding season (February 1 through August 31).

Staff proposes the following changes in **bold** for new text and ~~strikethrough~~ for deleted text to reduce impacts to less than significant for nesting birds.

PD BIO-3: The following measure will be implemented to reduce impacts to nesting birds:

- If possible, construction should be scheduled between September and January (inclusive) to avoid the nesting season. If this is not possible, pre-construction surveys for nesting raptors and other migratory breeding birds shall be conducted by a qualified ornithologist to identify active nests that may be disturbed during project implementation onsite and within 250 feet of the site. Between February **1** and ~~April (inclusive)~~ **August 31** pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. ~~Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities.~~ The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for nests.
- If an active nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist shall, in consultation with the California Department of Fish and Wildlife (CDFW), designate a construction-free buffer zone (typically 250 feet for raptors and 100 feet for other birds) around the nest, which shall be maintained until after the breeding season has ended and/or a qualified ornithologist has determined that the young birds have fledged.
- The applicant shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement prior to the issuance of any grading or building permit.

Our staff biologist believes these changes are reasonable and consistent with staff's mitigation for the other data centers and with other IS/MND projects in the area.

Scott, please let me know if you are in agreement or not with these changes to survey timing.

Thanks,

Lisa Worrall