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Gateway Generating Station
(00-AFC-1C)

Annual Compliance Report No. 12

Exhibit 7
Biological Record Summaries
(BIO-2)

Gateway Generating Station California Energy Commission 2020 Annual Biological Compliance Report

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Introduction

This Gateway Generating Station (GGS) Annual 2020 Biological Resources Compliance Report fulfills the California Energy Commission (CEC) requirement of Condition of Certification (COC) BIO-2. Condition BIO-2 Verification states; "During project operation, the Designated Biologist shall submit record summaries in the Annual Compliance Report."

On December 19, 2006, Pacific Gas and Electric Company (PG&E) filed a petition (TN 38720) with the CEC requesting to amend the Energy Commission Decision to eliminate the use of San Joaquin River water as the cooling source for the GGS Project (formerly known as the Contra Costa Power Plant Unit 8 Project). The petition also proposed ten associated project design changes at the project site. The 530-megawatt project was originally certified by the Energy Commission on May 30, 2001. Construction of the facility started late in 2001 and was suspended in February of 2002 due to financial difficulties, with approximately 7 percent of construction completed. On July 19, 2006, the Energy Commission approved¹ the addition of PG&E as co-owner of the project with Mirant Delta, LLC. On December 4, 2006, PG&E filed a petition² to remove Mirant as a co-owner and change the name of the facility to the Gateway Generating Station. Construction was restarted in January 2007 with PG&E as the project proponent.

After PG&E became the project owner/operator, the project was re-designed to avoid biological resource impacts to the extent feasible through development of mitigation and protection measures for the new design. These mitigation and protection measures reduced biological resource impacts so that no agency permits were required. These changes resulted in Conditions BIO-7, 10 and 11 being eliminated; also, additional minor changes were made to Conditions 5, 6 and 9.³

¹ <http://docketpublic.energy.ca.gov/PublicDocuments/Compliance/00-AFC-1C/2006/Jul/TN%2037478%2007-19-06%20Filing%20of%20Notice%20of%20Decision%20in%20compliance%20with%20Public%20Resources%20Code%20Section%201080.5%20and%20Title%2020%20Ca%20.pdf>

² <http://docketpublic.energy.ca.gov/PublicDocuments/Compliance/00-AFC-1C/2006/Dec/TN%2038529%2012-04-06%20PG-E's%20Petition%20for%20Minor%20Amendment%20to%20Clarify%20it%20is%20the%20Sole%20Owner.pdf>

³ <http://docketpublic.energy.ca.gov/PublicDocuments/Compliance/00-AFC-1C/2007/Aug/TN%2041809%2008-01->

GGs construction, including restoration activities, was completed in June 2009.

2020 Monitored Activities and Wildlife Interaction

PG&E has complied with the biological resource COCs, including having the Designated Biologists (DB) or an alternative Biologist perform pre-disturbance surveys, and when necessary, evaluate/demarcate nesting bird activity and other measures as appropriate within the facility. All new employees and contract workers employed at the site received the CEC-approved Worker Environmental Awareness Program training (WEAP) via video or lecture and daily tailgate training with the DB or the PG&E GGS Compliance Manager Angel Espiritu (CM). The DB remained on-call throughout 2020.

The on-call monitoring and compliance efforts for 2020 are documented in chronological order below and within Appendix A, Site Photos.

February 26th, the DB received an e-mail from the PG&E GGS Co-Designated Biologist (CO DB) Amy Krisch concerning the observation of an Anna's hummingbird (*Calypte anna*) nest that was observed on a piping valve (Photos 1 and 2). The area was marked off with exclusion tape (Photo 3) and site personnel were made aware of the nest.

April 1st, the CO DB performed a follow-up survey on the nesting Anna's hummingbird that was observed on February 26th and found the nest to be vacant, therefore the barrier tape and signage was removed.

April 24th, the CO DB received an e-mail concerning the observation of a new hummingbird nest near a valve on Unit B. The CO DB inspected the nest and observed a single egg inside the nest with an adult hummingbird sitting on the nest (Photo 4). The GGS staff had already flagged off the area and notified the GGS site personnel of the nest prior to the arrival of the CO DB.

May 14th, the CO DB conducted a pre-mowing survey of the GGS site. Photo 5 shows the areas surveyed prior to disturbance. The CO DB observed one potentially suitable burrowing owl (*Athene cunicularia*) burrow along the berm near the east fence in the northeast corner of the south field (Photo 6). However, no evidence (whitewash, pellets, or feathers) of burrowing owl use was observed. The CO DB did not observe any nesting birds in the remaining areas surveyed.

June 5th, the CO DB received an e-mail concerning the health of the nesting hummingbirds at Unit B (from April 24th). The e-mail requested a site visit to check on the welfare of the juvenile hummingbirds.

June 10th, the CO DB did a follow-up survey on the nesting Anna's hummingbirds at Unit B. The CO DB observed 2 dead juvenile hummingbirds (Photo 7) in the nest and no sign of adults in the area. The CO DB removed and disposed of the nest and the barrier tape.

August 10th, the DB was onsite to conduct a pre-disturbance nesting bird survey on 12 redwood trees (*Sequoia sempervirens* 'soquel') and 11 landscape bushes that were planned to be removed to repair and upgrade PG&E's Line-400 natural gas line (Photos 8 and 9). The Line-400 repair and upgrade is not subject to the CEC's jurisdiction however, the removal of the landscape trees and shrubs effects the CEC's Condition of Certification landscape screening VIS-4. No nests or nesting birds were observed in any of the trees and shrubs planned for removal.

December 10th, the DB was on site to inventory and document the replanting of the visual screening trees that were removed to upgrade and repair PG&E's Line-400 natural gas line. The DB observed 12 Twelve crepe myrtle trees (*Lagerstroemia indica*) that were used to replace the 12 coast redwood trees that were removed during pipeline construction (Photos 10 and 11). Eleven landscape bushes were

replaced with 11 Japanese cheesewood plants (*Pittosporum tobira*). All 23 replacement plantings had new irrigation emitters at the base of each tree or shrub and appeared in good health.

Conclusion

The Gateway Generating Station complied with all biological resource COCs and the mitigation/avoidance measures specified in the BRMIMP during the year 2020.

Appendix A

Site Photos



Photo 1, Anna's hummingbird nest, 2-26-20.



Photo 2, adult Anna's hummingbird as observed on nest, 2-26-20

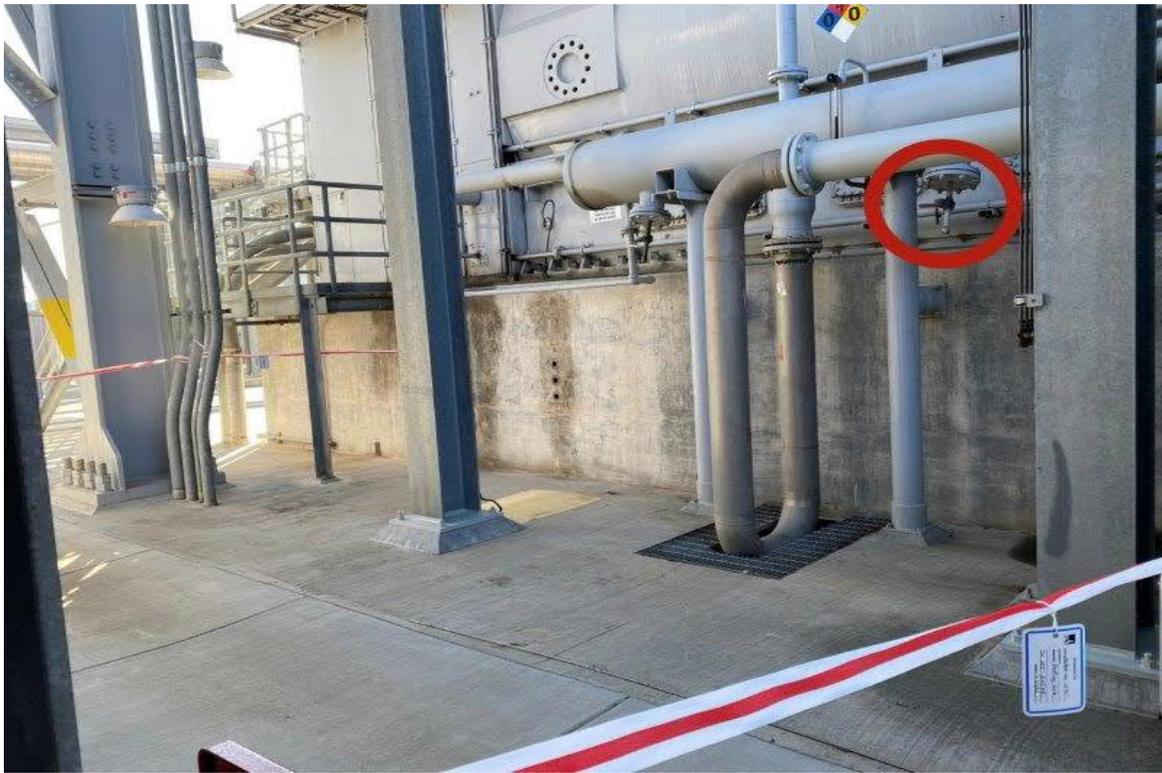


Photo 3, Anna's hummingbird nest with protective buffer in place, 2-26-20.



Photo 4, close-up of Anna's hummingbird nest with an egg at Unit B, 4-24-20.



Photo 5, pre-disturbance mowing map of GGS site, areas in red were surveyed, 5-15-20.



Photo 6, of potentially suitable burrowing owl burrow devoid of whitewash, pellets or other sign of active use, 5-15-20.



Photo 7, of deceased juvenile Anna's hummingbird in nest at Unit B, 6-10-20.



Photo 8, trees and shrubs scheduled for removal, photo facing south. 8-10-20.



Photo 9, trees and shrubs scheduled for removal, photo facing north. 8-10-20.



Photo 10, trees and shrubs after replanting/replacement, photo facing south. 12-10-20.



Photo 11, trees and shrubs after replanting/replacement, photo facing south. 12-10-20.