

DOCKETED

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Project Title:	GWF Tracy (Compliance)
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Document Title:	CEC Approval Letter for the Spring 2022 Planned Outage Laydown Area
Description:	N/A
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December 21, 2021

Mr. Taylor Leach
14950 West Schulte Road
Tracy, California 95377

**LAYDOWN AREA PETITION FOR TRACY COMBINED CYCLE POWER
PLANT (08-AFC-07C) – REQUIREMENTS FOR COORDINATION WITH
SAN JOAQUIN COUNCIL OF GOVERNMENTS PRIOR TO CONSTRUCTION
ACTIVITIES**

Dear Mr. Leach:

On June 21, 2021, Middle River Power (MRP) San Joaquin Energy, LLC, the project owner of the Tracy Combined Cycle Power Plant, filed with the California Energy Commission (CEC) a post-certification petition seeking approval to construct a laydown area for the planned Spring 2022 outage of the facility. On October 27, 2021, CEC staff filed to the docket the Statement of Staff Approval of Post Certification Change (SAPC) (TN 240153) for the laydown area. No public objections were filed on the SAPC within 14 days of staff's filing of the above statement to the docket; therefore, the post-certification project change for the construction of laydown area was deemed approved as of November 10, 2021, pursuant to California Code of Regulations, Title 20, section 1769(a)(3)(C). However, prior to any preconstruction activities, the project owner must comply with the condition of certification **BIO-6**, Item 4, which entails measures that are required by the San Joaquin County Multi Species Habitat Conservation and Open Space Plan (SJMSCP) for the species listed in the SJMSCP-prescribed incidental take minimization measures administered by San Joaquin Council of Governments (SJCOG). Listed species include the western burrowing owl (*Athene cunicularia hypogea*) and San Joaquin kit fox (*Vulpes macrotis mutica*).

BACKGROUND

For reference, the SJMSCP permits issued by SJCOG in 2002 for the CEC-certified Tracy Combined Cycle Power Plant has two parts:

- Protection of Biological Resources with incidental take coverage for species covered under the state or federal permits.

- Compensatory Mitigation for loss of habitat, which includes fees that lead to acquisition of protected lands under the habitat plan.

In 2002, the project owner sought coverage under the SJMSCP for all 34.6 acres of the facility parcel. The measures included in the Incidental Take Minimization Measures (ITMM) permit covered the entire site for impacts on biological resources associated with the 2002 development. The development of the entire 34.6 acres has been fully mitigated by project owner with payment of compensatory mitigation fees.

On November 7, 2010, SJCOG issued a supplemental ITMM to account for the time duration that had passed since approval of the facility. No additional compensatory mitigation was required.

The activities proposed for the Spring 2022 laydown area will need updated biological surveys to determine current habitat type and presence of covered species to ensure incidental take minimization measures are prescribed for this disturbance. No additional compensatory mitigation is required.

REQUIRED ACTIONS

The project owner is required to schedule updated biological surveys to be performed by an SJCOG on-call biologist in 2022 for the laydown area to ensure that the project is issued an updated ITMM by SJCOG to account for any potential impacts on biological resources.

The conditions prescribed by SJCOG in the SJMSCP for all proposed projects, direct the project owner to adopt the following measures:

Between 14 and 30 calendar days before ground disturbance for each phase of the project:

1. Notify SJCOG, Inc. of plans to commence ground disturbance to allow for preconstruction surveys for the San Joaquin kit fox and the western burrowing owl.

In order to meet the above requirements, the project owner is required to:

- Contact the Compliance Project Manager for SJCOG to coordinate for the coverage of the potentially impacted biological resources under the SJMSCP ITMM.
- Contact SJCOG as early as possible in January 2022, but not later than early February 2022, to schedule the required surveys with SJCOG prior to the start of any preconstruction activities, including staging or ground disturbance, planned for March 2022.

The contact information for SJCOG staff is provided below:

- Laurel K Boyd
Email: boyd@sjcog.org
Associate Habitat Planner
SJCOG, Inc.
(209) 235-0600
- Steve Mayo
Email: mayo@sjcog.org
Project Manager
SJCOG, Inc.
(209) 235-0585

Following the completion of the above requirements, please implement the revised SJMSCP's ITMM and incorporate all the new measures into the Tracy Combined Cycle Power Plant's Biological Resources Mitigation Implementation and Monitoring Plan (BRMIMP) with an addendum. Furthermore, please submit the addendum to the BRMIMP to the CEC Compliance Project Manager for review and approval.

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If you have any questions or concerns, please contact me at (916) 698-7498, or via email at anwar.ali@energy.ca.gov

Sincerely,

Anwar Ali
Anwar Ali

Compliance Project Manager
Siting, Transmission and Environmental
Protection Division

cc: Mr. Jon Boyer
Director, Environmental, Health, and Safety
Middle River Power