

California Energy Commission
**Energy Facilities Siting &
 Environmental Protection Division**
 REPORT OF CONVERSATION

DOCKET
06-AFC-10

DATE FEB 15 2007
 RECD. FEB 16 2007

File:

Project Title: Panoche Energy Center, Starwood-Midway Peaking Project

(X) MEETING LOCATION: California Energy Commission		
NAME: Susan Jones, San Joaquin Valley Branch Chief USFWS	TIME: 4:30 PM	DATE: February 15, 2007
WITH: Heather Blair (Aspen Environmental Group), Rick York, Che McFarlin (Starwood PM)	PHONE (916) 414-6600	
ADDRESS: 2800 Cottage Way, W-2605 Sacramento 95825		
SUBJECT: Potential impacts of proposed Panoche and Starwood-Midway projects to federally listed species, especially San Joaquin Kit Fox (SJKF)		
COMMENTS:		
<ul style="list-style-type: none"> • There is contiguous non-irrigated land (potential habitat for SJKF) adjacent to the Panoche and Starwood proposed project sites. • It appears that the proposed project areas are within or immediately adjacent to a core population and within an area that has been designated as priority to conserve linkages and connectivity between populations. • Core population boundaries are approximate and follow the topography west of I-5 with an added buffer of 2-3 miles. Interstate 5 is not a definitive barrier to dispersal of the species. • SJKF can move up to 9.6 miles in a single night. USFWS likes to see an area of investigation with a 10 miles radius around known occurrences. The Panoche and Starwood proposed project sites are within 10 miles of multiple documented SJKF occurrences. • Habitat compensation requires a permit. Two options: 1) Section 10 HCP process (timely, costly) or 2) find a federal nexus, which would trigger Section 7 (EPA??). There is an alternate, administrative process that is rarely used that requires an MOU and a BO on the action of the MOU. • Starwood (currently used as Cal Peak Panoche storage area) provides equally suitable if not better quality habitat than Panoche (active orchard) for SJKF; both should be treated equally regarding the potential for impacts to the species. • There is currently a proposal for the federal (BOR) transfer of a portion of the Central Valley project to irrigators; one solution under consideration involves retiring irrigated farmland in the San Joaquin Valley, which would provide additional habitat for SJKF in the vicinity of the Panoche and Starwood projects. • Compensation is determined for the footprint of the project and indirect effects are not often considered; USFWS plans to respond with a compensation ratio • Proposed evaporation pond at the Starwood site should consider impacts to birds protected under the Migratory Bird Treaty Act. USFWS will provide additional guidance on measures that they would like to see implemented. CDFG has already provided guidance to Heather Blair on this issue via email. • Giant Kangaroo Rat has been recorded in the same corridor west of the project areas as SJKF. Giant Kangaroo Rat is not likely to utilize the proposed project sites. 		
COPIES TO: Rick York (CEC), James Reede (CEC), Che McFarlin (CEC), Justin Sloan (CDFG)	NAME: Heather Blair, Aspen Environmental Group	
	SIGNATURE	