State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

***GAVIN NEWSOM, Governor***
***CHARLTON H. BONHAM, Director***

April 21, 2025
*Sent via email*

Donald Vargas
Imperial Irrigation District
P.O. Box 937
Imperial, CA 92251
dvargas@iid.com

**El Centro Generating Station (ECGS) Unit 4 Repowering Project (Project)**

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND)**
**SCH# 2025030791**

Dear Mr. Vargas:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the Lead Agency Imperial Irrigation District (IID) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

## CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

## PROJECT DESCRIPTION SUMMARY

The proposed Project consists of decommissioning the existing natural gas-fired boiler (Boiler 4) and replacing it with six reciprocating gas engine internal combustion engines (RICE) at the IID ECGS. It includes the installation of a black-start engine, a maintenance building, and an ammonia storage tank. The total capacity of ECGS is 347 MW. Boiler 4 comprises a steam turbine generator permitted at a net rating of 74 MW, a natural gas fired steam boiler, and a unit-specific cooling tower. The Project's laydown footprint areas would cover approximately 3.5 acres.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Each engine, generator and emission control system unit will be approximately 24 feet wide, by 211 feet long, and 18 feet high. The exhaust stack height is expected to be approximately 120 feet tall, comparable with the existing on-site exhaust stack heights. The six exhaust stacks will be collocated in a common structure. The engines and associated generators will be housed in a new Engine Building, measuring approximately 100 feet by 222 feet and reaching approximately 32 feet tall. In addition to the Engine Building, the Project would include a few small ancillary structures housing a control room and a continuous emission monitoring system (CEMS) measuring 10 feet by 10 feet. A new combined material storage and maintenance building will be constructed and cover approximately 110 feet by 80 feet. With additional parking space the total impervious surface area dedicated to the combined facility will be 110 feet by 110 feet. Underground natural gas supply lines would extend from the boiler building southward to the six new engines. Power generated by the new units will be transmitted to the grid by way of the EI Centro Switching Station.

**Proponent:** Imperial Irrigation District

**Objective:** The objective of the Project is to decommission the existing natural gas fired boiler (Boiler 4) and replace it with six reciprocating gas engine internal combustion engines (RICE) at the IID ECGS.

**Location:** The proposed Project would be located at Southwest corner of the intersection of Dogwood Road and East Villa Avenue; 485 East Villa Avenue, EI Centro, California, 92243, Imperial County; Assessor's Parcel Number (APN) 044-430-008. Land uses surrounding the Project site include a combination of public utilities, light industrial, and agricultural on privately owned land. The Project site is contained within the ECGS facility, which is developed with industrial land uses.

**Timeframe:** Project construction is anticipated to commence in the summer or fall of 2025. Construction is expected to last approximately 24-26 months. Commissioning is expected to occur in the summer or fall of 2027. The commissioning period is expected to last up to four months.

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist Imperial County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

**Comment #1: Biological Resources and Special-Status Species**

**Section:** MND Section IV, Page 42

**Issue:** CDFW is concerned about the Project's potential impacts to special-status species given the Project site contains suitable habitat and historical occurrence data.

**Specific impact:** Potential take of special-status species and loss of habitat.

**Why impact would occur:** Project implementation could result in direct mortality and/or injury to special-status species associated with staging and presence of construction equipment, vehicles, and foot traffic and in the loss of nesting and/or foraging habitat from construction, grading, ground disturbance, and vegetation clearing.

**Evidence impact would be significant**: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare

or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed.

Habitat loss is a threat to the species identified below which include species protected by the federal Endangered Species Act (ESA), State fully protected, and California Endangered Species Act (CESA)-listed species. CDFW generally holds that absent avoidance, minimization, or mitigation measures, impacts to special status species are significant.

**CDFW Recommendations:** CDFW appreciates that field surveys were conducted in 2023; however, please note that CDFW generally considers wildlife surveys to be valid for one year and would recommend that surveys be repeated if the Project is delayed beyond that timeframe. CDFW is concerned there is a lack of appropriate biological resource surveys and supporting documentation provided in the MND, and therefore it is unclear how the proposed mitigation measures will be able to reduce the Project's potentially substantial adverse effect on biological resources to less than significant with mitigation incorporated. Without the environmental baseline adequately evaluated, impacts to biological resources are not identified and appropriate mitigation measures cannot be formed. Further recommendations for resource-specific mitigation measures are detailed in the sections below (edits are in ~~strikethrough~~ and additions are in **bold**).

**Surveys for special status animal species shall be conducted by qualified and agency-approved biologists to determine the presence or absence of sensitive animal species within the project footprint. Any special status mammal, reptile, and amphibian species detected during surveys shall not be harassed and shall be allowed to leave the Project site unharmed and of its own volition.**

Appropriate surveys for special status animal species may include, but are not limited to, American badgers (*Taxidea taxus*), , flat-tailed horned lizard (*Phrynosoma mcallii*), mountain plover (*Anarhynchus montanus*), prairie falcons (*Falco mexicanus*), Western mastiff bat (*Eumops perotis ssp. californicus*), and Yuma Ridgway's rail (*Rallus obsoletus yumanensis*). Please note that the species identified herein may have unique conservation designations. Please contact your local CDFW representative for further coordination before proceeding with construction, should surveys detect any of the special status species.

**Comment #2: Burrowing Owl (*Athene cunicularia*)**

**Section:** MND Section IV, Page 45

**Issue:** The Project site contains suitable habitat for, and prior positive detections of burrowing owl, a CESA-listed candidate species.

**Specific impact:** Project activities may result in direct impacts or mortality of burrowing owl, and degradation and permanent loss of burrowing owl habitat.

**Why impact would occur:** Burrowing owls are well-adapted to open, relatively flat expanses and prefer habitats with generally short sparse vegetation with few shrubs such as those occurring onsite. As such, ground disturbance, site preparation, and grading could destroy habitat and result in unauthorized take of burrowing owl.

**Evidence impact would be significant:** Habitat loss is a threat to burrowing owls (CDFG, 2012). As a candidate species, western burrowing owl is granted full protection of a threatened species under CESA. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met. Take must be incidental to an otherwise lawful activity. The issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated.

Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction. Evicting them from nests, roosts, or satellite burrows may lead to direct, indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation,

increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004).

**Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant:** Although CDFW appreciates the inclusion of MM BIO-1 in the IS/MND, CDFW is concerned it may not be sufficient to avoid impacts to burrowing owl. Thus, CDFW strongly recommends the following edits to MM BIO-1 to avoid impacts to BUOW (edits are in ~~strikethrough~~ and additions are in **bold**):

> **Mitigation Measure BIO-1: Pre-Construction Surveys for Burrowing Owl.** Pre-construction surveys for burrowing owl will be conducted within the Project Area and adjacent areas prior to the start of ground-disturbing activities. The surveys will follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012). ~~Two surveys will be conducted, with the first survey being conducted between 30 and 14 days before initial ground disturbance (grading, grubbing, and construction), and the second survey being conducted no more than 24 hours prior to initial ground disturbance~~. **Prior to the initiation of construction activities (i.e., grading, grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of project-related activities**. **Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to initiating ground disturbance in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version)**. ~~If burrowing owls and/or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the Project Work Area during the survey and impacts to those features are unavoidable, consultation with the CDFW will be initiated and the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation for avoidance and/or passive relocation will be followed.~~
>
> **If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, Project activities shall be immediately halted. If impacts to occupied burrowing owl habitat or burrows cannot be fully avoided, consultation with CDFW is warranted to discuss acquiring an Incidental take Permit (ITP) prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) may be authorized through the ITP as a minimization measure.**

**Comment #3: Nesting Birds**

**Section:** MND Section IV, page 46

**Issue:** The Project may have impacts on nesting birds, species of special concern, and birds subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

**Specific impact:** Project activities may result in degradation and permanent loss of nesting bird habitat and may also result in direct mortality and/or injury to birds nesting onsite.

**Why impact would occur:** Direct take may result from vehicle and equipment strikes. Indirect take may result from increased mortality attributed to predators attracted to the construction site, displacement, reduction of habitat and habitat quality, and from impacted foraging and nesting habitat. Additionally, please note that construction during the breeding season of nesting birds could result in diminished breeding success or otherwise

lead to nest abandonment. Noise from road use, generators, and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success.

**Evidence impact would be significant:** Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

**Recommended potentially feasible mitigation measure(s):** Mitigation Measure BIO-3 only requires nesting bird surveys within the nesting bird breeding season. CDFW would like to note that nesting birds, nests, and eggs are protected by Fish and Game Code without regard to the time of year; a pre-construction clearance survey should be conducted to avoid potential impacts to nesting birds, as described above. CDFW therefore offers the following revisions to Mitigation Measure BIO-3 to avoid impacts to nesting birds (edits are in ~~strikethrough~~ and additions are in **bold**):

> **Mitigation Measure BIO-3: Pre-Construction Nesting Bird Survey.** ~~If construction or other project activities are scheduled to occur during the bird breeding season (February 1 through August 31 for raptors and March 15 through August 31 for the majority of passerine migratory bird species), a pre-construction nesting-bird survey will be conducted by a qualified avian biologist to ensure that active bird nest will not be disturbed or destroyed. The survey will be completed no more than three days prior to initial ground disturbance~~. **Regardless of time of year, a qualified avian biologist shall conduct pre-construction survey no more than three days prior to any on-site grading and construction activities in accordance with the Migratory Bird Treaty Act and California Fish and Game Code sections 3503, 3503.5, and 3513. Pre-construction nesting bird surveys shall also cover a 500-foot buffer around the site, as feasible, and shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior.** The nesting-bird survey will include the Project Area and adjacent areas where project activities have the potential to affect ~~active~~ nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, the biologist will establish an appropriately sized construction-avoidance buffer around the nest using flagging or staking. Construction activities will not occur within a construction-avoidance buffer area until the nest is deemed inactive by a qualified biologist. **If occupied nests are found within the Project area or within 500 feet of the Project area, a qualified biologist shall limit construction activities to avoid impacting nests. The qualified biologist will physically delineate the no-work buffers in the field with flagging, fencing, or other appropriate barriers (e.g., 250 feet around active passerine nests to 500 feet around active non-listed raptor nests), and construction personnel shall be instructed on the sensitivity of nest areas. The size and location of buffers shall be based on the nesting species' sensitivity to disturbance, individual/pair's behavior, nesting stage, nest location, and intensity and duration of the disturbance activity, and may be adjusted at any time by the qualified biologist. The nest area shall be avoided until the nest is vacated, and the juveniles have fledged and are no longer reliant upon the nest or parental care for survival, as determined by the qualified biologist. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws. If migratory birds are not detected during the pre-construction survey, no further measures would be required, and construction activities may proceed**.

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

**ENVIRONMENTAL DOCUMENT FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

**CONCLUSION**

CDFW appreciates the opportunity to comment on the IS/MND to assist the Lead Agency in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Dr. Shankar Sharma, Senior Environmental Scientist Specialist at Shankar.Sharma@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Brandy Wood
4D759253408941E...

Brandy Wood
Environmental Program Manager

ec: Office of Planning and Research, State Clearing House, Sacramento
state.clearinghouse@opr.ca.gov

**ATTACHMENTS**

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

**REFERENCES**

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

Rosenberg, Daniel K., and Katherin L. Haley. 2004. Studies in Avian Biology 27:120-135.

## Attachment A

## Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

**Draft Mitigation Monitoring and Reporting Program (MMRP):** SCH 2025030791

CDFW provides the following language to be incorporated into the MMRP for the Project.

| **Biological Resources (BIO)** | | |
|---|---|---|
| **Mitigation Measure (MM) Description** | **Implementation Schedule** | **Responsible Party** |
| **Mitigation Measure BIO-1: Pre-Construction Surveys for Burrowing Owl.**<br><br>Pre-construction surveys for burrowing owl will be conducted within the Project Area and adjacent areas prior to the start of ground-disturbing activities. The surveys will follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012). Prior to the initiation of construction activities (i.e., grading, grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of project-related activities. Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to initiating ground disturbance in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, active burrows or signs thereof, Project activities shall be immediately halted. If impacts to occupied burrowing owl habitat or burrows cannot be fully avoided, consultation with CDFW is warranted to discuss acquiring an Incidental take Permit (ITP) prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) may be authorized through the ITP as a minimization measure. | Prior to commencing ground or vegetation disturbing activities & During Construction | Project Proponent |
| **Mitigation Measure BIO-3: Pre-Construction Nesting Bird Survey.**<br><br>Regardless of time of year, a qualified avian biologist shall conduct pre-construction survey no more than three days prior to any on-site grading and construction activities in accordance with the Migratory Bird Treaty Act and California Fish and Game Code sections 3503, 3503.5, and 3513. Pre-construction nesting bird surveys shall also cover a 500-foot buffer around the site, as feasible, and shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The nesting-bird survey will include the Project Area and adjacent areas where project activities have the potential to affect nests, either directly or indirectly due to construction activity or noise. If an active nest is identified, the biologist will establish an appropriately sized construction-avoidance buffer around the nest using flagging or staking. Construction activities will not occur within a construction-avoidance buffer area until the nest is deemed inactive by a qualified biologist. If occupied nests are found within the Project area or within 500 feet of the Project area, a qualified | Prior to commencing ground or vegetation disturbing activities & During Construction | Project Proponent |

| | | |
|---|---|---|
| biologist shall limit construction activities to avoid impacting nests. The qualified biologist will physically delineate the no-work buffers in the field with flagging, fencing, or other appropriate barriers (e.g., 250 feet around active passerine nests to 500 feet around active non-listed raptor nests), and construction personnel shall be instructed on the sensitivity of nest areas. The size and location of buffers shall be based on the nesting species' sensitivity to disturbance, individual/pair's behavior, nesting stage, nest location, and intensity and duration of the disturbance activity, and may be adjusted at any time by the qualified biologist. The nest area shall be avoided until the nest is vacated, and the juveniles have fledged and are no longer reliant upon the nest or parental care for survival, as determined by the qualified biologist. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws. If migratory birds are not detected during the pre-construction survey, no further measures would be required, and construction activities may proceed. | | |