

DOCKETED

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Project Title:	Puente Power Project
TN #:	212915
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Description:	U.S Fish and Wildlife Service's Mission
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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2016-CPA-0126

August 18, 2016

Shawn Pittard, Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, California 95814-5512

Dear Mr. Pittard:

We have reviewed the Preliminary Staff Assessment for the Puente Power project (15-AFC-01). NRG, Inc. (Applicant) is proposing to demolish two existing power plants with a 430 megawatt capacity and construct a new power plant with a 262 megawatt capacity. The proposed project would occur at the Mandalay Generating Station located at 393 North Harbor in the City of Oxnard in Ventura County, California.

The U.S. Fish and Wildlife Service's (Service) mission is to work with others to conserve and protect the Nation's fish and wildlife resources and their habitats. To assist in meeting this mandate, the Service provides comments on public notices issued for projects that may have an effect on those resources, especially federally-listed plants and wildlife. The Service's responsibilities also include administering the Endangered Species Act of 1973, as amended (Act). Section 9 of the Act prohibits the taking of any federally listed endangered or threatened wildlife species. "Take" is defined at Section 3(19) of the Act to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Act provides for civil and criminal penalties for the unlawful taking of listed wildlife species. Such taking may be authorized by the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

Our review of the proposed project indicates that the area that would be affected may support the following listed species and may be within designated critical habitat:

Common Name	Scientific Name	Threatened or Endangered
Ventura marsh milk-vetch	<i>Astragalus pycnostachyus</i> var. <i>lanosissimus</i>	Endangered
Least Bell's vireo	<i>Vireo bellii pusillus</i>	Endangered
California least tern	<i>Sternula antillarum browni</i>	Endangered
Western snowy plover	<i>Charadrius nivosus nivosus</i>	Threatened
Critical Habitat		
Western snowy plover	<i>Charadrius nivosus nivosus</i>	Threatened

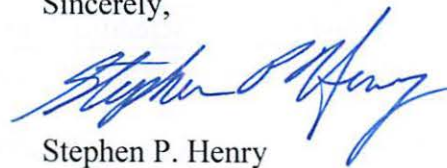
The only remaining natural population of Ventura marsh milk-vetch is located approximately 0.6 miles to the southeast of the project site near the Edison Canal. Project activities may alter use of water from the Edison canal and affect the hydrology of the area where Ventura marsh milk-vetch is present. Least Bell's vireos have been observed near the project site (including one observation 0.17 mile from the project site) and project construction and operations may impact the species.

Project activities may impact California least tern, western snowy plover, and western snowy plover critical habitat. California least tern has been observed immediately adjacent to the *project site* near McGrath Lake. California least tern and western snowy plover are known to use the coastal beach immediately adjacent to the project site and the beach is designated western snowy plover critical habitat. The new exhaust stack included in the proposed project may be used by predatory raptors as nesting sites, decreasing the recovery value of adjacent western snowy plover critical habitat. Similarly, abandonment-in-place of the existing exhaust stack (discussed as a project alternative) may allow raptors to nest in the area and decrease the recovery value of adjacent western snowy plover critical habitat. The Applicant proposes to use an existing outfall within western snowy plover critical habitat to discharge waste water. Waste water discharge from this outfall has caused flooding on the beach within western snowy plover critical habitat. Flooding from this outfall caused the loss of western snowy plover eggs on August 6, 2013 (J. Phillips, U. S. Fish and Wildlife Service, pers. comm. 2013). In general, the presence of power plants appears to reduce use of nearby suitable breeding habitat by California least tern and western snowy plover (C. Hartley, Ventura Audobon Society, pers. comm. 2016). Construction of a new power plant on the proposed site (or abandonment in place of the existing power plant) may impact California least tern and western snowy plover and/or decrease the recovery value of nearby western snowy plover critical habitat.

Operation of the existing power plant has impacted western snowy plover and its critical habitat in the past. Construction and operation of a new power plant at this location could potentially impact listed species and their critical habitat in the future. Based on the current project design and proposed alternatives, the Service would likely advise the Applicant to obtain an Incidental Take Permit under section 10(a)(1)(b) of the Act. Please coordinate with the Service as early as possible to ensure compliance with the Act.

If you have any questions, please contact Dou-Shuan Yang of my staff at (805) 644-1766, extension 313, or by e-mail at Dou-Shuan_Yang@fws.gov.

Sincerely,



Stephen P. Henry
Field Supervisor

In litteris references

Hartley, Cynthia. 2016. Ventura Audobon Society, Ventura, California. Electronic mail to Dou-Shuan Yang, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, dated July 15, 2016. Subject: Power Plant Nest Shadows.

Phillips, Jeff. 2013. Deputy Assistant Field Supervisor, U.S. Fish and Wildlife Service, Ventura California. Electronic Mail to Nat Cox, California State Parks, Ventura, California, dated August 7, 2013. Subject: Re: Direction re snowy plover eggs.