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EDMUND G. BROWN JR., Governor
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November 5, 2015

Mr. Robert B. Weisenmiller, Chair
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Subject: Comments on the Presiding Member's Proposed Decision for the Carlsbad Energy Center Project Amendments (Project)

Dear Chair Weisenmiller:

The California Department of Fish and Wildlife (Department) appreciates the outreach by California Energy Commission (Commission) staff to resolve the Department's concerns in its letter dated October 19, 2015 pertaining to the Project referenced above (October Letter). As described in more detail below, revisions to the Presiding Member's Proposed Decision and Final Staff Assessment are unnecessary.

1. Monitoring Program

The Department recommended in its October Letter that a monitoring program pertaining to the effects of thermal plumes on birds and bats be developed in coordination with the U.S. Fish and Wildlife Service (Service) and the Department and that it be implemented at the Project site. To clarify, the Department did not intend any monitoring program as a form of mitigation. Nor is any monitoring program required for this particular Project. Instead, the Department recommended implementation of such a monitoring program to begin learning about the potential effect, if any, that thermal plumes could have on birds and bats. As mentioned in the October Letter, the Department is not aware of any peer-reviewed publication on the matter so implementation of a monitoring program with input from the Service and Department would be a useful first step. Of note, the Project's coastal location makes it ideally suitable for such a monitoring program. By including the Project in the monitoring program it would help inform future coastal projects that may have similar species as found in the Project's general vicinity.

The Project owner in its Comments and Proposal Regarding CDFW's Comments on the Presiding Member's Proposed Decision (10/28/2015) suggested revisions to the Biological Resources Monitoring Implementation and Mitigation Plan (BRMIMP) to include the monitoring program contemplated in the Department's comments. The Department agrees that this approach would most likely result in gathering data that the Department is interested in. However, if for some reason the Commission, Project owner, Service, and Department are unable to coordinate sufficiently in order to gather data on the Project, the Department looks forward to working with Commission staff to gather data on other projects in the future.

2. Revisions to the Presiding Member's Proposed Decision

The Department also recommended in its October Letter that the biological resources section of the Presiding Member's Proposed Decision include additional Project-specific information

Mr. Robert B. Weisenmiller, Chair
California Energy Commission
November 5, 2015
Page 2 of 2

relevant to the analysis of potential effects that was found in other sections of the document. It was not the Department's desire for the Commission to reopen the evidentiary hearing in order to make what the Department originally thought as simple editorial changes without any substantive effect on the proceeding. With a better understanding of the Commission's process, the Department now views its recommendation as one that would help the reader more easily navigate the document, and not one that is necessary at this stage in the document process. However, for future staff assessments or proposed decisions, the Department recommends that the Commission incorporate technical information from other resource topics to the biological resources section where feasible and informative.

The Department appreciates the opportunity to comment on the Project. Please feel free to contact Terri Stewart at (858) 467-4209 or Terri.Stewart@wildlife.ca.gov with any questions regarding this letter or to coordinate on any monitoring program.

Sincerely,



Edmund Pert
Regional Manager
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