

ATTORNEYS AT LAW

October 31, 2011

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VIA EMAIL

Mr. Eric Solorio, Siting Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

DOCKET	
11-AFC-1	
DATE	<u>OCT 31 2011</u>
RECD.	<u>OCT 31 2011</u>

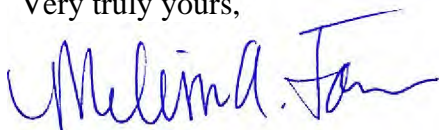
Re: Pio Pico Energy Center Project (11-AFC-01)
Biological Resources: Response to Ann Crisp's October 4, 2011 Inquiry

Dear Mr. Solorio:

On behalf of Applicant Pio Pico Energy Center, LLC, please find enclosed herein Applicant's responses to Ann Crisp's October 4, 2011 informal data request related to biological resources.

Should you have any questions relating to this response, please do not hesitate to contact Maggie Fitzgerald or me.

Very truly yours,



Melissa A. Foster

MAF:jmw

cc: See Proof of Service

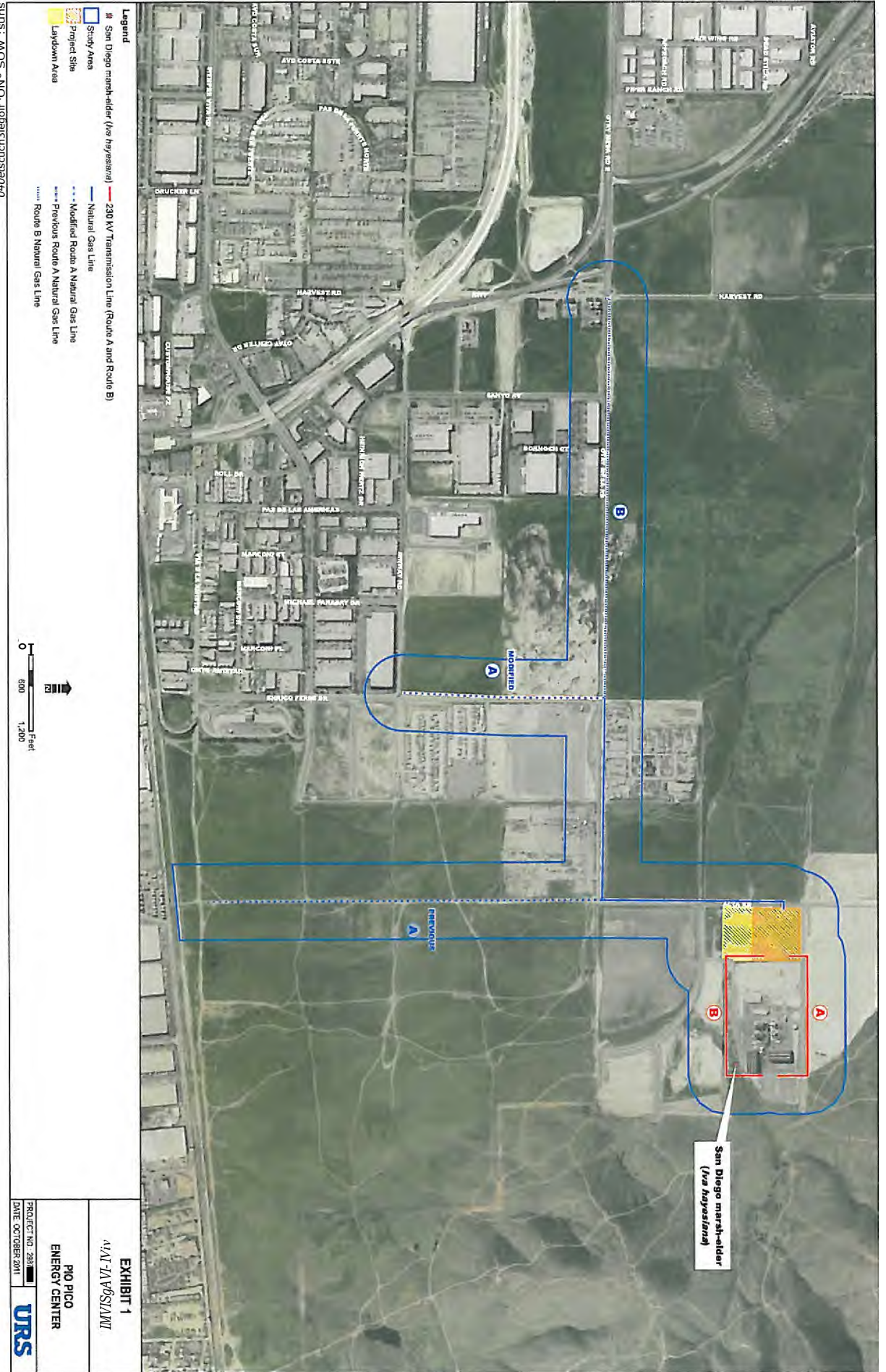
**PIO PICO ENERGY CENTER PROJECT
11-AFC-01**

**Supplemental Response to Biological Resources Data Requests
Responses to Email Correspondences from Ann Crisp, October 4, 2011**

1. In reviewing the plant list it appears that San Diego marsh elder (*Iva hayesiana*) was detected during surveys of the project study area. There is no discussion of where this plant was found or a map indicating its location. Could you please provide details on this occurrence, where it is located, and if a CNDDDB form was completed and submitted to CDFG's CNDDDB? If you could provide as soon as possible that would be greatly appreciated.

Response:

San Diego marsh-elder (*Iva hayesiana*) is a perennial herb found in marshes and swamps, and a small population was detected within the drainage approximately 1,200 feet southeast of the project footprint and 200 feet north of the transmission line Route B option (Exhibit 1). Construction of the project will not result in temporary and/or permanent impacts to the San Diego marsh-elder because the drainage will not be impacted and the habitat requirements for this species do not occur within the project footprint. The facility placement and design, including placement of transmission line structures (i.e., Route **B**), were located and intended to avoid populations of special-status species and special aquatic resource areas within the region. The project design only includes the permanent removal of approximately 9.99 acres of non-native/developed habitat. A CNDDDB form for this occurrence has been submitted to CDFG. Furthermore, Mitigation Measure BIO 8 includes placement of a temporary Environmentally Sensitive Area (ESA) fence around the drainage to minimize habitat disturbance



sunrs : WOS o NO jf06913chp3s2040

- Legend**
- San Diego marsh-elder (via haystack)
 - Study Area
 - ▨ Project Site
 - Laydown Area
 - 230 KV Transmission Line (Route A and Route B)
 - Natural Gas Line
 - - - Modified Route A Natural Gas Line
 - - - Previous Route A Natural Gas Line
 - Route B Natural Gas Line

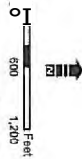


EXHIBIT 1
 4/1-1/V051/V17

PIO PICO
ENERGY CENTER

PROJECT NO. 2391
 DATE: OCTOBER 2011

URS

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 — WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
FOR THE *PIO PICO ENERGY CENTER, LLC*

Docket No. 11-AFC-1
PROOF OF SERVICE
(Revised 5/15/11)

Pio Pico Energy Center, LLC

**Letter to Eric Solorio, Siting Project Manager, California Energy Commission,
dated October 31, 2011 re Biological Resources:
Applicant's Responses to Ann Crisp's October 4, 2011 Inquiry**

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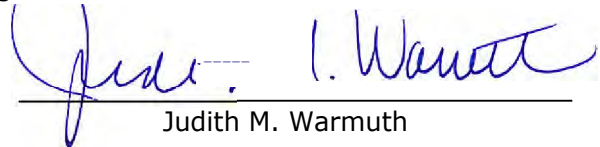
DECLARATION OF SERVICE

I, Judith M. Warmuth, declare that on October 31, 2011, I deposited copies of the aforementioned document and, if applicable, a disc containing the aforementioned document in the United States mail at 500 Capitol Mall, Suite 1600, Sacramento, California 95814, with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

AND/OR

Transmission via electronic mail, personal delivery and first class U.S. mail were consistent with the requirements of California Code of Regulations, Title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is u. and correct.



Judith M. Warmuth