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September 13, 2011

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VIA EMAIL

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

**Re: Pio Pico Energy Center Project (11-AFC-01)
Supplemental Responses to Data Requests Relating to Water Resources, Land Use,
Visual Resources and Biological Resources**

Dear Mr. Solorio:

Applicant Pio Pico Energy Center, LLC herein provides responses to California Energy Commission ("CEC") Staff's supplemental data requests relating to the Pio Pico Energy Center Project ("PPEC"). Specifically, Applicant received the following supplemental requests from CEC Staff either via email or verbally:

WATER RESOURCES

Marylou Taylor sent two emails to Applicant's Water Resources consultant, Anne Connell, dated August 22 and 26, 2011. Applicant responds to Ms. Taylor's supplemental inquiries as set forth in Attachment A.

LAND USE

On August 30, 2011, CEC Staff Candace Hill requested clarification of Figure 3.1-3A. Applicant provides such clarification in Attachment B.

VISUAL RESOURCES

On August 15, 2011, Melissa Mourkas requested additional data relating to fencing and KOP-4. Applicant provides responses to Ms. Mourkas' supplemental requests in Attachment C.



Mr. Eric Solorio, Siting Project Manager
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BIOLOGICAL RESOURCES

During Staff's August 24, 2011 Data Request Workshop, Staff biologists requested Applicant provide a list of "mitigation banks" related to potential nitrogen deposition impacts to various species. Applicant provides in Attachment D a table setting forth all potential options for such mitigation.

Should you have any questions regarding any of the responses provided herein, please do not hesitate to contact our office.

Respectfully submitted,


Kimberly J. Hellwig
Paralegal

KJH:jmw
Enclosure
cc: Proof of Service List

ATTACHMENT A
SUPPLEMENTAL RESPONSES TO DATA REQUESTS FOR WATER RESOURCES

**PIO PICO ENERGY CENTER PROJECT
11-AFC-01
Supplemental Responses to Water Resources Data Requests
Responses to Email Correspondences from Marylou Taylor**

Requests dated August 26, 2011 and August 22, 2011

1. CEC Data Request from Marylou Taylor, dated August 26, 2011

I noticed that the BMP Plan (Drawing #P009-041-CM-006 in Appendix I of the AFC) only includes the project site and the laydown area. I would also like the Plan to include the two alternative transmission line routes, especially Route B that crosses a drainage channel.

I know that the two alternative natural gas line routes are within roadway right-of-ways, so including them in BMP Plans may be unnecessary... I also realize that SDP&E would install and maintain the line... but I'd like a narrative of what/how BMPs implemented during construction of the natural gas line.

Response:

Please refer to Drawing P009-041-CM-201, Site Delineation Map, located in AFC Appendix I-3, DESC, indicating the proposed route of transmission line Route A (north) or Route B (south) to connect the facility to the existing Otay Mesa Substation. Either route requires only three or four off site poles to support aerial conductors, using approximately 500' spans. Transmission Line Route A is located within the Otay River Watershed and does not cross any water features. Transmission Line Route B is located within the Tijuana River watershed that drains to Mexico. As shown on Drawing CM-201, Transmission Line Route B spans a CWA jurisdictional feature approximately 600 feet east of the project site. Construction activities for new transmission line poles and footings will not occur within watercourses or CWA jurisdictional features, as Transmission Line Route B would aurally span across this feature. BMPs would be implemented during construction of the pole footings to minimize erosion and discharge of pollutants. These could include erosion and sediment controls (e.g., EC-1 – scheduling; EC-2 - preservation of existing vegetation; EC-10 – velocity dissipation devices; SE1 - silt fence) and water course avoidance measures (e.g., NS-8, NS-9 and NS-10- vehicle and equipment cleaning, fueling and maintenance; NS-12 - concrete curing) . New footing foundations will not substantially increase impervious surfaces. If any section of the transmission line will be constructed underground, the ground surface will be returned to preconstruction conditions.

Regarding the two fuel gas line route alternatives and BMPs, the gas line will be constructed within existing road right-of-ways by excavating a trench, laying the pipe, and then reusing the excavated soil to backfill the trench. SDG&E, and its contractors, would be required to implement BMPs during construction to minimize erosion and discharge of pollutants in accordance with local requirements. BMPs could include sediment trapping devices and limiting the amount of exposed areas at a given time to minimize erosion and discharge of pollutants

during construction. A discussion of construction activities, including implementation of best management practices (BMPs), associated with the gas and transmission line routes was included in Section 5.5.3.2 of the AFC and Section 5.5.2 of the AFC Refinement. For convenience, the relevant text from these sections is provided below.

From Section 5.5.3.2 of the AFC:

“With the exception of a small portion of the natural gas pipeline Route A [This has changed per the Refinement noted below.], the gas line will not cross intermittent streams or CWA jurisdictional features (see AFC Section 5.6.3 for more information regarding jurisdictional features). The gas line will be constructed by excavating a trench, laying the pipe, and then reusing the excavated soil to backfill the trench. BMPs which could include sediment trapping devices and limiting the amount of exposed areas at a given time will be implemented during construction to minimize erosion and discharge of pollutants. See the DESC in Appendix I-3 for more details on the types of BMPs and proposed placement. Once construction is completed, the ground surface will be returned to the condition prior to construction and no new impervious surface area will be created. Impacts to the CWA jurisdictional feature along the natural gas pipeline Route A would be temporary and could be avoided by using other methods of installation such as jack-and-bore. Project implementation will likely require a CWA Section 404 permit for any temporary impacts to jurisdictional drainage features within the Project footprint (also see AFC Section 5.6.3 and the preliminary Jurisdictional Determination Report included in AFC Appendix J for additional information regarding temporary impacts to this feature). Therefore, impacts to water quality for construction and operation of the gas line will be less than significant.

Construction activities for new transmission line towers and footings will not occur within watercourses or CWA jurisdictional features. BMPs similar to those used during the gas line construction will be implemented to minimize erosion and discharge of pollutants. New foundations will not substantially increase impervious surfaces. If any section of the transmission line will be constructed underground, the ground surface will be returned to preconstruction conditions. Therefore, impacts to water quality for construction and operation of the transmission lines will be less than significant.

Examples of BMPs that could be used during construction to minimize the potential for erosion and discharge of pollutants are described in the draft DESC (see Appendix I-3). A construction SWPPP will be prepared and implemented in accordance with the General NPDES Permit for Construction Activities.”

From Section 5.5.2 of the AFC Refinement:

“Construction activities associated with the Modified Gas Line Route A would be similar to those analyzed in Section 5.5.3.1 through 5.5.3.5 of the AFC (February 2011). The Modified Gas Line Route A would be slightly shorter than the Previous Gas Line Route A, and would be constructed within existing road right-of-ways (i.e., under a lane of the road or within the roadway shoulder) along Alta Road and Otay Mesa Road, but would

now include 2,700 feet within the road right-of-way along Enrico Fermi Drive, as shown on Figure 3.3-3 (Revised) of the AFC Refinement. As described in Sections 5.5.3.2 and 5.6.3 of the AFC (February 2011), a small portion of the Previous Gas Line Route A would have crossed CWA jurisdictional features. The Modified Gas Line Route A will not cross any such features and will avoid any that may be located nearby. Construction practices and Best Management Practices (BMPs) would be the same as previously described in Section 5.5.3.2 of the AFC. Therefore, construction impacts of the project would not result in any additional impacts beyond those analyzed in Section 5.5.3 of the AFC (February 2011).”

2. CEC Data Request from Marylou Taylor, Dated August 22, 2011

Does the project include landscape irrigation as part of its water usage? I only ask because I hear that Otay Water District will require that recycled be used for landscape irrigation, once recycled water is available to the area. I'm just wondering if it is applicable to this project. (I didn't see anything in the Visual Resources section of the AFC about landscape irrigation.)

Response:

The water balances for the PPEC provided in Table 5.5-3 and Figure 3.5-4A of the AFC did not specifically provide an estimate for landscape irrigation usage. However, the estimated amount of water that would be required is expected to be small, i.e., on the order of less than one acre-foot per year (afy)¹ compared to the estimated total project water usage of approximately 380 afy.

The applicant provided a conceptual landscape plan (Figure 5.13-18) in response to CEC Data Request VIS-51. Based on this conceptual plan, landscaping would be limited to street-scape that would only cover a small portion of the site (i.e., no more than 5 to 10 percent). As stated on page 5.12-27 of the AFC, the PPEC will work with both the County and the CEC to develop a landscaping and irrigation plan in compliance with the East Otay Mesa Specific Plan's site planning standards and landscaping standards, as well as San Diego County's Water Conservation in Landscaping Ordinance 10032 and Design Manual. In accordance with these requirements, the plant materials would be drought tolerant and the irrigation system would be designed to conserve water usage. Therefore, any landscaping that would be used at the PPEC site would use a small amount of water.

¹ Landscape irrigation usage determined based on the methodology presented in *A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California*, "Worksheet for Estimating Landscape Water Needs," prepared by the University of California Cooperative Extension, California Department of Water Resources and dated August 2000 (available at: http://www.water.ca.gov/pubs/conservation/a_guide_to_estimating_irrigation_water_needs_of_landscape_plantings_in_california_wucols/wucols00.pdf).

ATTACHMENT B
SUPPLEMENTAL RESPONSES TO DATA REQUESTS FOR LAND USE

PIO PICO ENERGY CENTER PROJECT
11-AFC-01

Supplemental Responses to Land Use Data Requests
Responses to Email Correspondence from Candace Hill, August 30, 2011

1. I have a question on the square footage for the main admin building - shown as number 002 and 008 on the Figure 3.1-3A of the AFC - the scale is off and in order to determine the number of required parking spaces per the East Otay Mesa Specific Plan we need the square footage.

We have a range from approximately 2,000 sf to 5,000 sf-

Do you have the actual square footage?

Response:

For the control room and warehouse the following estimated building areas are provided:

Control/Administration Building (40 ft x 65 ft) = 2,600 sf

Warehouse Building (40 ft x 60 ft) = 2,400 sf

Total building area = 5,000 sf

ATTACHMENT C
SUPPLEMENTAL RESPONSES TO DATA REQUESTS FOR VISUAL RESOURCES

PIO PICO ENERGY CENTER PROJECT
11-AFC-01

Supplemental Responses to Visual Data Requests
Responses to Email Correspondence from Melissa Mourkas, August 15, 2011

1. The conceptual landscape plan (5.13-18) submitted with the data responses appears to show a 3'-4' (approx) gap between the actual property line and the proposed fencing along the eastern boundary (at the top of the slope). They haven't commented on it yet, but I suspect the Border Patrol would see this as a security issue if I pointed it out to them. We did receive comments from them that were docketed on August 8 that addresses other concerns. This configuration would create a void or corridor between PPEC and Otay Mesa Generating Plant's fences that would A). allow for passage of people (i.e., illegal aliens) and, B). provide opportunities for maintenance and fire safety hazards with weedy growth, etc. in between the two fencelines. Can you provide some clarification on why this has been designed this way and suggest ways to avoid the potential problems? I appreciate your assistance.

The Pio Pico Energy Center fence along its eastern site boundary is intended to join the existing adjacent OMGP project fence. With this arrangement, no fence line corridor between PPEC and OMGP will exist.

2. The KOP-4 simulation and the AFC cover simulation rendering show stacks and other structures in a grey color and the tanks and buildings closest to Alta Road in a fairly bright shade of white. Table 5.13-4 lists the tanks as "grey". The brightness of the white tanks so close to the road may affect drivers on Alta Road. Looking at the existing Otay Mesa Generating Plant, which is painted a shade of "ochre" or similar earth-tone, it seems consistency with the existing would be a logical approach, as it would blend in with the golden brown hillsides behind the plant and reduce brightness. A rough simulation changing the colors might provide us a good idea of the how a color change might affect the viewshed. Let me know your thoughts.

The simulations of the Pio Pico Energy Center from KOP #4 and as presented on the AFC cover provide conceptual renderings of the project appearance with an emphasis on depicting individual structure/components. As such, the simulations do not present a final structure/component color palette. The Applicant agrees with Staff, in that the palette should be compatible with, and perhaps mimic, OMGP's colors. Therefore, the Applicant proposes the following Condition of Certification (COC):

Visual Resources-3: Prior to construction, the project owner shall identify the PPEC project structures and components that would be painted in natural and neutral shades. The selected color(s) shall be compatible with the project surroundings, and are subject to CEC visual resources staff approval.

Verification: The project owner shall submit the list of PPEC project structures and components with the proposed architectural coating palette to the CPM for review and approval at least 60 days prior to ground disturbance.

ATTACHMENT D
SUPPLEMENTAL RESPONSES TO DATA REQUESTS FOR BIOLOGICAL RESOURCES

Nitrogen Deposition Compensation Options

Location	Contact
Center for Natural Land Management	Headquarters 215 West Ash Street Fallbrook, CA 92028 (760) 731-7790 Office (760) 731-7791 Fax
Crestridge Conservation Bank	Tammy Lawhead J. Whalen Associates, Inc. (619) 683-5544 http://www.jwhalen.net/crestridge.html
Deer Canyon Conservation Bank	Jim Carter, Environmental Lands Solutions 2516 La Costa Avenue Rancho La Costa, CA 92009 (760) 942-2397 Office (760) 942-5015 Fax
Heights of Pala Mesa Conservation Bank	Jim Carter, Environmental Lands Solutions 2516 La Costa Avenue Rancho La Costa, CA 92009 (760) 942-2397 Office (760) 942-5015 Fax
Red Mountain Bank	Sheryll Givens, TRS Consultants (619) 299-2525 Jane Hendron – Carlsbad Fish and Wildlife (760) 431-9440 ext.205

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 September 13, 2011 Regarding Supplemental Responses to Data Requests
Relating to Water Resources, Land Use, Visual Resources and Biological
Resources**

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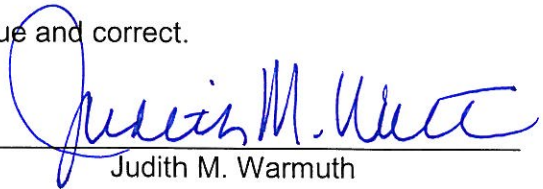
DECLARATION OF SERVICE

I, Judith M. Warmuth, declare that on September 13, 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 true and correct.



Judith M. Warmuth