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February 2, 2012

MELISSA A. FOSTER
Direct (916) 319-4673
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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-1)
Initiation of Formal Section 7 Consultation**

DOCKET	
11-AFC-1	
DATE	FEB 02 2012
RECD.	FEB 02 2012

Dear Mr. Solorio:

On February 1, 2012, Applicant Pio Pico Energy Center LLC received a copy of correspondence from the United States Fish and Wildlife Service to the United States Environmental Protection Agency, Region 9, regarding initiation of a formal Section 7 consultation process for the Pio Pico Energy Center Project. Such correspondence is enclosed herein for docketing and will be served on the parties to this proceeding.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Melissa A. Foster".

Melissa A. Foster

MAF:jmw

Enclosure

cc: See Proof of Service



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011



In Reply Refer To:
FWS-SDG-10B0661-12TA0160

FEB 01 2012

Mr. Gerardo Rios
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, California 94105-3901

Subject: Initiation of Formal Section 7 Consultation for the Proposed Pio Pico Energy Center Project, Unincorporated San Diego County, California

Dear Mr. Rios:

This letter acknowledges our receipt on December 27, 2012, of your request to initiate formal section 7 consultation under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). The consultation will address the proposed construction and operation of the Pio Pico Energy Center in the Otay Mesa area of unincorporated San Diego County, California and the potential effects of these actions on the federally endangered quino checkerspot butterfly (*Euphydryas editha quino*), federally threatened coastal California gnatcatcher (*Polioptila californica californica*) and Otay tarplant (*Deinandra conjugens*) and their respective designated critical habitats.

Formal consultation for the proposed action has been initiated as of December 27, 2010, the date we received your request. We have assigned project number FWS-SDG-2010-B-0611 to this consultation. Please refer to this number in any future correspondence on this consultation. Section 7 of the Act allows us up to 90 days to conclude formal consultation with your agency and an additional 45 days to prepare our biological opinion (unless we mutually agree to an extension). Therefore, we expect to provide you with our biological opinion no later than May 10, 2012.

On December 23, 2012, we received a biological assessment dated November 2011. We understand the applicant's commitment to minimize impacts to threatened and endangered species and their critical habitat through habitat preservation and/or active habitat management; however, the biological assessment did not provide sufficient detail for us to determine the effectiveness of the proposed measures. Although we have sufficient information to initiate formal consultation, we request that the applicant provide more specific details regarding how specific properties will be identified for preservation and/or habitat management as discussed at our meeting on January 11, 2012. This information is needed for our analysis of project impacts and the associated avoidance and minimization measures.

Mr. Gerardo Rios (FWS-SDG-10B0661-12TA0160)

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As a reminder, the Act requires that after initiation of formal consultation, the Federal action agency make no irreversible or irretrievable commitment of resources that limits future options. This practice ensures that agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitats.

If you have any questions or comments about this letter or the consultation process in general, please contact Eric Porter of this office at 760-431-9440, extension 285.

Sincerely,


for Karen A. Goebel
Assistant Field Supervisor

cc:

Ann Crisp, California Energy Commission, Sacramento, CA
Eric Solorio, California Energy Commission, Sacramento, CA
David Jenkins, APEX Power Group, Mooresville, IN
Pat Mock, URS, San Diego, CA