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May 9, 2012

MELISSA A. FOSTER
Direct (916) 319-4673
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VIA EMAIL & US MAIL

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

DOCKET	
11-AFC-1	
DATE	<u>MAY 09 2012</u>
RECD.	<u>MAY 09 2012</u>

**Re: Pio Pico Energy Center Project (11-AFC-01)
Correspondence to USFWS Related to Section 7 Consultation**

Dear Mr. Solorio:

On May 8, 2012, Applicant Pio Pico Energy Center, LLC submitted the enclosed correspondence and related figures to the United States Fish and Wildlife Service, Carlsbad Fish and Wildlife Office. This correspondence is related to the Section 7 Consultation for the Pio Pico Energy Center Project (reference Consultation Project No. FWS-SDG-2010-B-0611). We enclose this correspondence for docketing.

Energy Commission General Order 11-GEN ADMIN-01 requires electronic filing and service of documents, but restricts the maximum file size of documents submitted by electronic transfer or email to five megabytes (5MB). Because the enclosed correspondence exceeds that threshold, Applicant is submitting the enclosed documents to all parties, including the Docket Unit, on disc.

Very truly yours,

A handwritten signature in blue ink that reads "Melissa A. Foster".

Melissa A. Foster

MAF:jmw

Enclosure

cc: Proof of Service List

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 3/20/12)

Pio Pico Energy Center, LLC
**Letter to E. Solorio dated May 9, 2012 re Submittal of Correspondence
to USFWS Related to Section 7 Consultation**

APPLICANT

Gary Chandler, President
Pio Pico Energy Center
P.O. Box 95592
South Jordan, UT 84095
grchandler@apexpowergroup.com

David Jenkins, Project Manager
Pio Pico Energy Center, LLC
1293 E. Jessup Way
Mooresville, IN 46158
djenkins@apexpowergroup.com

APPLICANT'S CONSULTANTS

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Sierra Research
1801 J Street
Sacramento, CA 95811
MFitzgerald@sierraresearch.com

COUNSEL FOR APPLICANT

John A. McKinsey
Melissa A. Foster
Stoel Rives, LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
jamckinsey@stoel.com
mafoster@stoel.com

INTERESTED AGENCIES

California ISO
e-mail service preferred
e-recipient@caiso.com

PETITIONERS

April Rose Sommer
Attorney for Rob Simpson
P.O. Box 6937
Moraga, CA 94570
e-mail service preferred
aprilsommerlaw@yahoo.com

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ADVISER**

Jennifer Jennings
Energy Commission Public Adviser
e-mail service preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Judith M. Warmuth, declare that on May 9, 2012:

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 herein and consistent with the requirements of California Code of Regulations, Title 20, sections 1209, 1209.5, and 1210.

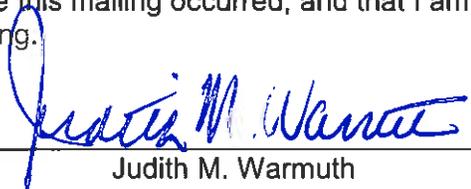
OR

I transmitted the document(s) herein via electronic mail only pursuant to California Energy Commission Standing Order re Proceedings and Confidentiality Applications dated November 30, 2011. All electronic copies were sent to all those identified on the Proof of Service list herein and consistent with the requirements of California Code of Regulations, Title 20, sections 1209, 1209.5, and 1210.

OR

On the date written above, I placed a copy of the attached document(s) in a sealed envelope, with delivery fees paid or provided for, and arranged for it/them to be delivered by messenger that same day to the office of the addressee, as identified on the Proof of Service list herein and consistent with the requirements of California Code of Regulations, Title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



Judith M. Warmuth

[REDACTED]

Subject:
Attachments:

[REDACTED]

FW: Pio Pico Energy Center Bio Mitigation
Letter to USFWS re PPEC Mitigation Options_5-8-2012.pdf; 2012-05-07 Ex1a USFWS
Parcels SSS.pdf; 2012-05-07 Ex1b USFWS Parcels Habitat.pdf; 2012-05-07 Ex1c USFWS
Parcels Proximity.pdf; 2012-05-07 Ex2a BLM Dulzura Parcels SSS.pdf; 2012-05-07 Ex2b
BLM Dulzura Parcels Habitat.pdf; 2012-05-07 Ex2c BLM Dulzura Parcels Proximity.pdf;
2012-05-07 Ex3a PV Weeding Area.pdf; PPEC Land Purchase_Mitigation Parcels 2012_05_
07.pdf; PPEC Mitigation BLM_Dulzura Parcels 2012_05_07.pdf

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: davdjenk@gmail.com [<mailto:davdjenk@gmail.com>] **On Behalf Of** David Jenkins
Sent: Tuesday, May 08, 2012 4:17 PM
To: Eric_Porter@fws.gov
Cc: Maggie Fitzgerald; lincoln.hulse@noreasinc.com; Amanda Johnson
Subject: Pio Pico Energy Center Bio Mitigation

Eric,

Please find attached ten files including a cover letter that the PPEC team believes will meet your requirements in order for you to proceed with drafting of the PPEC Biological Opinion. You should receive a hard copy of these documents in a day or so from Amanda Johnson.

Note that Lincoln Hulse is once again part of the PPEC team. He prepared all of the technical documents herein. As I noted in the cover letter, don't hesitate to call me for general questions and Lincoln for technical ones. Beyond that, I would like to discuss with you the completeness of these documents as they relate to the BO sometime next week.

As always, I appreciate your prompt attention to PPEC's needs. Thanks,

Dave

--
David Jenkins
APEX Power Group, LLC
(317) 431-1004 (cell)
djenkins@apexpowergroup.com



May 8, 2012

Eric Porter
United States Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, CA 92011

**Subject: Pio Pico Energy Center
Consultation Project No. FWS-SDG-2010-B-0611**

As a follow-up to its February 24, 2012 letter to your office, Pio Pico Energy Center, LLC (“Applicant”) herein provides additional information related to proposed mitigation options for the Pio Pico Energy Center Project (“Project”). Applicant discussed the contents of the February 24, 2012 submission and the three option tiers for mitigation summarized therein during meetings with you on March 21, 2012 and April 19, 2012. During those meetings, you requested additional details regarding proposed mitigation options.

As outlined in the Applicant’s February 24, 2012 correspondence, the three options Applicant investigated included:

- (1) Acquisition and deed transfer of 20-acres of local habitat-suitable land to a local conservation agency. This would create new conserved land through perpetuity.
- (2) Weed abatement of non-native plant species on 50 acres for the 20-year life of the PPEC project of local, habitat-suitable land that is already in habitat conservation.
- (3) Funding of an existing, or creation of a new conservation fund or trust that would either be used to purchase land or be used for weed management to meet PPEC’s mitigation requirements over the 20-year life of the PPEC project.

Upon further investigation, we are no longer pursuing option (3). Hence, the enclosed information contains specific data related to land purchase options and habitat management (*i.e.*, weed abatement) options, as outlined in the option tiers included in Applicant’s February 24, 2012 correspondence.

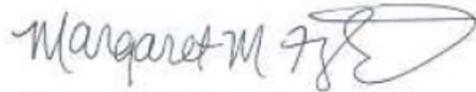
For the land purchase option, Applicant identified various parcels that include special-status species observations (*i.e.*, Otay tarplant, coastal California gnatcatcher, and Quino checkerspot butterfly), USFWS designated critical habitat, suitable habitat for the aforementioned special

status species (vegetation) and proximity to existing preserves. Please see the attached spread sheet and exhibits 1a, 1b and 1c for details regarding the land purchase option.

For the habitat management option, Applicant identified various parcels owned by the Bureau of Land Management (Dulzura Occurrence Complex) as well as lands owned by the Chaparral Lands Conservancy (Proctor Valley Restoration Sites). Please see the attached spread sheet and exhibits 2a, 2b and 2c for details regarding the BLM lands and exhibit 3a for the Proctor Valley option. The BLM option also includes special-status species observations; USFWS designated critical habitat, suitable habitat and proximity to existing preserves. The Proctor Valley option is a known open space and includes suitable habitat for all three special status species.

We believe that the enclosed information will allow you to complete the Biological Opinion for the Project in a timely fashion. If you have any general questions, please feel free to contact me at 317-431-1004, and for biology-specific questions, please contact Lincoln Hulse at 949-467-9116.

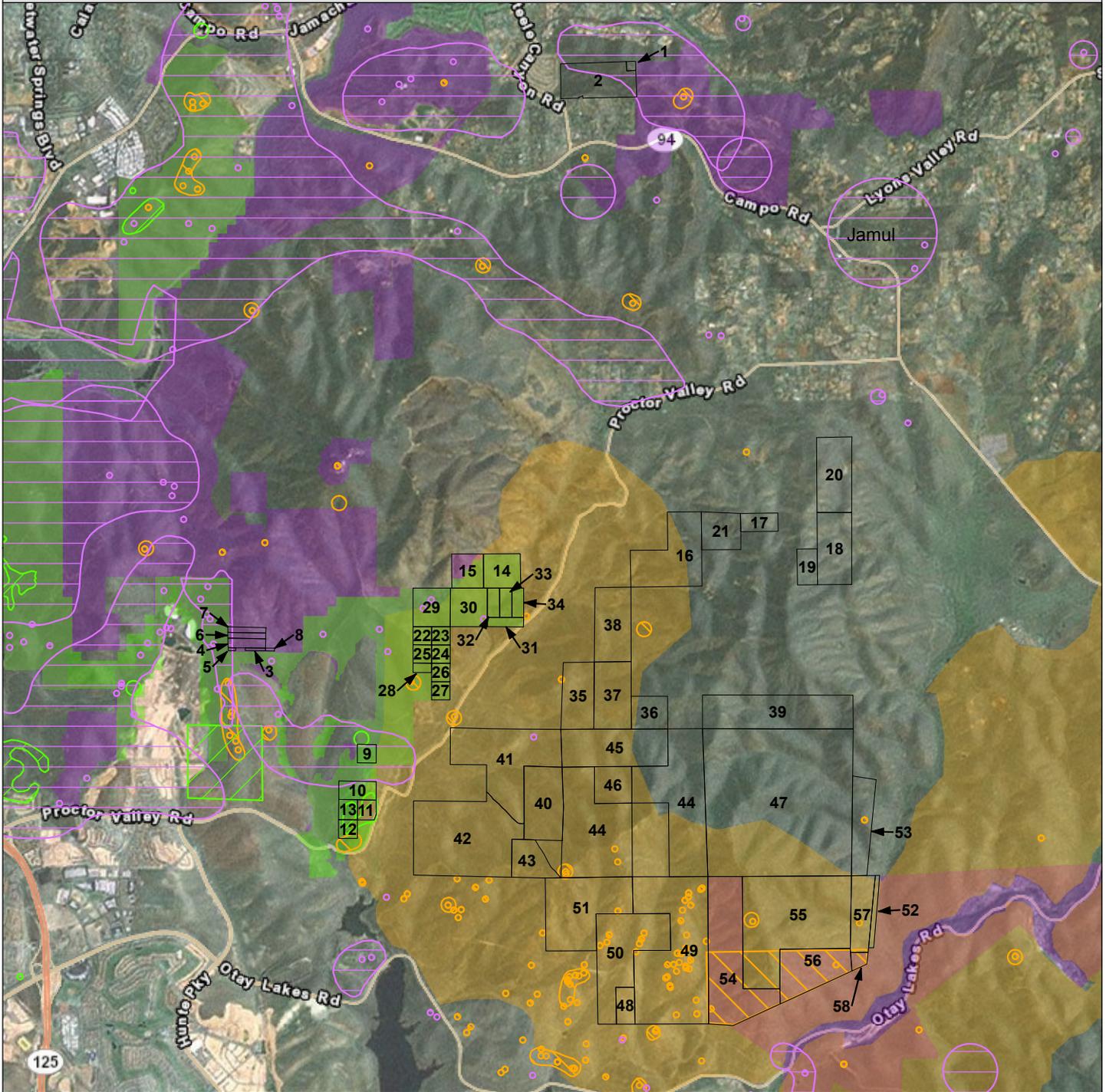
Sincerely,

 on behalf of

David Jenkins
Pio Pico Energy Center Project Manager

CC: Maggie Fitzgerald, Sierra Research
Lincoln Hulse, Noreas

PIO PICO ENERGY CENTER PROJECT

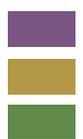


□ Potential Mitigation Parcel Boundary

Special-Status Species

Critical Habitat

Observation

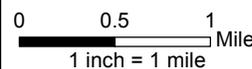


Special-status species considered for this analysis are Otay tarplant, coastal California gnatcatcher and Quino checkerspot butterfly.

Data Sources:

- BingMaps accessed April 2012
- NOREAS, Inc. 2012
- SanGIS Data Warehouse, data accessed April 2012
- US Fish and Wildlife Service, Carlsbad Office, GIS data accessed April 2012

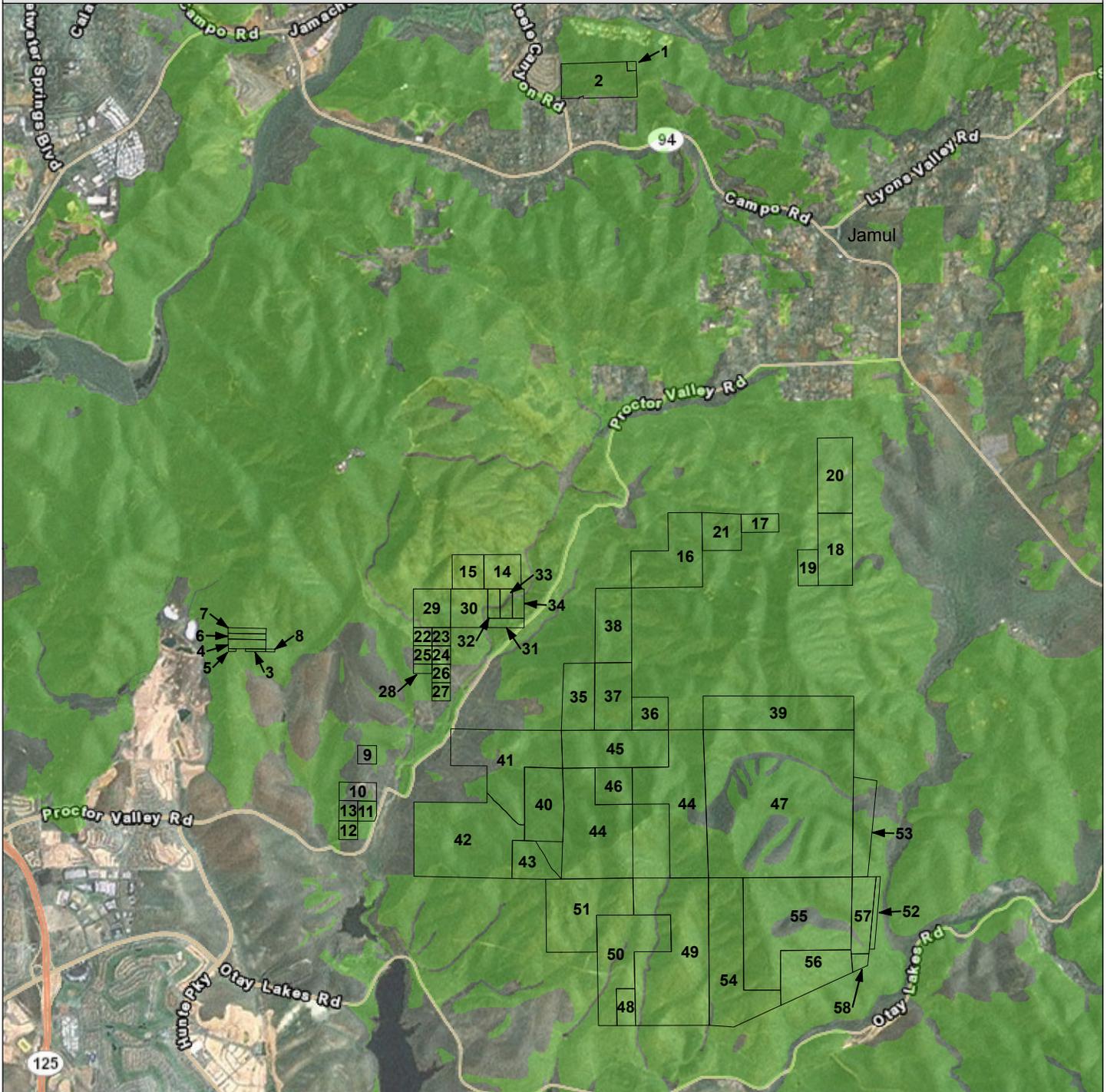
Map Prepared: 5-7-12



Prepared by:
NOREAS
Environmental Engineering and Science

Exhibit 1a. Potential Mitigation Parcels Special-Status Species

PIO PICO ENERGY CENTER PROJECT



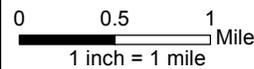
 Potential Mitigation Parcel Boundary

 Suitable Habitat for Special-Status Species (Scrub or Chaparral)

Special-status species considered for this analysis are Otoy tarplant, coastal California gnatcatcher and Quino checkerspot butterfly.

Data Sources:
 - Aerials Express accessed April 2012, photo dated 3-10
 - SanGIS Data Warehouse, data accessed April 2012

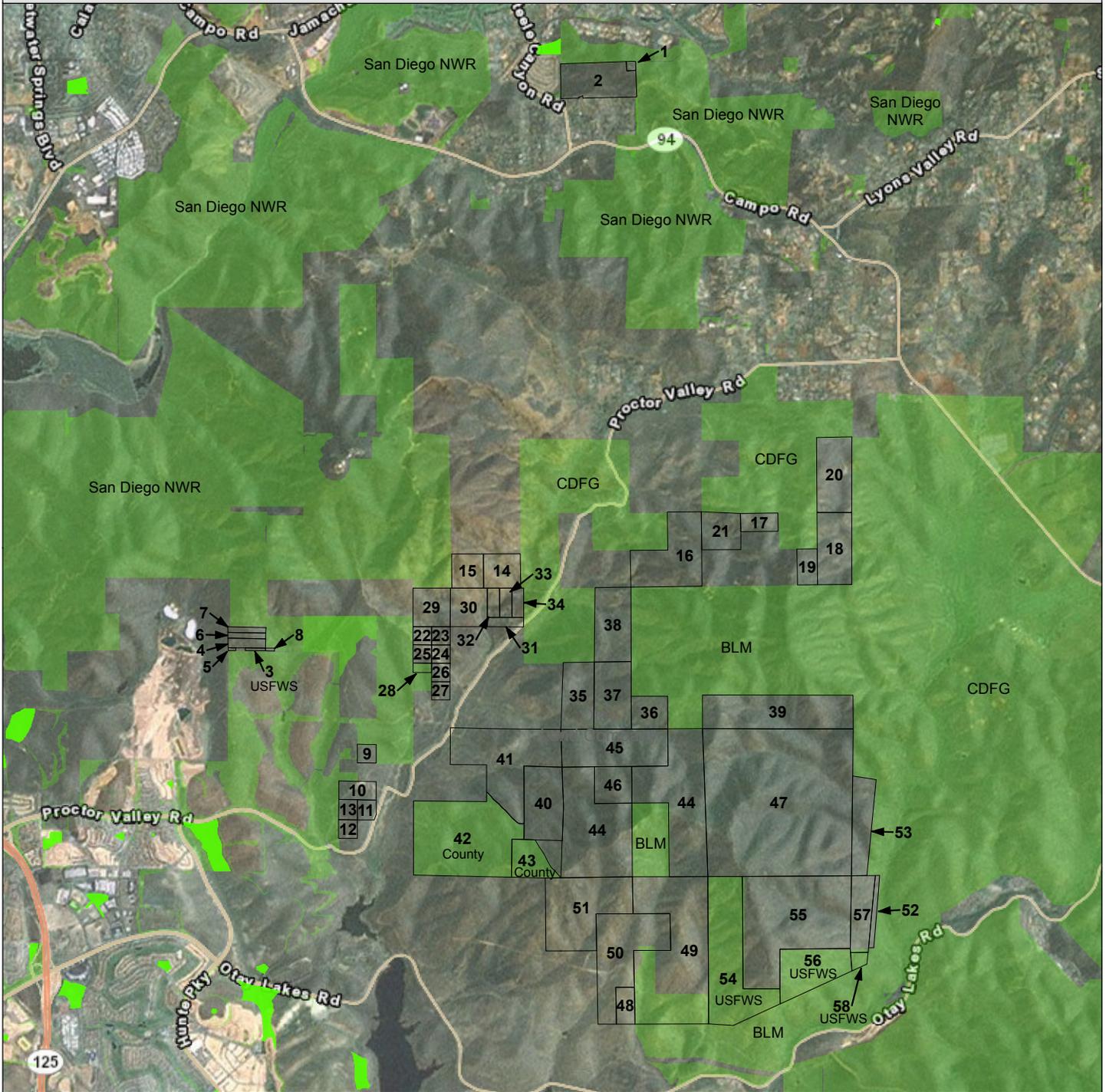
Map Prepared: 5-7-12



Prepared by:
NOREAS
 Environmental Engineering and Science

Exhibit 1b. Potential Mitigation Parcels Suitable Habitat

PIO PICO ENERGY CENTER PROJECT



Potential Mitigation Parcel Boundary

Existing Preserves

Open Space, Preserve, Refuge, or State or Federally Owned Land

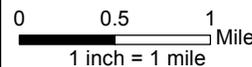
Active Use Park

Data Sources:

- Aerials Express accessed April 2012, aerial photo dated 3-10
- NOREAS, Inc. 2012
- SanGIS Data Warehouse, data accessed April 2012
- US Fish and Wildlife Service, Carlsbad Office, GIS data accessed April 2012

Map Prepared: 5-7-12

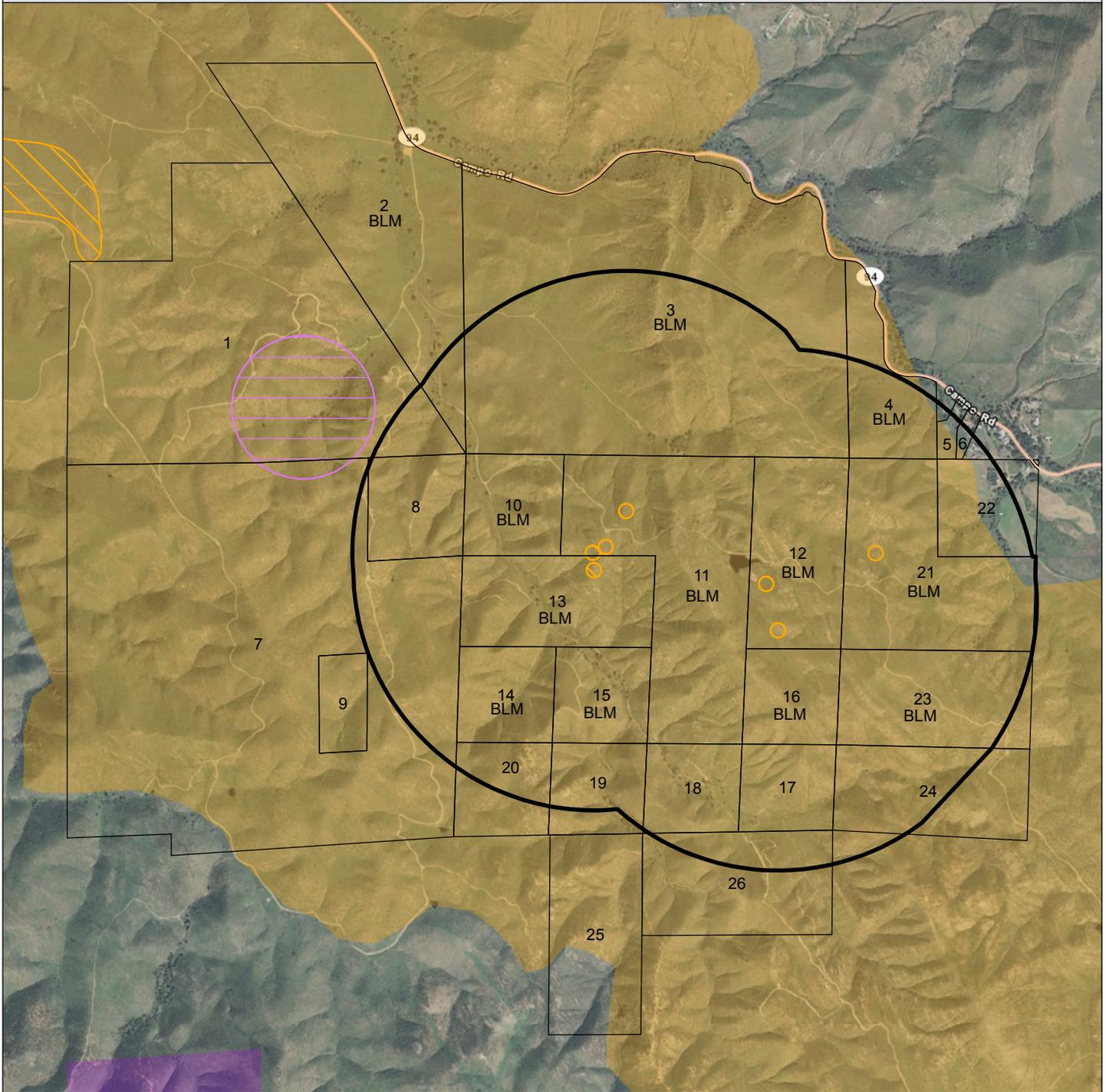
Special-status species considered for this analysis are Otoy tarplant, coastal California gnatcatcher and Quino checkerspot butterfly.



Prepared by:
NOREAS
 Environmental Engineering and Science

Exhibit 1c. Potential Mitigation Parcels Proximity to Existing Preserves

PIO PICO ENERGY CENTER PROJECT

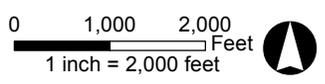


 Potential Mitigation Parcel Boundary	Special-Status Species
 Dulzura Occurrence Complex (approx.)	Critical Habitat
	Observation
	 Coastal California Gnatcatcher
	 Quino Checkerspot Butterfly
	 Otay Tarplant

Special-status species considered for this analysis are Otoy tarplant, coastal California gnatcatcher and Quino checkerspot butterfly.

Data Sources:
 - BingMaps accessed April 2012
 - NOREAS, Inc. 2012
 - SanGIS Data Warehouse, data accessed April 2012
 - US Fish and Wildlife Service, Carlsbad Office, GIS data accessed April 2012

Map Prepared: 5-7-12

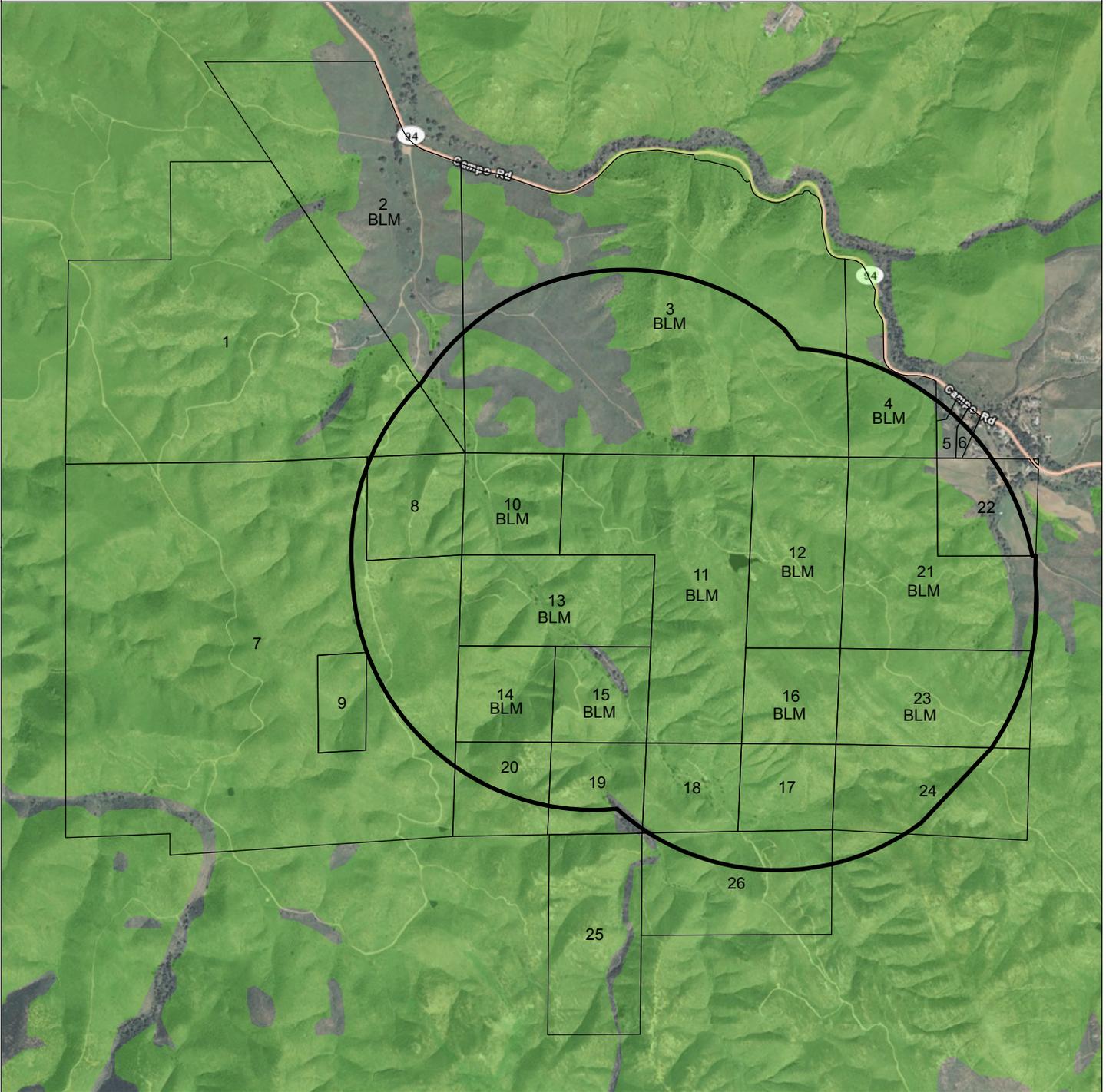


Prepared by:

 Environmental Engineering and Science

Exhibit 2a. Dulzura Complex Potential Mitigation Parcels Special-Status Species

PIO PICO ENERGY CENTER PROJECT



-  Potential Mitigation Parcel Boundary
-  Dulzura Occurrence Complex (approx.)
-  Suitable Habitat for Special-Status Species (Scrub or Chaparral)

Special-status species considered for this analysis are Otay tarplant, coastal California gnatcatcher and Quino checkerspot butterfly.

Data Sources:
 - Aerials Express accessed April 2012, photo dated 3-10
 - SanGIS Data Warehouse, data accessed April 2012

Map Prepared: 5-7-12

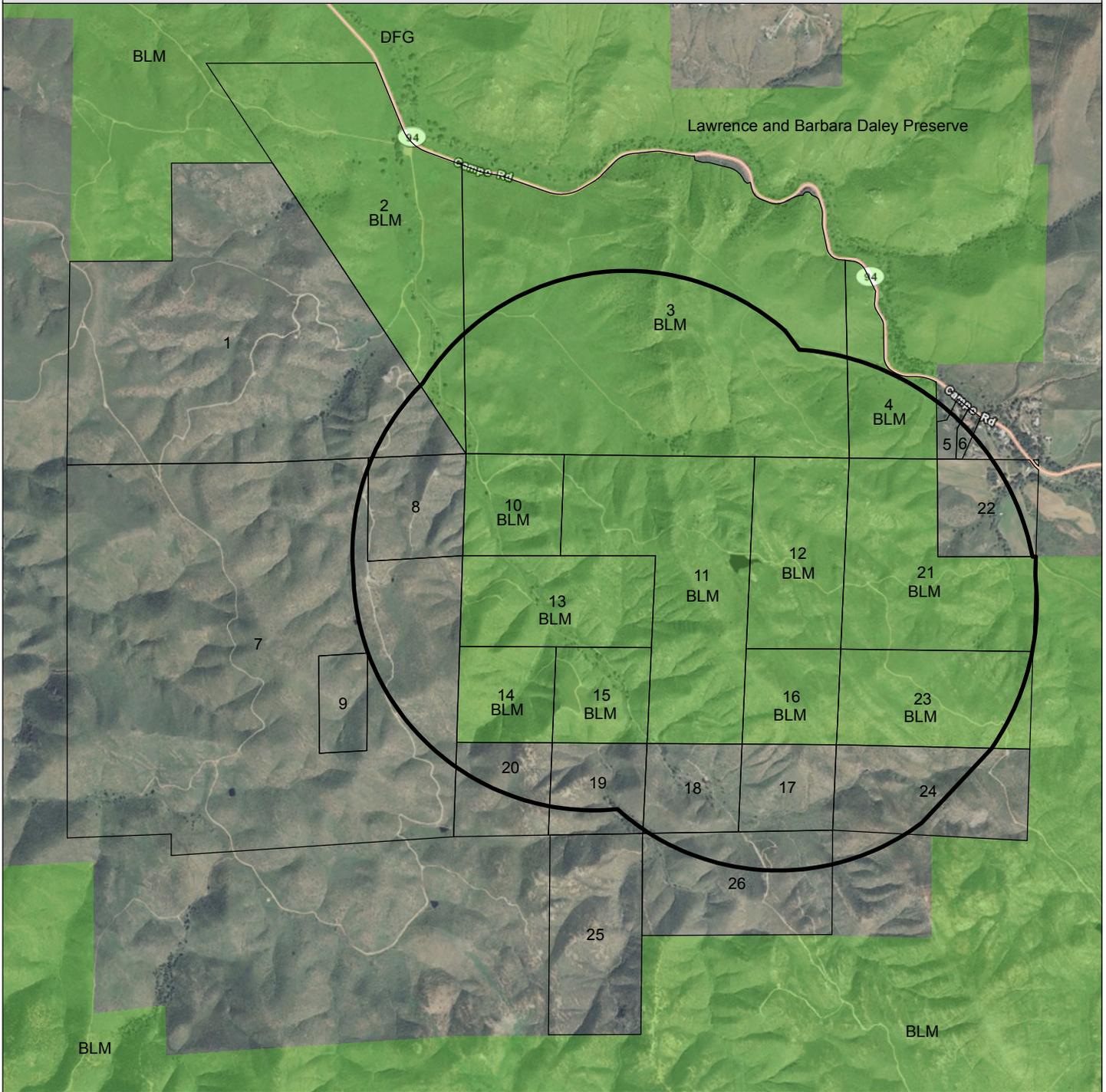
0 1,000 2,000 Feet
 1 inch = 2,000 feet



Prepared by:
NOREAS
 Environmental Engineering and Science

Exhibit 2b. Dulzura Complex Potential Mitigation Parcels Suitable Habitat

PIO PICO ENERGY CENTER PROJECT



-  Potential Mitigation Parcel Boundary
-  Dulzura Occurrence Complex (approx.)

- Existing Preserves**
-  Open Space, Preserve, Refuge, or State or Federally Owned Land
 -  Active Use Park

Data Sources:
 - Aerials Express accessed April 2012, aerial photo dated 3-10
 - NOREAS, Inc. 2012
 - SanGIS Data Warehouse, data accessed April 2012
 - US Fish and Wildlife Service, Carlsbad Office, GIS data accessed April 2012

Map Prepared: 5-7-12

0 1,000 2,000 Feet
 1 inch = 2,000 feet

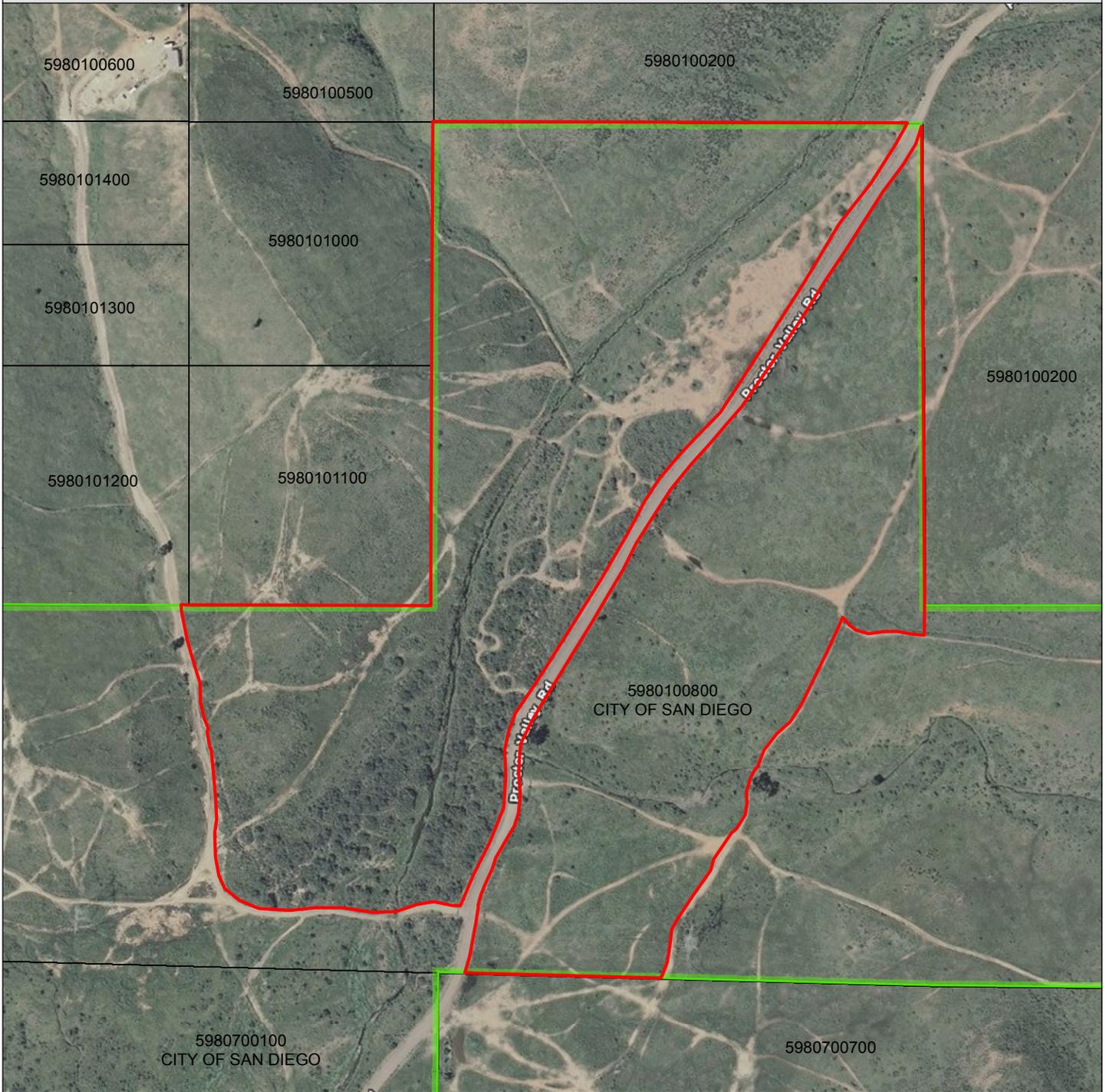


Prepared by:
NOREAS
 Environmental Engineering and Science

Special-status species considered for this analysis are Otay tarplant, coastal California gnatcatcher and Quino checkerspot butterfly.

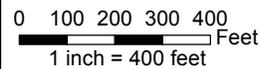
Exhibit 2c. Dulzura Complex Potential Mitigation Parcels Proximity to Existing Preserves

PIO PICO ENERGY CENTER PROJECT



- Proposed Weeding Area Boundary
- City of San Diego Land (APN 5980100800)
- Parcel Boundary

Data Sources:
 - Aerials Express accessed May 2012, photo dated 3-2010
 - NOREAS, Inc. 2012
 - SanGIS Data Warehouse, data accessed April 2012
 Map Prepared: 5-7-12



Prepared by:
NOREAS
 Environmental Engineering and Science

Exhibit 3a. Proctor Valley Proposed Weeding Area

PPEC LAND PURCHASE_MITIGATION PARCELS - SORTED BY APN

Map ID	APN	Acreage	SPECIAL-STATUS SPECIES			CRITICAL HABITAT		
			Otay Tarplant	Coastal	Quino	Otay Tarplant	Coastal	Quino
				California Gnatcatcher	Checkerspot Butterfly		California Gnatcatcher	Checkerspot Butterfly
1	5190300500	2.5	No	Yes	No	>1/2mi	<1/2mi	>1/2mi
2	5190305400	77.32	No	Yes	No	>1/2mi	<1/2mi	>1/2mi
3	5851400600	2	No	No	No	<1/2mi	Onsite	>1/2mi
4	5851400800	12	No	Yes	No	Onsite	Onsite	>1/2mi
5	5851401200	1	No	Yes	No	Onsite	Onsite	>1/2mi
6	5851401800	6	No	Yes	No	Onsite	Onsite	>1/2mi
7	5851401900	6	No	Yes	No	Onsite	Onsite	>1/2mi
8	5851500400	1	No	No	No	<1/2mi	Onsite	>1/2mi
9	5950500400	10	Yes	Yes	No	Onsite	Onsite	Onsite
10	5950501100	20	Yes	Yes	No	Onsite	Onsite	Onsite
11	5950501400	10	Yes	No	No	Onsite	<1/2mi	Onsite
12	5950501800	10.32	Yes	No	Yes	Onsite	Onsite	Onsite
13	5950501900	10.31	Yes	No	No	Onsite	Onsite	Onsite
14	5971300800	40	No	No	No	Onsite	Onsite	Onsite
15	5971300900	40	No	No	No	Onsite	Onsite	Onsite
16	5971400800	120	No	No	No	>1/2mi	>1/2mi	Onsite
17	5971500300	20	No	No	No	>1/2mi	>1/2mi	<1/2mi
18	5971500700	80	No	No	No	>1/2mi	>1/2mi	>1/2mi
19	5971500800	20	No	No	No	>1/2mi	>1/2mi	>1/2mi
20	5971501200	80	No	No	No	>1/2mi	>1/2mi	>1/2mi
21	5971501300	40	No	No	No	>1/2mi	>1/2mi	<1/2mi
22	5980100300	10.2	No	No	No	Onsite	Onsite	Onsite
23	5980100400	10.19	No	No	No	Onsite	Onsite	Onsite
24	5980100500	10.2	No	No	No	Onsite	Onsite	Onsite
25	5980100600	10.2	No	No	No	Onsite	Onsite	Onsite
26	5980101000	10.15	No	No	No	Onsite	Onsite	Onsite
27	5980101100	10.14	No	No	No	Onsite	Onsite	Onsite
28	5980101400	5.07	No	No	No	Onsite	Onsite	Onsite
29	5980101500	41.01	No	Yes	No	Onsite	Onsite	Onsite
30	5980101700	40	No	Yes	No	Onsite	Onsite	Onsite
31	5980101800	10.03	No	No	No	Onsite	Onsite	Onsite
32	5980102000	9.87	No	No	No	Onsite	Onsite	Onsite
33	5980102100	9.91	No	No	No	Onsite	Onsite	Onsite
34	5980102200	9.94	No	No	No	Onsite	Onsite	Onsite
35	5980200400	80	No	No	Yes	<1/2mi	<1/2mi	Onsite
36	5980200500	40	No	No	No	>1/2mi	>1/2mi	Onsite
37	5980200600	80	No	No	No	<1/2mi	<1/2mi	Onsite
38	5980210200	80	No	No	No	<1/2mi	<1/2mi	Onsite
39	5980300100	160	No	No	No	>1/2mi	>1/2mi	<1/2mi
40	5980700400	80	No	No	No	>1/2mi	>1/2mi	Onsite
41	5980700700	166.67	No	Yes	No	<1/2mi	<1/2mi	Onsite
42	5980700800	220.99	No	No	No	<1/2mi	<1/2mi	Onsite
43	5980701000	37.14	No	No	No	>1/2mi	>1/2mi	Onsite
44	5980800100	400	No	No	Yes	>1/2mi	<1/2mi	Onsite
45	5980800200	120	No	No	No	>1/2mi	>1/2mi	Onsite
46	5980800300	40	No	No	No	>1/2mi	>1/2mi	Onsite
47	5980900100	640	No	No	No	>1/2mi	<1/2mi	Onsite

PPEC LAND PURCHASE_MITIGATION PARCELS - SORTED BY APN

Map ID	APN	Acreage	SPECIAL-STATUS SPECIES			CRITICAL HABITAT		
			Otay Tarplant	Coastal	Quino	Otay Tarplant	Coastal	Quino
				California Gnatcatcher	Checkerspot Butterfly		California Gnatcatcher	Checkerspot Butterfly
48	5981400200	20	No	No	No	>1/2mi	>1/2mi	Onsite
49	5981400400	280	No	No	Yes	>1/2mi	<1/2mi	Onsite
50	5981400500	140	No	No	Yes	>1/2mi	<1/2mi	Onsite
51	5981400600	150.12	No	No	Yes	>1/2mi	>1/2mi	Onsite
52	5981600200	9.7	No	No	No	>1/2mi	<1/2mi	Onsite
53	5981001000	31.66	No	No	Yes	>1/2mi	<1/2mi	<1/2mi
54	5981500300	182.08	No	No	Yes	>1/2mi	Onsite	Onsite
55	5981500400	280	No	No	Yes	>1/2mi	Onsite	Onsite
56	5981500500	69.67	No	No	Yes	>1/2mi	Onsite	Onsite
57	5981601500	49.35	No	No	Yes	>1/2mi	Onsite	Onsite
58	5981601300	6.02	No	No	Yes	>1/2mi	Onsite	Onsite

