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May 14, 2012

KIMBERLY J. HELLWIG
Direct (916) 319-4742
kjhellwig@stoel.com

VIA EMAIL

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

DOCKET	
11-AFC-1	
DATE	<u>MAY 14 2012</u>
RECD.	<u>MAY 14 2012</u>

Re: Pio Pico Energy Center Project (11-AFC-01)
Additional Communication to USF&WS

Dear Mr. Solorio:

On May 9, 2012, Applicant Pio Pico Energy Center, LLC submitted correspondence and related figures to the United States Fish and Wildlife Service, Carlsbad Fish and Wildlife Office ("USF&WS") related to the Section 7 Consultation for the Pio Pico Energy Center Project (reference Consultation Project No. FWS-SDG-2010-B-0611), a copy of which was docketed with the Docket Unit on May 9, 2012. Such correspondence contained an error regarding the acreage involved in one of the options identified therein. To that end, Applicant corresponded via email with Mr. Eric Porter of the USF&WS to correct the error. Such email correspondence is enclosed herein for docketing.

Very truly yours,

A handwritten signature in blue ink that reads "Kim Hellwig". The signature is fluid and cursive.

Kimberly J. Hellwig
Paralegal

KJH:jmw
Enclosure
cc: Proof of Service List

From: Eric_Porter@fws.gov [mailto:Eric_Porter@fws.gov]
Sent: Friday, May 11, 2012 9:02 AM
To: David Jenkins
Cc: Amanda Johnson; 'David Jenkins'; lincoln.hulse@noreasinc.com; Maggie Fitzgerald
Subject: RE: Pio Pico Energy Center Bio Mitigation

OK - thanks

Eric Porter
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, CA 92011
(760) 431-9440 ext. 285

"David Jenkins" <davdjenk@gmail.com>

"David Jenkins"
<davdjenk@gmail.com>

05/11/2012 07:42 AM

To<Eric_Porter@fws.gov>, "David Jenkins"
<djenkins@apexpowergroup.com>

cc" Amanda Johnson" <AJohnson@sierraresearch.com>,
<lincoln.hulse@noreasinc.com>, "Margaret Fitzgerald"
<mfitzgerald@sierraresearch.com>

SubjectRE: Pio Pico Energy Center Bio Mitigation

Eric,

As we discussed yesterday, my May 8, 2012 cover letter to you contained a notable error regarding the acreage involved in option 1. Here is an excerpt from that letter in this regard: "(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." As I acknowledged on our call, the acreage associated with this land acquisition and deed transfer option is "50-acres," not "20-acres." Please use this revised number as you proceed with your analysis and drafting of the PPEC BO. Thanks.

Dave

From: [Eric Porter@fws.gov](mailto:Eric_Porter@fws.gov) [mailto:[Eric Porter@fws.gov](mailto:Eric_Porter@fws.gov)]

Sent: Wednesday, May 09, 2012 11:41 AM

To: David Jenkins

Cc: Amanda Johnson; davdjenk@gmail.com; lincoln.hulse@noreasinc.com; Margaret Fitzgerald

Subject: Re: Pio Pico Energy Center Bio Mitigation

David,

I am confused by the land acquisition offer. At the last couple of meetings we had, I thought we agreed to the distinction between giving 50 acres to a government land management entity (e.g. US Fish and Wildlife Refuges or Bureau of Land Management) versus 20 acres with an endowment in-perpetuity for habitat management by a private land manager (e.g. Center for Natural Lands Management).

Is this consistent with your understanding?

Thanks,

Eric Porter
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, CA 92011
(760) 431-9440 ext. 285

David Jenkins <djenkins@apexpowergroup.com>

David Jenkins
<djenkins@apexpowergroup.com>
Sent by: davdjenk@gmail.com

05/08/2012 04:19 PM

To
Eric_Porter@fws.gov
cc
Margaret Fit
<mfitzgeral@fws.gov>
lincoln.hulse@fws.gov
Amanda Joh
<AJohnson@fws.gov>

Subject
Pio Pico Enc
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 [attachment "Letter to USFWS re PPEC Mitigation Options_5-8-2012.pdf" deleted by Eric

Porter/CFWO/R1/FWS/DOI] [attachment "2012-05-07 Ex1a USFWS Parcels SSS.pdf" deleted by Eric Porter/CFWO/R1/FWS/DOI]

[attachment "2012-05-07 Ex1b USFWS Parcels Habitat.pdf" deleted by

Eric Porter/CFWO/R1/FWS/DOI] [attachment "2012-05-07 Ex1c USFWS Parcels Proximity.pdf" deleted by Eric Porter/CFWO/R1/FWS/DOI]

[attachment "2012-05-07 Ex2a BLM Dulzura Parcels SSS.pdf" deleted by Eric Porter/CFWO/R1/FWS/DOI] [attachment "2012-05-07 Ex2b BLM

Dulzura Parcels Habitat.pdf" deleted by Eric Porter/CFWO/R1/FWS/DOI] [attachment "2012-05-07 Ex2c BLM Dulzura Parcels Proximity.pdf"

deleted by Eric Porter/CFWO/R1/FWS/DOI] [attachment "2012-05-07

Ex3a PV Weeding Area.pdf" deleted by Eric Porter/CFWO/R1/FWS/DOI]

[attachment "PPEC Land Purchase_Mitigation Parcels 2012_05_07.pdf" deleted by Eric Porter/CFWO/R1/FWS/DOI] [attachment "PPEC

Mitigation BLM Dulzura Parcels 2012_05_07.pdf" deleted by Eric Porter/CFWO/R1/FWS/DOI]

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 14, 2012 re Submittal of
Additional Communication to USF&WS Related to Section 7 Consultation

APPLICANT

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DECLARATION OF SERVICE

I, Judith M. Warmuth, declare that on May 14, 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.

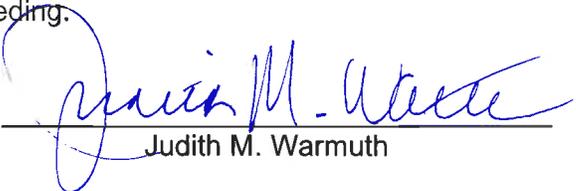
OR

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