



California Energy Commission

DOCKETED
12-AFC-02

TN # 69020

JAN. 03 2013

500 Capitol Mall, Suite 1600
Sacramento, CA 95814
main 916.447.0700
fax 916.447.4781
www.stoel.com

MELISSA A. FOSTER
Direct (916) 319-4673
mafoster@stoel.com

January 3, 2013

VIA EMAIL

Ms. Felicia Miller, Siting Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Huntington Beach Energy Project (12-AFC-02)
Applicant's Supplemental Response to Data Request #27 (Biological Resources)

Dear Ms. Miller:

On behalf of Applicant AES Southland Development, LLC, please find enclosed herewith for docketing Applicant's supplemental response to Staff's Data Request #27 (Biological Resources).

Respectfully submitted,

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

Melissa A. Foster

MAF:jmw

Enclosure

cc: Proof of Service List

Huntington Beach Energy Project

(12-AFC-02)

Supplemental Data Response, DR27

Submitted to
California Energy Commission

Submitted by



With Assistance from

CH2MHILL
2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833

January 3, 2013

Supplemental Data Response to Biological Resources DR27

DATA REQUEST

27. Please provide a wetland delineation using the guidelines of the USACE (1987 USACE Wetlands Delineation Manual) and guidelines of the Cal. Code Regs., tit. 14, § 13577 to assess any direct or indirect temporary impacts to wetlands adjacent to the power plant site and laydown areas.

Response: Applicant incorporates by reference herein the response provided by Applicant to Data Request DR27 on November 2, 2012. In addition to the information provided in response to DR27 on November 2, 2012, Applicant provides the following information:

The California Energy Commission (CEC) biologist, Anwar Ali, made an additional request during the Huntington Beach Energy Project (HBEP) workshop on November 14, 2012, that the Applicant complete an Arid West Region wetland determination data form for one soil pit within the fuel oil tank containment basin (the data form available in USACE, 2008). The completed Arid West Regional data form and photo log (showing the one soil pit) are included in this supplemental response. As documented in the attached data form and photo log completed by Melissa Fowler, Biologist, CH2M HILL, Inc., none of the three wetland indicators set forth in Section 13577 (hydrophytic vegetation, hydric soil, and/or wetland hydrology) is present within the fuel oil tank containment basin on the HBEP site (SP-01).

Reference:

United States Army Corps of Engineers (USACE). 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). Available online at:
http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1046489.pdf

Attachment DR27-1
Arid West Regional Data Form and Photo Log

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: HUNTINGTON BEACH GRIFFIN PROJECT City/County: HUNTINGTON BEACH / ORANGE COUNTY Sampling Date: 30 NOV 2012
 Applicant/Owner: AES State: CA Sampling Point: SP-01
 Investigator(s): MELISSA FOWLER Section, Township, Range: SECTION 13, TOWNSHIP 06 SOUTH, RANGE 11 WEST
 Landform (hillslope, terrace, etc.): DEPRESSION Local relief (concave, convex, none): SLIGHTLY CONCAVE Slope (%): 0%
 Subregion (LRR): MEDITERRANEAN CA (LRLC) Lat: 33° 38' 41.43" N Long: 117° 58' 33.97" W Datum: WGS 84
 Soil Map Unit Name: TIDAL FLATS (Z11) NWI classification: PUBF_x AND PUSC_x
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: <u>FUEL OIL TANK CONTAINMENT BASIN</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>N/A</u>				Number of Dominant Species That Are OBL, FACW, or FAC: _____ (A)
2. _____				Total Number of Dominant Species Across All Strata: _____ (B)
3. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)
4. _____				
_____ = Total Cover				
Sapling/Shrub Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:
1. <u>N/A</u>				Total % Cover of: _____ Multiply by: _____
2. _____				OBL species _____ x 1 = _____
3. _____				FACW species _____ x 2 = _____
4. _____				FAC species _____ x 3 = _____
5. _____				FACU species _____ x 4 = _____
_____ = Total Cover				UPL species _____ x 5 = _____
				Column Totals: _____ (A) _____ (B)
				Prevalence Index = B/A = _____
Herb Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:
1. <u>N/A</u>				<input type="checkbox"/> Dominance Test is >50%
2. _____				<input type="checkbox"/> Prevalence Index is ≤3.0 ¹
3. _____				<input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
4. _____				<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
5. _____				
6. _____				
7. _____				
8. _____				
_____ = Total Cover				
Woody Vine Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Footnote:
1. <u>N/A</u>				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. _____				
_____ = Total Cover				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: <u>NO VEGETATION PRESENT, ACTIVELY MANAGED FUEL OIL TANK CONTAINMENT BASIN.</u>				

SOIL

Sampling Point: SP-07

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-2.5	5YR 4/3	100					SANDY LOAM	
2.5-4	10YR 5/4	05					SANDY LOAM	SLIGHT RUBBLY
		5						ROCKS
4-12"	10YR 5/4	100					SAND	NO RUBBLY
BOTTOM OF PIT								

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR C)
- 1 cm Muck (A9) (LRR D)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Vernal Pools (F9)

Indicators for Problematic Hydric Soils³:

- 1 cm Muck (A9) (LRR C)
- 2 cm Muck (A10) (LRR B)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____
Depth (inches): _____

Hydric Soil Present? Yes _____ No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1) (Nonriverine)
- Sediment Deposits (B2) (Nonriverine)
- Drift Deposits (B3) (Nonriverine)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

- Salt Crust (B11)
- Biotic Crust (B12)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- Water Marks (B1) (Riverine)
- Sediment Deposits (B2) (Riverine)
- Drift Deposits (B3) (Riverine)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No Depth (inches): _____
 Water Table Present? Yes _____ No Depth (inches): _____
 Saturation Present? Yes _____ No Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes _____ No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

MOISTNESS IS PRESENT 0-5" FROM RAIN FALL
VGM LIGHT DAMPNESS

Huntington Beach Energy Project

Fuel Oil Tank Containment Basin: Soil Pit (SP-01)



Photo 1: Location of soil pit prior to excavation.



Photo 2: Soil pit.



Photo 3: Soil sample.



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
HUNTINGTON BEACH ENERGY PROJECT**

Docket No. 12-AFC-02
PROOF OF SERVICE
(Revised 12/24/12)

SERVICE LIST:

APPLICANT

AES Southland, LLC
Stephen O’Kane
Jennifer Didlo
690 Studebaker Road
Long Beach, CA 90803
stephen.okane@aes.com
jennifer.didlo@aes.com

CONSULTANTS FOR APPLICANT

CH2MHill
Robert Mason
Project Manager
6 Hutton Centre Drive, Suite 700
Santa Ana, CA 92707
robert.mason@CH2M.com

COUNSEL FOR APPLICANT

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

INTERVENOR

Jason Pyle
9071 Kapaa Drive
Huntington Beach, CA 92646
jasonpyle@me.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

California Coastal Commission
Tom Luster
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
tluster@coastal.ca.gov

California State Parks
Huntington State Beach
Brian Ketterer
21601 Pacific Coast Highway
Huntington Beach, CA 92646
bketterer@parks.ca.gov

City of Huntington Beach
Planning & Bldg. Department
Jane James
Scott Hess

***Aaron Klemm**
2000 Main Street, 3rd floor
Huntington Beach, CA 92648
jjames@surfcity-hb.org
shess@surfcity-hb.org
***aaron.klemm@surfcity-hb.org**

City of Huntington Beach
City Council
Cathy Fikes
Johanna Stephenson
2000 Main Street, 4th floor
Huntington Beach, CA 92648
cfikes@surfcity-hb.org
johanna.stephenson@surfcity-hb.org.

Santa Ana Regional
Water Quality Board
Gary Stewart
3737 Main Street, Suite 500

Riverside, CA 92501-3339
gstewart@waterboards.ca.gov
***Huntington Beach
Wetlands Conservancy
Jack Kirkorn, Director
21900 Pacific Coast Highway
Huntington Beach, CA 92646
jfk0480@aol.com**

**ENERGY COMMISSION –
PUBLIC ADVISER**

Jennifer Jennings
Public Adviser’s Office
publicadviser@energy.ca.gov

COMMISSION DOCKET UNIT

California Energy Commission –
Docket Unit
Attn: Docket No. 12-AFC-02
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):**

***After docketing, the Docket Unit will
provide a copy to the persons listed
below. Do not send copies of
documents to these persons unless
specifically directed to do so.***

ANDREW McALLISTER
Commissioner and Presiding Member

KAREN DOUGLAS
Commissioner and Associate Member

*indicates change

73199610.1 0043653-00005

Raoul Renaud
Hearing Adviser

**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY) (cont.):**

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

David Hungerford
Adviser to Commissioner McAllister

Patrick Saxton
Adviser to Commissioner McAllister

Galen Lemei
Adviser to Commissioner Douglas

Jennifer Nelson
Adviser to Commissioner Douglas

Felicia Miller
Project Manager

Kevin W. Bell
Staff Counsel

DECLARATION OF SERVICE

I, Judith M. Warmuth, declare that on January 3, 2013, I served and filed copies of the attached **Applicant's Supplemental Response to Data Request #27 (Biological Resources)** dated January 3, 2013. This document is accompanied by the most recent Proof of Service list, which I copied from the web page for this project at:

http://www.energy.ca.gov/sitingcases/huntington_beach_energy/index.html.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, as appropriate, in the following manner:


(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

- I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**
- Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: January 3, 2013



Judith M. Warmuth