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March 11, 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)
Supplemental Response to Staff's Data Request #31 (Biological Resources)

Dear Ms. Miller:

On behalf of Applicant AES Southland Development, LLC, please find enclosed herein Applicant's supplemental response to Staff's Data Request #31. Should you have any questions regarding this submittal, please do not hesitate to contact me.

Respectfully submitted,

Melissa A. Foster

MAF:jmw
Enclosure
cc: Proof of Service

Huntington Beach Energy Project

(12-AFC-02)

Supplemental Data Response, DR31 (Biological Resources)

Submitted to

California Energy Commission

Submitted by

AES

the power of being global

With Assistance from

CH2MHILL
2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833

March 7, 2013

Supplemental Data Response to Biological Resources DR31

DATA REQUEST

31. Please include a thorough assessment of the proposed project's anticipated noise impacts and vibratory effects on wildlife as well as feasible avoidance, minimization and mitigation measures to offset the direct and indirect temporary and permanent impacts of elevated noise levels.

Response: The Applicant herein provides this supplemental response to Data Request BIO-31 (docketed on November 2, 2012) based on discussions between the California Energy Commission's (CEC) staff biologist, Anwar Ali, and the Applicant's biologist, Melissa Fowler, and acoustical engineer, Mark Bastasch, which occurred during the November 14, 2012, Data Request Workshop. Since the workshop, the Applicant has provided additional ambient noise monitoring data, construction and operational noise analysis, and information related to design measures to the CEC (see responses to Pyle's Data Requests, filed December 13, 2012, and January 17, 2013).

Additional ambient monitoring was conducted in September 2012 and was summarized in the Applicant's *Additional Responses to Intervenor Pyle's Data Requests* docketed on January 17, 2013. Existing sound levels within Magnolia Marsh were found to be between 60 and 66 A-weighted decibels [dB(A)] repeatedly at the pier (M5), while sound levels ranged between approximately 50 and 57 dBA at the existing Huntington Beach Generating Station property line (M6). As noted previously and shown in Figure DR-27-1aR, Magnolia Marsh borders Highway 1 (Pacific Coast Highway) and is intersected by several major roadways. The noise measurements document that the area is not acoustically pristine and sound levels are influenced by a number of sources, both natural (surf and wind) and anthropogenic (traffic, existing generating station, etc.).

Construction and demolition activities associated with the Huntington Beach Energy Project (HBEP) are scheduled to occur from 2014 to 2022, and the planned life of HBEP is 30 years. The purpose of this Supplemental Data Response is to provide additional information regarding biological resources within the vicinity of HBEP and supplemental information on the noise levels anticipated from HBEP. This response presents both an overview of nearby wetlands and preserves, and special-status species and associated habitats, as well as a supplemental assessment of potential project-related noise impacts. Noise-related impacts are not expected to affect special-status species within Magnolia Marsh because existing ambient noise levels are between 60 and 66 dBA in some portions of this subunit, which clearly demonstrates the area is not acoustically pristine. Furthermore, site conditions within Magnolia Marsh do not currently support light-footed clapper rail, which is discussed in more detail in the following subsections.

Overview

Wetlands immediately adjacent to the existing Huntington Beach Generating Station include Magnolia Marsh and Newland Marsh, which are subunits in the Huntington Beach Wetlands Conservancy's Coastal Marsh Complex (HBW). Magnolia Marsh and Newland Marsh are approximately 300 feet and 1,900 feet, respectively, from the exhaust stacks of HBEP Block 1, and approximately 700 feet and 1,300 feet, respectively, from the exhaust stacks of HBEP Block 2. Additional wetlands and preserves in the regional vicinity of HBEP include the Brookhurst Marsh, Talbert Marsh, U.S. Army Corps of Engineers (USACE) Salt Marsh Restoration project, and the Talbert Nature Preserve; however, these areas are over 1,300 to 7,000 feet away from HBEP Block 1 and HBEP Block 2 and are not expected to be affected by construction-, demolition- or operational-related noise. Figure DR27-1aR, Wetlands and Nature Preserves, provides distance measurements from HBEP to the wetlands in the project vicinity.

Considering the distance between HBEP and Brookhurst Marsh and Talbert Marsh, construction-, demolition- and operational-related noise are not expected to affect special-status avian species that were documented in these subunits. HBEP-associated construction, demolition, or operational noise is not expected to affect special-status species within Newland Marsh because of the distance between it and HBEP. Furthermore, existing urban development between HBEP and Newland Marsh will also act as a noise barrier and buffer some of the project-related sound. The nearest coastal marsh habitat within Newland Marsh is approximately 3,000 feet from HBEP Block 1 and 2,200 feet from HBEP Block 2; also, some relictual salt marsh habitat occurs approximately 1,900 feet away from Block 1 and 1,800 feet from Block 2 (see Figure 2a; Merkel & Associates, Inc., 2004). In addition, Newland Marsh is the one subunit within the HBW that does not have tidal influence.

Based on the separation distances listed above, Newland Marsh, Brookhurt Marsh, Talbert Marsh, USACE Salt Marsh Restoration Project, and the Talbert Nature Preserve have been excluded from the supplemental noise-related analyses, but species occurrence records within these areas are subsequently discussed. The only subunit within the HBW that has the potential to be affected by HBEP construction-, demolition- and operational-related noise is Magnolia Marsh, which is discussed in detail below.

Special-status Species

Four special-status avian species have been documented within the HBW: Belding's savannah sparrow (*Passerculus sandwichensis beldingi*), California least tern (*Sterna antillarum browni*), western snowy plover (*Charadrius alexandrinus nivosus*), and light-footed clapper rail (*Rallus longirostris levipes*). A California Natural Diversity Database (CNDDB) data search was originally conducted as part of the preparation of the Biological Resources section of the AFC. Additional observations of special-status species have been recorded since fall 2011, and another CNDDB search was conducted in December 2012; however, no new occurrences of special-status species have been recorded in the CNDDB (California Department of Fish and Game, 2012).

Belding's savannah sparrow

The only special-status avian species that has been documented within Magnolia Marsh is Belding's savannah sparrow, which was identified within the area north of Magnolia Street. Belding's savannah sparrow has also been documented in Newland Marsh, Talbert Marsh, and Brookhurst Marsh of the HBW (Zembal and Hoffman, 2010). According to Zembal and Hoffman, this species is associated with, and typically builds nests within, dense pickleweed (*Salicornia virginica*).

California least tern

An established nesting site for California least tern occurs at Huntington Beach State Park between the Talbert Channel tidal inlet and the mouth of the Santa Ana River, which is approximately 6,600 feet from HBEP—a location that would be dominated by sounds from traffic on Pacific Coast Highway (PCH), other urban noise sources, and surf noise, and would not be affected by noise originating at HBEP. The California least tern forages within the channels of the restored Talbert Marsh as well as along the lower portions of the Talbert and Huntington Channel, but no nesting habitat is located within the HBW (Merkel & Associates, Inc., 2004). Furthermore, documented foraging habitat for this species is over a mile away from HBEP. Therefore, there is no evidence that sound levels from HBEP will have the potential to affect California least tern at the Talbert Marsh or the Talbert and Huntington Channel.

Western snowy plover

Western snowy plover has been regularly documented foraging and loafing within the Talbert Marsh (Merkel & Associates, Inc., 2004), which is located approximately 1 mile southeast of the project area. The HBW does not provide nesting habitat for this species, and there is no evidence that the sound levels from HBEP will have the potential to affect western snowy plover.

Light-footed clapper rail

Light-footed clapper rail census surveys have been documenting this species' occurrences since 1980; one of the survey locations is the Santa Ana River Marsh, which is listed under the HBW for the census data (Zembal et al., 2011 and references therein) and located over 1 mile away from HBEP. During the 2010 census surveys, a pair of light-footed clapper rails were observed along the larger stand of spiny rush (*Juncus acutus*) near the dunes and

PCH in the Brookhurst Marsh. This was the first record for the species potentially breeding in the HBW Complex outside the Santa Ana River Marsh since the 1970s (Zembal et al., 2011). Zembal et al. also noted that during the 2011 census, surveyors were only able to elicit “kecking” from a male. Although breeding has not been documented within the Brookhurst Marsh, the survey evidence indicates there is a high probability that it is occurring. Although previous references have been made regarding the observation of a pair of nesting light-footed clapper rails within Newland Marsh (U.S. Fish and Wildlife Service, 2012), this observation was not included in the *Status and Distribution of the Light-footed Clapper Rail in California, 2011* (Zembal et al., 2011). No light-footed clapper rails have been documented within Magnolia Marsh.

Because this species is of potential concern, the following detailed discussion about its habitat preferences and current populations, and conditions at Magnolia Marsh, is provided. Light-footed clapper rails have a preference for tall (greater than 70 cm), dense stands of Pacific cordgrass (*Spartina foliosa*) in the low littoral zone for nesting habitat (Massey et al., 1984). Although this species prefers tall, dense stands of cordgrass, other nesting habitat including cattail- (*Typha* spp.) and bulrush- (*Scirpus* spp.) dominated systems to expanses of pickleweed (Zembal and Massey, 1983) benefit the species. Clapper rails utilize other habitat features within a marsh for foraging, loafing, and roosting. The Upper Newport Bay, located approximately 5 miles from HBEP, provides the most productive clapper rail marsh comprising a large tidal area, salt marsh vegetation, thriving invertebrate populations, expansive mudflats, freshwater ponds, and ditches that support cattail and bulrush stands (Zembal and Massey, 1983). The addition and/or expansion of a freshwater seep can be a beneficial component for most marshes and cattail and bulrush stands can establish readily if site conditions are appropriate (Zembal and Massey, 1983).

The Magnolia Marsh restoration was completed in February 2010, which included excavating approximately 40,000 cubic yards of fill and removing the seaward levee of the Huntington flood control channel (Huntington Beach Wetlands Conservancy, 2012). These restoration efforts assisted with recreating tidal channels and restoring tidal influence within Magnolia Marsh, which is an important component for salt marsh functioning. In southern California, Pacific cordgrass historically occurs in wetlands with tidal influences, such as Tijuana Estuary, San Diego Bay, Mission Bay and San Diego River, Upper Newport Bay, and Anaheim Bay (Zedler, 1993; 1986). According to Zedler, well-developed stands of Pacific cordgrass occur in 7 of the 26 coastal wetlands in southern California, which have a long history of sufficient tidal flushing (see Figure 1 in Zedler, 1986). Tidal flushing is a requirement for the establishment of tall, dense Pacific cordgrass stands. Tidal flushing has only recently been restored in Magnolia Marsh, and the site only has partial tidal influence. In addition, site conditions have been found to determine the height of Pacific cordgrass, as opposed to parental phenotype (Trnka and Zedler, 2000); therefore, if precise conditions within Magnolia Marsh are not favorable, any restoration efforts for Pacific cordgrass will not produce the desired results of dense, tall stands within the marsh. Trnka and Zedler (2000) indicate that favorable conditions for Pacific cordgrass include low salinity, high organic matter, adequate nitrogen supplies, and good tidal flushing. Restoration sites in southern California typically do not have favorable conditions for Pacific cordgrass because substrate consists of more sand, fewer nutrients, and fewer tidal channels (Trnka and Zedler, 2000, and references therein). Restoring salt marsh structure and function requires significant time to develop to resemble natural and/or desired conditions. For example, within smooth cordgrass marshes (*Spartina alterniflora*) restored conditions began to resemble natural construction for primary producers and heterotrophic activity (i.e., cordgrass and benthic invertebrates) within 5 to 15 years post-construction and soil organic carbon and nitrogen levels did not reach equivalence within the first 28 years (Craft et al., 2003). For Pacific cordgrass, the San Diego Bay mitigation site failed to produce plants of sufficient height after 13 years, including multiple fertilization experiments, and the cordgrass canopy is not expected to become suitable nesting habitat for the light-footed clapper rail (Trnka and Zedler, 2000; Zedler and Callaway, 1999; Boyer and Zedler, 1998).

Magnolia Marsh does not contain high-quality, suitable nesting habitat for the light-footed clapper rail. Even though Magnolia Marsh has been recently restored, tall, dense stands of Pacific cordgrass are not expected to develop within several years post-construction of Magnolia Marsh, even under ideal site conditions. Based on the conditions noted herein, there is a possibility that tall, dense stands of Pacific cordgrass may not become established within Magnolia Marsh, which is consistent with other restoration sites in southern California at which

Pacific cordgrass has not become established to desired heights and densities. Some of the constructed marshes within southern California include the Chula Vista Wildlife Reserve, the Connector Marsh, and Marisma de Nación within the San Diego Bay (Zedler, 1993). Zedler (1993) also found that constructed marshes have few cordgrass plants over 60 cm, while the majority of stems in natural marshes exceed 60 cm.

As previously noted, the Upper Newport Bay is considered to be prime habitat for light-footed clapper rail that should be used as guidance (Zembal and Massey, 1983) for marsh restoration and mitigation projects. The Magnolia Marsh habitat differs from the Upper Newport Bay in that it is limited with regard to the different habitat types it can offer. The largest vegetation communities within Magnolia Marsh are salt panne and salt marsh, although pickleweed has expanded into a large portion of the salt panne areas (Merkel & Associates, 2004).

Additional nesting habitat for light-footed clapper rail is located approximately 70 miles southeast of the Upper Newport Bay within the Tijuana Slough National Wildlife Refuge (Tijuana Marsh, San Diego). Tijuana Marsh is one of the most important habitats for clapper rails. In 2011, 113 breeding pairs were documented within Tijuana Marsh, which was the second-highest count on record (Upper Newport Bay had 137 breeding pairs) (Zembal et al., 2011). General land use and significant noise sources within the vicinity of Tijuana Marsh include the Imperial Beach Naval Air Station (see Figure DR31-1), Brown Field Municipal Airport, Tijuana International Airport, Interstate 5, and Customs and Border Patrol vehicles (Kimley-Horn and Associates, 2005). According to Kimley-Horn and Associates, noise levels within the Tijuana Marsh wetland mitigation area ranged from 40 to 61 dBA and noise levels northeast of Tijuana Marsh, near residences, were 35 to 60 dBA. Sound levels often exceed 60 dBA over Tijuana Marsh because of aircraft activity, including helicopter training activities, and at specific times these activities are continuous noise sources (Kimley-Horn and Associates, 2005). As shown in Figure DR31-1, the Imperial Beach Naval Air Station is adjacent to a large portion of Tijuana Marsh and is a regular source of noise within the area.

Magnolia Marsh

Magnolia Marsh is located in an urban setting and associated land uses include the existing Huntington Beach Generating Station, the PCH, Plains American Tank Farm, residences, and Brookhurst Marsh. As mentioned previously, existing ambient noise levels within Magnolia Marsh were found to repeatedly vary between 60 and 66 dBA at the pier (M5) as shown in the Applicant's *Additional Responses to Intervenor Pyle's Data Requests* docketed on January 17, 2013. Thus, the area already experiences ambient noise levels up to 66 dBA with current approved long-term adjacent land uses. Although birds primarily communicate with one another through vocalizations and auditory cues, some species will adjust their vocalizations to prevent masking by low-frequency noise in an urban setting (Slabbekoorn and Peet, 2003). Additionally, waterfowl behaviors are associated with shoreline development in urban habitats and interspecific variation exists in how species respond to urbanization (Donaldson et al., 2007, and references therein). Many species habituate to urban noise, while other species will move out of an area or avoid existing suitable nesting habitat in the area. High levels of background or intermittent noise may potentially interfere with reproduction, warning and distress calls, feeding behavior, and protection of offspring, which can result in energy loss and physiological stress. However, there are differences among species regarding how they respond to different levels of ambient noise and noise disturbances. Dooling and Proper (2007) proposed some interim guidelines for different noise sources, which are provided in Table DR31-1.

TABLE DR31-1

Dooling and Proper (2007) Recommended Interim Guidelines for Potential Effects from Different Noise Sources

Noise Source Type	Hearing Damage	Temporary Threshold Shift (TTS)	Masking	Potential Behavioral/ Physiological Effects
Single Impulse (e.g., blast)	140 dB(A)[a]	N/A[b]	N/A[c]	Any audible component of highway noise has the potential of causing behavioral and/or physiological effects independent of any direct effects on the auditory system of permanent threshold shift (PTS), TTS, or masking.
Multiple Impulse (e.g., jackhammer, pile driver)	125 dB(A)[a]	N/A[b]	ambient dB(A)[d]	
Non-Strike Continuous (e.g., construction noise)	None[e]	93 dB(A)[f]	ambient dB(A)[d]	
Highway Noise	None[e]	93 dB(A)[f]	ambient dB(A)[d]	
Alarms (97 dB/100 ft)	None[e]	N/A[e]	N/A[g]	

[a]Estimates based on bird data from Hashino et al. 1988 and other impulse noise exposure studies in small mammals.

[b]No data available on TTS in birds caused by impulse noises.

[c]Cannot have masking to a single impulse.

[d]Conservative estimate based on addition of two uncorrelated noises. Above ambient noise levels, critical ratio data from 14 bird species, well documented short-term behavioral adaptation strategies, and a background of ambient noise typical of a quiet suburban area would suggest noise guidelines in the range of 50 to 60 dB(A). For a typical bird, a 3 Khz tonal vocalization must be at approximately 27dB (±3 dB) above the spectrum level of noise to be heard. However, it should be noted that critical ratios vary for bird species from 21 dB to 32 dB (in those species tested).

[e]Noise levels from these sources do not reach levels capable of causing auditory damage and/or permanent threshold shift based on empirical data on hearing loss in birds from the laboratory.

[f]Estimates based on study of TTS by continuous noise in the budgerigar and similar studies in small mammals.

[g]Alarms are non-continuous and therefore unlikely to cause masking effects.

Source: Dooling and Popper, 2007.

A typical noise threshold of 60 dBA is broadly applied to many bird species in various environmental settings. This commonly used threshold was developed in a laboratory setting that specifically analyzed the effects of highway noise on vocal communications of avian species (see Dooling and Popper, 2007, for a critique). Dooling and Popper (2007) state the 60 dBA threshold is outdated and higher levels may be readily acceptable in noisy urban areas where ambient noise levels can reach 70 dBA. Furthermore, the 60 dBA noise guideline does not consider strategies that a bird may use in its natural environment, such as scanning, changing height or position in a landscape, and increasing and/or adjusting the timing of vocalization. Utilizing any one of these strategies can enhance communication in urban environments by 10 to 15 dB, which equals over a hundred meters in transmission distance of the bird's song or call (Dooling and Popper, 2007). Furthermore Dooling and Popper (2007) explain that the 60 dBA threshold is "quite conservative since it is based on continuous noise in a controlled, artificial (i.e., laboratory) setting—a situation that is unlikely to occur in the real world" and conclude that higher sound levels may be readily accommodated. As noted above, within Tijuana Marsh ambient noise levels routinely can exceed 60 dBA and clapper rails are still nesting in the area. In fact, Tijuana Marsh is one of the most productive and important marshes for the species.

As noted previously, Magnolia Marsh is not currently and may never be ideal or suitable habitat for clapper rail. Without the development of tall, dense cordgrass in Magnolia Marsh there is a very low potential for this area to support this special-status species. In the event suitable habitat does eventually become established, the studies of Tijuana Marsh indicate that the existing or future sound levels from HBEP within portions of Magnolia Marsh would not prevent clapper rail from nesting in the marsh. Existing ambient noise levels, which were found to be between 60 and 66 dBA within portions of Magnolia Marsh, and future sound levels from the construction and operation of HBEP would be within the range of noise levels experienced at Tijuana Marsh. As discussed above, studies at Tijuana Marsh have documented that clapper rail are successfully nesting at Tijuana Marsh. Therefore, if in the future Magnolia Marsh provides suitable habitat for clapper rail, the noise levels from HBEP are not expected to interfere with clapper rail nesting because the area already has high ambient noise levels.

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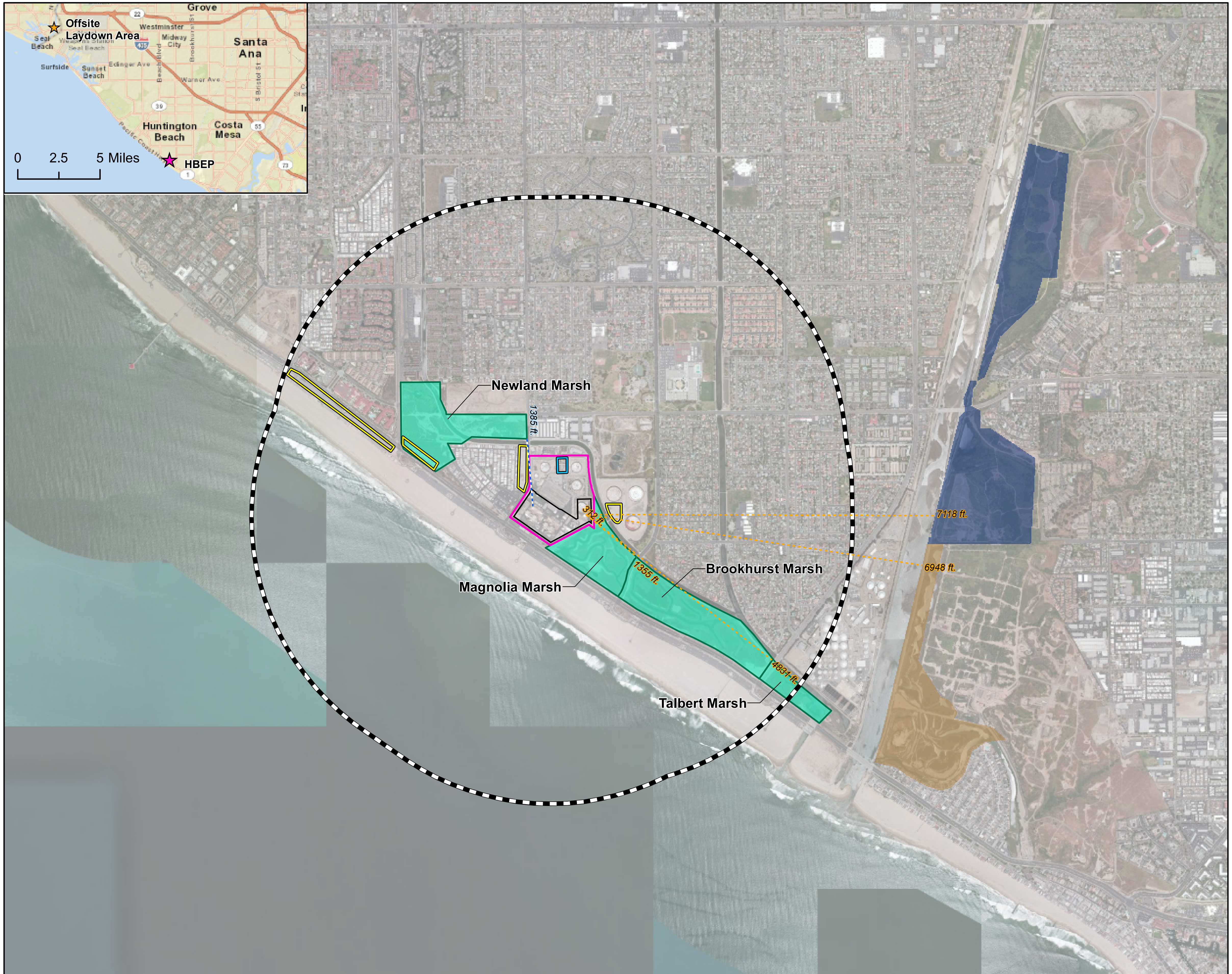

Legend

- AES Huntington Beach Generating Station (survey area)
- AES Huntington Beach Energy Project (survey area)
- Offsite Construction Parking (survey area)
- Onsite Construction Parking (survey area)
- 1-Mile Radius From Project Site
- Huntington Beach Wetlands Conservancy*
- Talbert Nature Preserve
- USACE Salt Marsh Restoration
- Distance from Block 1
- Distance from Block 2

Sources:
*Merkel & Associates, Inc. 2004,
CPAD 1.7, September 2011, ©GreenInfo Network - www.calands.org

FIGURE DR-27-1a R
Wetlands and Nature Preserves
AES Huntington Beach Energy Project
Huntington Beach, California

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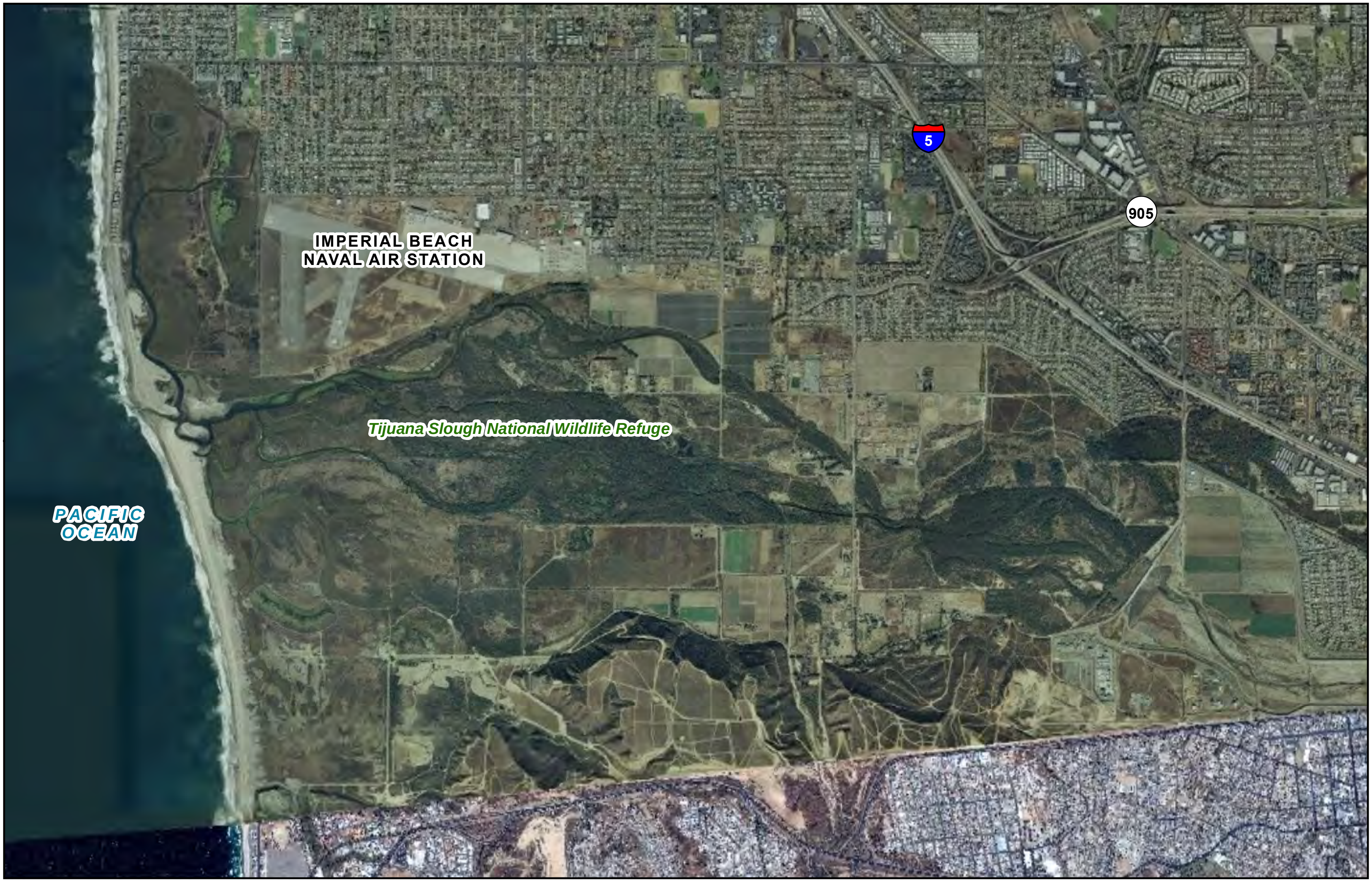

Aerial Imagery Sources: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community

0.55 Miles

FIGURE DR31-1
Tijuana Slough National Wildlife Refuge
San Diego, California

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CH2MHILL

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
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APPLICATION FOR CERTIFICATION FOR THE HUNTINGTON BEACH ENERGY PROJECT

Docket No. 12-AFC-02

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(Revised 03/07/2013)

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*Indicates change

<u>OTHER ENERGY COMMISSION PARTICIPANTS (LISTED FOR CONVENIENCE ONLY):</u>

After docketing, the Docket Unit will provide a copy to the persons listed below. <u>Do not</u> 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

Susan Cochran
Hearing Adviser

*Hazel Miranda
Adviser to Commissioner McAllister

David Hungerford
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Patrick Saxton
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Galen Lemei
Adviser to Commissioner Douglas

Jennifer Nelson
Adviser to Commissioner Douglas

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

<u>**DECLARATION OF SERVICE**</u>

I, Judith M. Warmuth, declare that on March 11, 2013, I served and filed copies of the attached Applicant's Supplemental Response DR31 dated March 11, 2013. This document is accompanied by the most recent Proof of Service, 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 on the Service List above in the following manner:

(C*heck 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: March 11, 2013

Judith M. Warmuth

____

Judith M. Warmuth