

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



November 14, 2008

DOCKET
08-AFC-3

DATE Nov 14 2008RECD. Nov 14 2008

Jonathan Sacks, Project Director
Mirant Corporation
1155 Perimeter Center West
Atlanta, GA, 30338

**RE: MARSH LANDING GENERATING STATION (08-AFC-3) - DATA REQUESTS
SET 1 ADDITION (#51-54)**

Dear Mr. Sacks:

Pursuant to Title 20, California Code of Regulations, Section 1716, the California Energy Commission staff seeks the information specified in the enclosed data requests. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess potential mitigation measures.

This set of data requests (#51-54) is for the area of Biological Resources. The enclosed Biological Resources data requests were inadvertently left out of the Set 1 Data Requests (#1-50) which was sent to you yesterday, November 13, 2008. Please have your staff include responses to the enclosed Biological Resources data requests along with those submitted yesterday. Written responses to *all* Set 1 (#1-54) data requests are due to the Energy Commission staff on or before December 14, 2008, or at such later date as may be mutually agreeable.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, you must send a written notice to both the Committee and me within 20 days of receipt of this notice. The notification must contain the reasons for not providing the information, the need for additional time, and the grounds for any objections (see Title 20, California Code of Regulations, Section 1716 (f)).

If you have any questions, please call me at (916) 654-4894 or email me at mmonasmi@energy.state.ca.us.

Sincerely,

Original signature in Dockets

Mike Monasmi
Project Manager

Enclosure

cc: Docket (08-AFC-3)
Proof of Service List

PROOF OF SERVICE (REVISED 10/24/08) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 11/14/08
MF

Technical Area: Biological Resources

Author: Laurel Cordonnier

BACKGROUND

The Marsh Landing Generating Station (MLGS) Application for Certification (AFC) did not state the hours in which construction would occur during the day. Due to the proximity to sensitive biological resources that could be affected by noise and night time lighting during construction, Energy Commission staff needs more information regarding the times construction would occur and any proposed measures to minimize impacts to nearby sensitive species.

DATA REQUESTS

51. Please provide the daily work schedule when construction would likely occur.
52. If construction would occur at night, please provide noise and lighting minimization measures which would be implemented to avoid noise and light impacts to offsite areas.

BACKGROUND

During an informal site visit to the proposed MLGS project site on September 29, 2008, Energy Commission staff observed a vegetated wetland area created by the Contra Costa Power Plant detention basin. This wetland area is adjacent to the proposed southern construction laydown, office, and parking area. This laydown area is located south of the PG&E switchyard and contains ruderal vegetation. The AFC stated that this construction laydown, office, and parking area would occupy 3.5 acres and is devoid of vegetation. Due to the presence of vegetation and trees, the area has the potential to be limited habitat for sensitive species such as the tricolored blackbird (*Agelaius tricolor*), burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), and Susuin song sparrow (*Melospiza melodia maxillaris*). Staff needs information regarding proposed impact minimization measures to protect this wetland area.

DATA REQUESTS

53. Please provide a discussion of impact avoidance and minimization measures to be implemented to protect the wetland area, the surrounding trees, and sensitive species that could use this area during construction.
54. Please provide information regarding the fate of the detention basin during operation of the proposed facility.



**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 MARSH LANDING
GENERATING STATION**

**DOCKET No. 08-AFC-3
PROOF OF SERVICE
(REVISED 10/24/2008)**

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-03
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

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DECLARATION OF SERVICE

I, Mineka Foggie, declare that on November 14, 2008 I deposited copies of the attached Marsh Landing Generating Station (08-AFC-3) Data Requests Set 1 Addition, in the United States mail at Sacramento with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

Original Signature in Dockets _____
Mineka Foggie

* indicates change