

those units that eliminates once-through cooling, similar to power plant projects such as the Carlsbad Energy Center, the Humboldt Bay Generating Station, or the El Segundo Power Redevelopment Project. Future plans for the 45 year old units 6 and 7 at CCPP are not known but this project seems to be a missed opportunity to eliminate impacts to the biotic resources of the San Francisco Bay and Delta. For this reason, NMFS can not express unconditioned support for the MLGS station.

In closing, NMFS does not object to the MLGS although it could be improved if it incorporated retirement of CCPP generating units 6 and 7 which still utilize once-through cooling technology. NMFS does not anticipate that any future ESA or EFH consultation related to the MLGS will result in significant impacts to the project as it is currently proposed because the MLGS project is proposing to utilize dry-cooling technology with reclaimed wastewater as its process water supply and it is being developed on an already highly altered site (the CCPP site). If you have any questions or comments related to this letter, please contact Joe Dillon of my staff at 707-575-6093 or Joseph.J.Dillon@noaa.gov.

Sincerely,



Steve Edmondson
Northern California Habitat Supervisor

cc: Bob Hoffman, NMFS, Long Beach, CA
Maria Rae, NMFS, Sacramento, CA
Dick Butler, NMFS, Santa Rosa, CA
Korie Schaeffer, NMFS, Santa Rosa, CA
Gary Stern, NMFS, Santa Rosa, CA
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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 12/15/2008)

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

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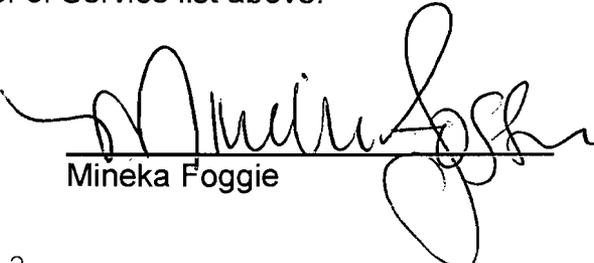
Paul Kramer
Hearing Officer
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DECLARATION OF SERVICE

I, Mineka Foggie, declare that on February 19, 2009, I deposited copies of the attached Letter response to the CEC request for agency participation, 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.



Mineka Foggie

* indicates change



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-4731

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|----------------------------------|
| DOCKET 08-AFC-3 |
| DATE FEB 12 2009 |
| RECD. FEB 19 2009 |

February 12, 2009

In response refer to:
T/SWR/2008/08714

Mike Monasmith
California Energy Commission
1516 Ninth Street
Sacramento, California 95814

Dear Mr. Monasmith;

This letter responds to the California Energy Commission's (CEC) request for agency participation in review of additional information for the Marsh Landing Generating Station (MLGS) dated October 16, 2008, and is being provided to the CEC in accordance with your requested timeline for agency determinations. NOAA's National Marine Fisheries Service (NMFS) thanks you for your request. We have reviewed the Application for Certification (AFC) for this power plant which is proposed to be built on the site of the Contra Costa Power Plant (CCPP) in Antioch, California. Pertinent to living marine resources and habitats which NOAA manages, the MLGS, as currently proposed, will utilize dry cooling technology with process water supplied by the Delta Diablo Sanitation District. This process water will be reclaimed municipal wastewater. No withdrawals of water from or discharges to the waters of the San Francisco Bay Delta are planned as part of the MLGS construction or operation. These proposals are anticipated to avoid potential impacts to Endangered Species Act (ESA) listed salmonids and green sturgeon, their designated critical habitat and to Essential Fish Habitat (EFH) for commercially managed species in the waters of San Francisco Bay Delta immediately offshore of the project area.

NMFS has not received a final project description or request for ESA or EFH consultation from a federal action agency at this time. After reviewing the AFC and other documents posted on the MLGS proceeding webpage by the CEC, NMFS does not anticipate that consultation requests will be forthcoming unless there is an unidentified aspect of the project (e.g., the recycled water supply pipeline configuration) that triggers the consultation requirement. However, any such aspects of the project should not be unusual and consultations, if necessary, should be rather routine if the action agency and project proponent are cooperative and responsive.

The AFC states that the MLGS is being constructed as an independent stand-alone facility from the CCPP. It is disappointing that the MLGS project is not being proposed by Mirant as a replacement for the antiquated and inefficient units 6 and 7 at the CCPP, or as a repowering of

PROOF OF SERVICE (REVISED 12/15) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 2/19

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