



California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
 Habitat Conservation Branch
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ARNOLD SCHWARZENEGGER, Governor
DONALD KOCH, Director



DOCKET
08-AFC-9

DATE SEP 10 2009

RECD. SEP 15 2009

September 10, 2009

Felicia Miller
 California Energy Commission
 Siting Transmission and Environmental Protection Division
 1516 Ninth Street - MS 40
 Sacramento, CA 95814
 Fax #: (916) 651-8868

Subject: Lake or Streambed Alteration Agreement for the Palmdale Hybrid Power Plant

Dear Ms. Miller:

The Department of Fish and Game (Department) has reviewed the Lake or Streambed Alteration Notification ("Notification"), submitted on July 10, 2009 by the City of Palmdale for the Palmdale Hybrid Power Plant Project (Project). The Notification and filing fee were submitted to the Department in anticipation of the applicant meeting the Department's requirements pursuant to Fish and Game Code section 1602 *et. seq.* However, any impacts to streams in association with the Project will ultimately be permitted by the California Energy Commission (CEC), pursuant to the Warren-Alquist Act. Although CEC will serve as the permitting agency, the substantive criteria for a Lake or Streambed Alteration Agreement must still be met. The Department provides the following comments to the CEC regarding the applicant's Notification.

The Department requested the Notification because the proposed gas, water, and Transmission line routes cross or run adjacent to Department jurisdictional streams. Based on the information provided in the Application for Certification, the Department determined there was a potential the project could "substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake." Once the Notification was received, the Department determined the application was incomplete pending a July 29, 2009 site visit.

On July 29, 2009, the City provided a video and map presentation of the proposed stream crossings, and a site visit was conducted along the Transmission route where several jurisdictional streams would be crossed using existing Arizona crossings. The Department requested a table containing the locations of all stream crossings with a description of the construction methods and the avoidances and minimization measures being implemented to avoid and minimize impacts to jurisdictional streams. The Department received the requested information on August 18, 2009. Once these items were received the Department deemed the application complete.

PROOF OF SERVICE (REVISED 7/30/09) FILED WITH
 ORIGINAL MAILED FROM SACRAMENTO ON 9/15/09

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Conserving California's Wildlife Since 1870

Ms. Felicia Miller
September 10, 2009
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Based on the subsequent information provided, the Department has determined that the project is subject to the notification requirement in Fish and Game Code section 1602, including the fee. However, the Department has determined that because of the comprehensive avoidance and minimization measures the City has incorporated into the project, the project would not result in a substantial adverse impact to existing fish or wildlife resources. The Department will assist the CEC in determining the scope and nature of conditions for certification and will be providing CEC with recommendations to this effect.

If you have any questions, please contact Staff Environmental Scientist, Erinn Wilson at (714) 968-0953 or electronically at ewilson@dfg.ca.gov.

Sincerely,



Edmund Pert
Regional Manager
South Coast Region

For

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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 *PALMDALE HYBRID*
POWER PROJECT

Docket No. 08-AFC-9

PROOF OF SERVICE

(Revised 7/30/2009)

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DECLARATION OF SERVICE

I, Hilarie Anderson , declare that on, September 15, 2009, I served and filed copies of the attached Department of Fish & Game Letter Regarding Streambed Alteration Agreement. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: **[<http://www.energy.ca.gov/sitingcases/palmdale/index.html>]**. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-9

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets
Hilarie Anderson