



EAST CONTRA  
COSTA COUNTY  
HABITAT  
CONSERVANCY

*City of Brentwood*

*City of Clayton*

*City of Oakley*

*City of Pittsburg*

*Contra Costa County*

August 26, 2010

Melissa Jones, Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

**DOCKET**

**09-AFC-4**

DATE AUG 26 2010

RECD. AUG 26 2010

**RE: OAKLEY GENERATING STATION**

Dear Ms. Jones,

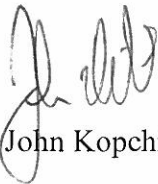
The East Contra Costa County Habitat Conservancy ("Conservancy") is a joint exercise of powers authority formed by the Cities of Brentwood, Clayton, Oakley and Pittsburg and Contra Costa County to implement the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP or Plan). The HCP/NCCP provides a framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species. Under the HCP/NCCP, the U.S. Fish and Wildlife Service (FWS) and the California Department of Fish and Game (CDFG) have each provided a regional permit to five land use agencies, the Cities of Brentwood, Clayton, Oakley, Pittsburg, and Contra Costa County, as well as the Conservancy. Pursuant to the HCP/NCCP, project proponents may acquire endangered species "take" authorizations for eligible projects from one of the cities, the County, or the Conservancy rather than from FWS and CDFG. Organizations with projects not subject to the jurisdiction of the cities or the County may submit an application to the Conservancy requesting coverage under the HCP/NCCP as a "Participating Special Entity" for certain eligible covered activities; such coverage is intended to provide take authorization for projects that do not require land use permits from a local jurisdiction.

Radback Energy's proposed Oakley Generating Station (OGS) is an eligible covered activity and Radback Energy may request coverage through the HCP/NCCP as a Participating Special Entity. Such coverage would authorize the take of any of the 28 species covered by the HCP/NCCP resulting from the development of the project. (A list of the species covered by the HCP/NCCP is attached.) Although the City of Antioch is not a Permittee of the HCP/NCCP, the Conservancy may extend take coverage for the proposed upgrade of a 230-kV transmission line that will connect OGS to the existing PG&E Contra Costa Substation in the City of Antioch.

In order to grant take authorization to Radback Energy as a Participating Special Entity, an Agreement would need to be signed by Radback Energy, approved by the Conservancy's Governing Board and signed by the Conservancy. The purpose of the Agreement would be to bind Radback Energy to the relevant terms and conditions of the HCP/NCCP. The Conservancy may enter such agreements only if it finds that a proposed activity complies with all terms and requirements of the HCP/NCCP and the State and federal permits issued to the Conservancy, and CDFG and FWS concur with the Conservancy's finding. Radback Energy has been working with Conservancy staff to develop an application for take coverage under the HCP/NCCP.

If you have any questions regarding the eligibility of this project as a covered activity through the HCP/NCCP, please feel free to contact me at (925) 335-1227, or via email [john.kopchik@dcd.cccounty.us](mailto:john.kopchik@dcd.cccounty.us).

Sincerely,



John Kopchik, Executive Director

CC: Greg Lamberg, Radback Energy  
Scott Galati, Galati|Blek  
Douglas Davy, CH2M HILL

Attachment 1: Special-Status Species Covered by the HCP/NCCP

Common Name	Scientific name
<b>Mammals</b>	
Townsend's western big-eared bat	<i>Corynorhinus townsendii townsendii</i>
San Joaquin kit fox	<i>Vulpes macrotus mutica</i>
<b>Birds</b>	
Tricolored Blackbird	<i>Agelaius tricolor</i>
Golden Eagle	<i>Aquila chrysaetos</i>
Western Burrowing Owl	<i>Athene cunicularia hypugea</i>
Swainson's Hawk	<i>Buteo swainsoni</i>
<b>Reptiles</b>	
Silvery legless lizard	<i>Anniella pulchra pulchra</i>
Alameda whipsnake	<i>Masticophis lateralis euryxanthus</i>
Giant garter snake	<i>Thamnophis gigas</i>
Western pond turtle	<i>Clemmys marmorata</i>
<b>Amphibians</b>	
California tiger salamander	<i>Ambystoma californiense</i>
California red-legged frog	<i>Rana aurora draytonii</i>
Foothill yellow-legged frog	<i>Rana boylei</i>
<b>Invertebrates</b>	
Longhorn fairy shrimp	<i>Brachinecta longiantenna</i>
Vernal pool fairy shrimp	<i>Brachinecta lynchi</i>
Midvalley fairy shrimp	<i>Brachinecta mesovallensis</i>
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>
<b>Plants</b>	
Mount Diablo manzanita	<i>Arctostaphylos auriculata</i>
Brittlescale	<i>Atriplex depressa</i>
San Joaquin spearscale	<i>Atriplex joaquiniana</i>
Big tarplant	<i>Blepharizonia plumosa</i>
Mount Diablo fairy lantern	<i>Calochortus pulchellus</i>
Recurved larkspur	<i>Delphinium recurvatum</i>
Round-leaved filaree	<i>Erodium macrophyllum</i>
Diablo helianthella	<i>Helianthella castanea</i>
Brewer's dwarf flax	<i>Hesperolinon breweri</i>
Showy madia	<i>Madia radiata</i>
Adobe navarretia	<i>Navarretia nigelliformis</i> ssp. <i>nigelliformis</i>