

**DOCKETED**

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<b>Project Title:</b>	Otay Mesa Compliance
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<b>Document Title:</b>	Order Authorizing Release of Funds from the Otay Mesa Project Quino Checkerspot Butterfly Endowment
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

*IN THE MATTER OF:*

**OTAY MESA ENERGY CENTER**

Docket No. 99-AFC-05C

**ORDER AUTHORIZING RELEASE OF  
FUNDS FROM THE OTAY MESA  
PROJECT QUINO CHECKERSPOT  
BUTTERFLY ENDOWMENT**

**I. INTRODUCTION**

On April 18, 2001, the Energy Commission (CEC) approved the Otay Mesa Generating Project, which was subsequently renamed the Otay Mesa Energy Center, a 510 megawatt gas-fired combined-cycle power plant located in San Diego County. Among other things, the Commission decision identified a potential significant adverse environmental impact to the federally endangered Quino checkerspot butterfly (*Euphydryas editha quino*) and required mitigation in the form of an endowment (called the Otay Mesa Project Quino Checkerspot Butterfly Endowment) to be used to better understand the species and provide for its management. This mitigation was contained in Condition of Certification **BIO-11** and required the Energy Commission to approve any dispersal of funds from the endowment.

On December 10, 2018, the CEC approved the first dispersal of funds from the endowment for work related to the ongoing San Diego National Wildlife Refuge Quino Checkerspot Butterfly Augmentation Project. The CEC authorized the dispersal of \$21,130.62 to pay RECON Environmental to perform activities in compliance with **BIO-11**, including vegetation treatment to prepare a site for Quino checkerspot butterfly release; specifically to reduce the weed and thatch cover in order to provide space for the growth of host plants and room for Quino larvae to bask and move within the environment.

On October 23, 2019, Energy Commission staff received a request from the United States Fish and Wildlife Service to release additional endowment funds in the amount of \$25,875.97 for the same purpose, focusing on areas without host plants but with Quino checkerspot butterfly expected to be nearby in existing patches of host plants.

On December 2, 2019, staff filed its analysis and recommendation that the Energy Commission approve the request. Staff concluded that the expenditure would not have the potential to result in any significant adverse environmental impact.

## **II. ENERGY COMMISSION FINDINGS**

Based on the entire record, including staff's analysis and recommendation, the Energy Commission finds that the requested expenditure of funds from the Otay Mesa Project Quino Checkerspot Butterfly Endowment is in furtherance of the objectives expressed in **BIO-11**, will benefit the Quino checkerspot butterfly, and will not result in any significant adverse impacts to the environment. Additionally, the activity would be considered a Class 7 activity pursuant to Title 14, California Code of Regulations, section 15307, and thus subject to an exemption from CEQA as an action taken by a regulatory agency to assure the maintenance, restoration, or enhancement of a natural resource. No exception to this exemption applies.

## **III. CONCLUSION AND ORDER**

The California Energy Commission hereby approves staff's recommendation to release \$25,875.97 from the Otay Mesa Project Quino Checkerspot Butterfly Endowment to pay RECON Environmental to perform activities related to the continued implementation of the project, as described above and in staff's analysis.

**IT IS SO ORDERED.**

### **CERTIFICATION**

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the CEC held on December 11, 2019.

AYE: Hochschild, Scott, Douglas, Monahan

NAY: None

ABSENT: McAllister

ABSTAIN: None

Original Signed by:

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Cody Goldthrite  
Secretariat