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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 CEC 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 CEC to approve any dispersal of funds from the endowment.

Since 2018, the CEC has approved two dispersals of funds from the endowment for work related to the ongoing San Diego National Wildlife Refuge Quino Checkerspot Butterfly Augmentation Project. To date, the CEC has authorized the dispersal of \$47,006.59 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 September 14, 2020, CEC staff received a request from the United States Fish and Wildlife Service to release additional endowment funds in the amount of \$18,721 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 November 13, 2020, staff filed its analysis and recommendation that the CEC 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 CEC 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 CEC hereby approves staff's recommendation to release \$18,721 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 CEC 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 9, 2020.

AYE: Hochschild, Scott, Douglas, McAllister, Monahan

NAY: None

ABSENT: None

ABSTAIN: None



Cody Goldthrite
Secretariat