



Quail Brush Genco, LLC

California Energy Commission

DOCKETED

11-AFC-3

TN # 67105

SEP 13 2012

A Project Company of Cogentrix Energy, LLC

**9405 Arrowpoint Boulevard
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(704) 525-3800
(704) 525-9934 - Fax**

September 13, 2012

Preserve Wild Santee
c/o Van Collinsworth
9222 Lake Canyon Road
Santee, CA 92071

Re: Quail Brush Generation Project (11-AFC-03), Applicant's Data Requests 1 - 14 (Set One)

Pursuant to the provisions of Title 20, California Code of Regulations, Section 1716, Quail Brush Genco, LLC ("Quail Brush"), a wholly owned subsidiary of Cogentrix Energy, LLC, hereby submits the enclosed Data Requests, numbered 1 through 14. The information requested is necessary to more fully understand your objections to the Project and the Application for Certification so that Quail Brush can appropriately address your concerns throughout the licensing process.

Written responses to the enclosed data requests are due to Quail Brush on or before October 15, 2012. If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send a written notice to the Committee and us within 20 days of receipt of this notice. This notification must contain the reasons for the inability to provide the information or the grounds for any objections (see Title 20, California Code of Regulations, Section 1716(f)).

If you have any questions regarding this submittal, please contact me at (704) 672-2818.

Regards,

A handwritten signature in black ink, appearing to read "C. Richard Neff".

C. Richard ("Rick") Neff
Quail Brush

Enclosure: (Data Request Packet)

cc: Docket (11-AFC-3)

QUAIL BRUSH GENERATION PROJECT
(11-AFC-3)

QUAIL BRUSH GENCO, LLC
DATA REQUESTS 1 - 14 (Set One)

September 13, 2012

BACKGROUND FOR DATA REQUESTS 1 THROUGH 6

In the letter to the San Diego Planning Commission docketed with the CEC on June 25, 2012, you assert that the proposed Quail Brush Generation Project would have significant adverse impacts including “Habitat loss for endangered species such as Quino checkerspot butterfly.” The AFC explains that there are not listed or threatened species in the Project area. (See AFC Table 4.12-4, Table 4.12-5). In the Applicant’s comprehensive Biological Resources Survey Report docketed with the Commission on August 8, 2012, the expert consultants concluded that “the biological survey area is not considered suitable habitat for [the Quino checkerspot butterfly], which is unlikely to occur within the biological survey area.” (See Biological Resources Survey Report, August 6, 2012 at p. 57). Indeed, the experts did not find that any listed endangered or threatened species were present on the site or had either a high or moderate likelihood of occurrence. (See *id.* at Tables D-1 and D-2, p. D-6 through D-52).

DATA REQUESTS 1 THROUGH 6

1. Please provide detailed descriptions of and provide a map showing the exact location of Quino checkerspot habitat on the Project site and adjacent off-site areas.
2. Please provide the data and studies on which you base your belief that Quino checkerspot butterfly habitat on the Project site or adjacent off-site areas would be significantly adversely impacted by the Project.
3. Please state all other endangered species for which the Project would result in habitat loss.
4. For each endangered species you identify pursuant to Data Request # 3, please provide detailed descriptions of and provide a map showing the exact location of habitat for that species on the Project site and adjacent off-site areas.
5. For each endangered species you identify pursuant to Data Request # 3, provide the data and studies on which you base your belief that habitat for that species on the Project site or adjacent off-site areas would be significantly adversely impacted by the Project.
6. If applicable, please provide the names, titles, credentials, and work addresses of each expert who conducted the studies noted above.

BACKGROUND FOR DATA REQUESTS 7 THROUGH 11

In the letter to the San Diego Planning Commission docketed with the CEC on June 25, 2012, you assert that the proposed Quail Brush Generation Project would have significant adverse impacts including “Noise and visual impacts to rock climbing areas and trails directly adjacent to the site.”

According to AFC Figure 4.3-5, the sound emanating from the proposed Project would be no more than 35 to 40 dBA in the Mission Trails Regional Park [south of Route 52], a sound level considered “faint”. This is equivalent to “typical wilderness area,” “bird calls” or “quiet rural residential area with no activity.” (See AFC Table 4.3-1, p. 4.3-3). The land parcels contiguous

to the Project site consist of private property that is not generally accessible by the public for rock climbing and hiking purposes. (See Appendix A to the AFC). On these properties, the noise would rarely be more than 50 dBA and most of these properties are privately owned. 50 dBA is still considered “quiet” and is equivalent to light auto traffic at 100 feet. (See AFC Table 4.3-1, p. 4.3-3).

The AFC also explains that the Mission Trails Regional Park consists largely of “undulating topography” that would block the proposed Project from the view of many locations in Park. (See p. 4.5-9). For example, trail users near Viewpoint 2 analyzed in the AFC (the Grasslands Section of the Park) have only an “obstructed” view of the plant site. (*Id.* at 4.5-6). Several other higher elevation areas in the Park already include foreground and middleground views of “a variety of cultural modifications including numerous high voltage transmission lines, residential clusters, and the landfill [which] draw attention away from much of the surrounding terrain and detract from the scenic quality.”

DATA REQUESTS 7 THROUGH 11

7. Please identify rock climbing areas and trails that are “directly adjacent to the site,” and provide maps and other supporting documentation.
8. Please specify what significant noise impact would be caused by the Project, considering that the AFC illustrates that the Project will result in only “faint” or “quiet” noise on neighboring properties.
9. Please provide the data and studies on which you base your belief that there would be noise impacts on rock climbing areas and hiking trails adjacent to the site as a result of the proposed Project, considering that the only known public hiking trails in this area are in the vicinity of Route 52, and thus are already impacted by freeway noise.
10. Please provide the data and studies on which you base your belief that there would be visual impacts on rock climbing areas and hiking trails adjacent to the site as a result of the proposed Project, considering that the undulating terrain of Mission Trails Regional Park blocks the Project site from many places in the Park and that higher elevation viewpoints already include high voltage transmission lines and the Sycamore landfill.
11. If applicable, please provide the names, titles, credentials, and work addresses of each expert who conducted the studies noted above.

BACKGROUND FOR DATA REQUESTS 12 THROUGH 14

In the letter to the San Diego Planning Commission docketed with the CEC on June 25, 2012, you assert that the proposed Quail Brush Generation Project would have significant adverse impacts including “Lower water quality entering the San Diego River and its tributaries.”

As described in Section 4.11 of Supplement 3 to the AFC, docketed with the CEC on August 31, 2012, the Project will include the use of a septic holding tank that will be emptied regularly and properly disposed of at an appropriate disposal facility. In addition, as explained in Section 4.13.3.2 of the AFC, the Applicant will develop a Storm Water Pollution Prevention Plan in accordance with best practices and the Project will not substantially alter the existing drainage

pattern of the area. Accordingly, the Project will not result in an increase of low quality water entering the San Diego River and its tributaries.

DATA REQUESTS 12 THROUGH 14

12. Please explain in detail the basis for your conclusion that the Project would contribute to lower water quality entering the San Diego River and its tributaries, considering that this conclusion is not supported by the Applicant's proposed design or related analysis.
13. Please provide any data and studies used to arrive at this contrary conclusion that the Project would result in lower water quality entering the San Diego River and its tributaries.
14. If applicable, please provide the names, titles, credentials, and work addresses of each expert who conducted the studies noted above.



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 QUAIL BRUSH GENERATION PROJECT**

DOCKET NO. 11-AFC-03
PROOF OF SERVICE
(Revised 8/14/2012)

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*indicates change

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DECLARATION OF SERVICE

I, Margaret Pavao, declare that on September 13, 2012, I served and filed a copies of the attached Applicant's Data Requests 1 through 11 to Intervenor Preserve Wild Santee, dated September 13, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: <http://www.energy.ca.gov/sitingcases/quailbrush/index.html>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses NOT marked "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an electronic copy to the e-mail address below (preferred method); *OR*
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-03
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.


