

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov

California Energy Commission

**DOCKETED**  
**11-AFC-3**

TN # 68245

OCT. 30 2012



October 30, 2012

Quail Brush Genco, LLC  
Ms. Lori Ziebart  
Project Manager  
9405 Arrowpoint Boulevard  
Charlotte, NC 28273

Regarding: **QUAIL BRUSH GENERATION PROJECT (11-AFC-3), Staff's Data Requests 90-93**

Dear Ms. Ziebart,

Pursuant to Title 20, California Code of Regulations, section 1716, the California Energy Commission staff requests the information specified in the enclosed data requests. The information requested is necessary to: 1) more fully understand the project, 2) assess whether the facility will be constructed and operated in compliance with applicable regulations, 3) assess whether the project will result in significant environmental impacts, 4) assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner, and 5) assess potential mitigation measures.

These data requests are being made in the technical area of Biological Resources. Written responses to the enclosed data requests are due to the Energy Commission staff on or before November 29, 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 me within 20 days of receipt of this request. The 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 the enclosed data requests, please call me at (916) 651-0966.

Sincerely,

Eric Solorio  
Siting Project Manager

Enclosure (Data Request Packet)  
cc: Docket (11-AFC-3)

PROOF OF SERVICE (REVISED 10/29/12) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 10/30/12  
DLS



**QUAIL BRUSH GENERATION PROJECT  
(11-AFC-3)**

**Energy Commission Staff's Data Requests 90-93**

**October 30, 2012**

**Technical Area: Biological Resources**  
**Author: Andrea Martine**

## **BACKGROUND**

The proposed project is located on a parcel that is currently within the Multiple Habitat Planning Area (MHPA). This area is designated as an area for preservation in the Multiple Species Conservation Plan (MSCP). The proposed project would develop greater than 25% of the parcel where the power plant is sited and therefore a boundary line adjustment would be required. Under the City's MSCP Subarea Plan, an adjustment to the City's MHPA boundary is allowed only if the new MHPA boundary results in an exchange of lands that are functionally equivalent or higher in biological value. Page 96 Section 5.1.4 of the Biological Resources Survey Report (August 6, 2012) describes the need for a boundary line adjustment for the project. However, this section does not contain all the necessary information as required in the MHPA Boundary Line Adjustment process (See pg 5-9 section 5.4.2 of the MSCP). The MSCP requires the determination of functionally equivalent or higher biological value to be based on site-specific information (both quantitative and qualitative) that addresses the six boundary adjustment criteria outlined in Section 5.4.2 of the Final MSCP Plan and listed below.

## **DATA REQUESTS**

90. Please provide a map showing the existing MHPA boundary, as approved in the MSCP, the proposed encroachment (in red) and proposed addition (in green).
91. Please provide an MHPA exchange table showing (by habitat tier and acreage) what is proposed to be removed and what is proposed to be added to the MHPA as well as the net change in acreage. The table should include the following columns/rows or equivalent: a) Tier; b) Habitat; c) Existing MHPA; d) Proposed Encroachment; e) Proposed Addition; and f) Net Change.
92. Please provide a written analysis of the adjustment's consistency with the six boundary adjustment criteria listed below:
  - a. Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly and sufficiently conserved habitats, as defined in Section 4.2.4 of the MSCP);
  - b. Effects on covered species (i.e., the exchange maintains or increases the conservation of covered species);
  - c. Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves any habitat linkages or wildlife corridors);
  - d. Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protections of biological resources);

- e. Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve);
- f. Effects on species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either the federal or state Endangered Species Acts).

## **BACKGROUND**

The City of San Diego MSCP Subarea Plan has a requirement to help prevent the introduction of invasive non-native species into the MHPA (Section 1.5.2 General Management Directives, Invasive Exotics Control and Removal). The AFC and subsequent documents submitted by the applicant do not discuss invasive non-native species. Refer to the above mentioned section and include all necessary information when responding to the data request below.

## **DATA REQUEST**

93. Please discuss the project's potential to introduce invasive plants and animals harmful to the MHPA, and possible measures to mitigate any risk that is identified.



**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 10/29/2012)**

**APPLICANT**

Cogentrix Energy, LLC  
C. Richard "Rick" Neff, Vice President  
Environmental, Health & Safety  
9405 Arrowpoint Boulevard  
Charlotte, NC 28273  
[rickneff@kogentrix.com](mailto:rickneff@kogentrix.com)

Cogentrix Energy, LLC  
John Collins, VP Development  
Lori Ziebart, Project Manager  
Quail Brush Generation Project  
9405 Arrowpoint Blvd.  
Charlotte, NC 28273  
[johncollins@kogentrix.com](mailto:johncollins@kogentrix.com)  
[loriziebart@kogentrix.com](mailto:loriziebart@kogentrix.com)

**APPLICANT'S CONSULTANTS**

Tetra Tech EC, Inc.  
Connie Farmer  
Sr. Environmental Project Manager  
143 Union Boulevard, Suite 1010  
Lakewood, CO 80228  
[connie.farmer@tetrattech.com](mailto:connie.farmer@tetrattech.com)

Tetra Tech EC, Inc.  
Barry McDonald  
VP Solar Energy Development  
17885 Von Karmen Avenue, Ste. 500  
Irvine, CA 92614-6213  
[barry.mcdonald@tetrattech.com](mailto:barry.mcdonald@tetrattech.com)

Tetra Tech EC, Inc.  
Sarah McCall  
Sr. Environmental Planner  
143 Union Boulevard, Suite 1010  
Lakewood, CO 80228  
[sarah.mccall@tetrattech.com](mailto:sarah.mccall@tetrattech.com)

**COUNSEL FOR APPLICANT**

Bingham McCutchen LLP  
Ella Foley Gannon  
Camarin Madigan  
Three Embarcadero Center  
San Francisco, CA 94111-4067  
[ella.gannon@bingham.com](mailto:ella.gannon@bingham.com)  
[camarin.madigan@bingham.com](mailto:camarin.madigan@bingham.com)

**INTERVENORS**

Roslind Varghese  
9360 Leticia Drive  
Santee, CA 92071  
[roslindv@gmail.com](mailto:roslindv@gmail.com)  
  
Rudy Reyes  
8655 Graves Avenue, #117  
Santee, CA 92071  
[rreyes2777@hotmail.com](mailto:rreyes2777@hotmail.com)

Dorian S. Houser  
7951 Shantung Drive  
Santee, CA 92071  
[dhouser@cox.net](mailto:dhouser@cox.net)

Kevin Brewster  
8505 Mesa Heights Road  
Santee, CA 92071  
[lzpup@yahoo.com](mailto:lzpup@yahoo.com)

Phillip M. Connor  
Sunset Greens Home Owners  
Association  
8752 Wahl Street  
Santee, CA 92071  
[connorphil48@yahoo.com](mailto:connorphil48@yahoo.com)

\*Mr. Rob Simpson, CEO  
Helping Hand Tools  
1901 First Avenue, Suite 219  
San Diego, CA 92101  
[rob@redwoodrob.com](mailto:rob@redwoodrob.com)

HomeFed Fanita Rancho, LLC  
Jeffrey A. Chine  
Heather S. Riley  
Allen Matkins Leck Gamble  
Mallory & Natsis LLP  
501 West Broadway, 15<sup>th</sup> Floor  
San Diego, CA 92101  
[jchine@allenmatkins.com](mailto:jchine@allenmatkins.com)  
[hriley@allenmatkins.com](mailto:hriley@allenmatkins.com)  
[jkaup@allenmatkins.com](mailto:jkaup@allenmatkins.com)  
[vhoy@allenmatkins.com](mailto:vhoy@allenmatkins.com)

Preserve Wild Santee  
Van Collinsworth  
9222 Lake Canyon Road  
Santee, CA 92071  
[savefanita@cox.net](mailto:savefanita@cox.net)

Center for Biological Diversity  
John Buse  
Aruna Prabhala  
351 California Street, Suite 600  
San Francisco, CA 94104  
[jbuse@biologicaldiversity.org](mailto:jbuse@biologicaldiversity.org)  
[aprabhala@biologicaldiversity.org](mailto:aprabhala@biologicaldiversity.org)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

City of Santee  
Department of Development Services  
Melanie Kush  
Director of Planning  
10601 Magnolia Avenue, Bldg. 4  
Santee, CA 92071  
[mkush@ci.santee.ca.us](mailto:mkush@ci.santee.ca.us)

Morris E. Dye  
Development Services Dept.  
City of San Diego  
1222 First Avenue, MS 501  
San Diego, CA 92101  
[mdye@sandiego.gov](mailto:mdye@sandiego.gov)

\*indicates change

**INTERESTED AGENCIES (cont.)**

Mindy Fogg  
Land Use Environmental Planner  
Advance Planning  
County of San Diego  
Department of Planning & Land Use  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123  
[mindy.fogg@sdcounty.ca.gov](mailto:mindy.fogg@sdcounty.ca.gov)

**ENERGY COMMISSION –  
DECISIONMAKERS**

KAREN DOUGLAS  
Commissioner and  
Presiding Member  
[karen.douglas@energy.ca.gov](mailto:karen.douglas@energy.ca.gov)

ANDREW McALLISTER  
Commissioner and  
Associate Member  
[andrew.mcallister@energy.ca.gov](mailto:andrew.mcallister@energy.ca.gov)

Raoul Renaud  
Hearing Adviser  
[raoul.renaud@energy.ca.gov](mailto:raoul.renaud@energy.ca.gov)

Eileen Allen  
Commissioners' Technical  
Adviser for Facility Siting  
[eileen.allen@energy.ca.gov](mailto:eileen.allen@energy.ca.gov)

Galen Lemei  
Advisor to Commissioner Douglas  
[galen.lemei@energy.ca.gov](mailto:galen.lemei@energy.ca.gov)

Jennifer Nelson  
Advisor to Commissioner Douglas  
[jennifer.nelson@energy.ca.gov](mailto:jennifer.nelson@energy.ca.gov)

David Hungerford  
Advisor to Commissioner McAllister  
[david.hungerford@energy.ca.gov](mailto:david.hungerford@energy.ca.gov)

Pat Saxton  
Advisor to Commissioner McAllister  
[patrick.saxton@energy.ca.gov](mailto:patrick.saxton@energy.ca.gov)

**ENERGY COMMISSION STAFF**

Eric Solorio  
Project Manager  
[eric.solorio@energy.ca.gov](mailto:eric.solorio@energy.ca.gov)

Stephen Adams  
Staff Counsel  
[stephen.adams@energy.ca.gov](mailto:stephen.adams@energy.ca.gov)

**ENERGY COMMISSION –  
PUBLIC ADVISER**

Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov)

DECLARATION OF SERVICE

I, Diane L. Scott, declare that on October 30, 2012, I served and filed copies of the attached **QUAIL BRUSH GENERATION PROJECT (11-AFC-03), Staff's Data Requests 90-93**, dated October 30, 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 marked **"hard copy required"** or where no e-mail address is provided.

**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](mailto: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  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[michael.levy@energy.ca.gov](mailto:michael.levy@energy.ca.gov)

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.

**Originally Signed By:**

Diane L. Scott  
Siting, Transmission and Environmental Protection Division