



TETRA TECH EC, INC.

California Energy Commission

DOCKETED

11-AFC-03

TN # 69395

FEB. 05 2013

February 5, 2013

Eric Solorio, Project Manager
California Energy Commission
Docket No. 11-AFC-3
1516 9th St.
Sacramento, CA 95814

Cogentrix Quail Brush Generation Project - Docket Number 11-AFC-3, Request to USEPA for Section 7 Biological Resources Consultation with USFWS

Docket Clerk:

Pursuant to the provisions of Title 20, California Code of Regulations, and on behalf of Quail Brush Genco, LLC, a wholly owned subsidiary of Cogentrix Energy, LLC, Tetra Tech hereby submits the attached cover letter addressed to Mr. Gerardo Rios, USEPA Region IX, requesting that USEPA initiate consultation with USFWS for the Cogentrix Quail Brush Generation Project City of San Diego, San Diego County, California (11-AFC-3). The revised *Biological Resources Survey Report Cogentrix Quail Brush Generation Project City of San Diego, San Diego County, California*, referenced in the attached letter was previously docketed with the CEC on October 15, 2012 and is not provided again here. The Quail Brush Generation Project is a 100 megawatt natural gas fired electric generation peaking facility to be located in the City of San Diego, California. The following issue area is addressed in this submittal:

- Biological Resources

If you have any questions regarding this submittal, please contact Rick Neff at (704) 525-3800 or me at (303) 980-3653.

Sincerely,

Constance E. Farmer
Project Manager/Tetra Tech

cc: Lori Ziebart, Cogentrix
John Collins, Cogentrix
Rick Neff, Cogentrix
Proof of Service List

TETRA TECH EC, INC.



**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 12/28/2012)**

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COMMISSION DOCKET UNIT

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**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):**

*After docketing, the Docket Unit
will provide a copy to the persons
listed below. **Do not** send copies
of documents to these persons
unless specifically directed to do
so.*

KAREN DOUGLAS
Commissioner and Presiding
Member

ANDREW McALLISTER
Commissioner and Associate
Member

Raoul Renaud
Hearing Adviser

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

Galen Lemei
Adviser to Commissioner Douglas

Jennifer Nelson
Adviser to Commissioner Douglas

David Hungerford
Adviser to Commissioner McAllister

Patrick Saxton
Adviser to Commissioner McAllister

Eric Solorio
Project Manager

Stephen Adams
Staff Counsel

DECLARATION OF SERVICE

I, Constance Farmer, declare that on February 5, 2013, I served and filed copies of the attached Letter to USEPA, dated February 5, 2013. This document is accompanied by the most recent Proof of Service, which I copied from 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) and to the Commission's Docket Unit, as appropriate, in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**

Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: February 5, 2013

Constance C. Farmer



TETRA TECH EC, INC.

February 4, 2013

Mr. Gerardo Rios
Chief, Permits Office
USEPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

Cogentrix Quail Brush Generation Project, City of San Diego, California – Biological Assessment

Dear Mr. Rios:

Quail Brush Genco, LLC (Applicant) is submitting the attached Comprehensive Biological Resources Technical Report (Report). Patrick Gower, the staff member at U.S. Fish and Wildlife Service (USFWS) assigned to the Quail Brush Generation Project (Project), has agreed that this Report satisfies the requirements of a stand-alone Biological Assessment for the Project and can serve as the basis for a Section 7 consultation with USFWS. The Project is a nominal 100 megawatt natural gas fired electric generation intermediate/peaking facility using natural gas-fired reciprocating engine technology proposed for the City of San Diego, California. The proposed Project includes the power generation facility located on a 21.6-acre site, an 8-inch diameter natural gas pipeline, and a 138 kV loop line interconnecting to the SDG&E grid. Extensive field studies and consultation with city, state and federal wildlife biologists have been carried out. Based on findings of the Biological Resources Survey Report and USFWS protocol surveys for coastal California gnatcatcher and Quino checkerspot butterfly, there are no federally listed threatened or endangered species present within the Project site, and therefore the Project will have no adverse direct effect on federally listed species. There is no USFWS designated critical habitat within the proposed Project area.

There is a possibility that indirect adverse effects could occur as a result of nitrogen deposition associated with the project if Project related nitrogen deposition altered the suitability of any coastal California gnatcatcher USFWS designated Critical Habitat. In areas with low baseline nitrogen levels, typically below 5.0 kg/he/yr, nitrogen deposition can result in elevated nitrogen levels that benefit non-native weedy species growth. If this occurs in areas of coastal California gnatcatcher designated Critical Habitat, high quality coastal sage scrub habitat could be replaced with low quality non-native grasslands.

USFWS designated Critical Habitat for coastal California gnatcatcher occurs approximately 1.2 miles to the south and 1.7 miles to the east of the Project footprint, and nitrogen deposition resulting from the Project may result in a cumulative minor increase in nitrogen concentrations within this designated Critical Habitat. A cumulative increase in nitrogen concentrations at the

TETRA TECH EC, INC.

USFWS designated Critical Habitat Area (reported to be 0.1 kg/he/yr or less) may adversely affect habitat for coastal California gnatcatcher.

Currently, the nitrogen deposition baseline level within the designated Critical Habitat is at 10.94 kg/he/yr, which is well above the minimum level of nitrogen deposition (5.0 kg/he/yr) that causes noticeable changes in vegetation communities. The cumulative incremental increase in nitrogen deposition from the Project may affect approximately 1,500 acres of designated Critical Habitat for coastal California gnatcatcher. Since the designated Critical Habitat is already at a saturated nitrogen level well above the threshold of 5.0 kg/he/yr, any additional incremental increase in nitrogen levels is not likely to result in a noticeable change in vegetation communities that would adversely affect coastal California gnatcatcher or its designated Critical Habitat. Therefore, the current existing conditions would not be affected by the very small additional contribution of nitrogen deposition.

On behalf of the Applicant, we respectfully request your timely review of the attached Report. The Report is provided for your use in initiating Section 7 consultation with the USFWS. Please advise me when you have forwarded the attached document to Patrick Gower at USFWS (contact information is provided below) so our lead biologist, Scott Crawford of Michael Brandman and Associates, can follow up directly with USFWS personnel assigned to this Project. Initiation of consultation will also allow Mr. Gower to participate in the California Energy Commission's licensing process for the Project.

If you have any questions regarding this submittal, please contact me at (303) 980-3653, or Scott Crawford at (714) 742-5316.

Sincerely,



Constance E. Farmer
Project Manager/Tetra Tech

cc: Lori Ziebart, Cogentrix
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