

Audubon Ohlone Chapter of National Audubon Society, Alameda County, California

June 23, 2008

Dockets Unit
California Energy Commission
1516 Ninth Street, MS4
Sacramento, CA 95814

DOCKET 01-AFC-7C	
DATE	JUN 23 2008
RECD.	JUN 25 2008

Re: Russell Power Plant Hayward Shore Land / Calpine Delays
Reference: Docket 01-AFC-07C

After evaluating the above extension request, the Ohlone chapter of the National Audubon Society (OAC) is opposed to the Calpine Corporation Petition for extending the deadline for the commencement of construction of the Russell City Energy Center on the San Francisco Bay/Hayward Shoreline. We request that our position be entered into the official record.

Recommendation:

Furthermore, we ask that the California Energy Commission (CEC) pull all permits granted for this industrial development. At this point of the project we ask the commission to enforce a two year delay in order to **find suitable relocation site.**

Allowing industrial development, particularly a major polluter such as Calpine's operations have been known to be, will undermine community plans to achieve a sustainable SF Bay land ecosystem. It would be a major loss in the fight against global warming in the Alameda County. It will sacrifice precious little remaining open space near the Hayward Shoreline.

Denying the above Petition will favor a sustainable SF Bay lands ecosystem. Given the hemispheric importance of the SF Bay estuary, it is imperative to prioritize continuing acquisition and restoration of the remaining SF Bay shore lands parcels as part of the Bay-wide restoration goals.

Ohlone Audubon of California (OAC) has long been committed to protecting San Francisco Bay (SFBAY) and specifically, its wetlands and adjacent bay lands. As a matter of policy, Audubon is opposed to the industrialization of immediate Bay lands.

OAC recognizes the restoration opportunity in the Hayward Shoreline Park. Our membership had participated in the establishment of this Shoreline and uplands as an Important Bird Area (IBA) and continue to actively protect it. Audubon California ranks San Francisco Bay's wetlands as an IBA due to the high number of rare and endangered bird species and the sheer number of shorebirds and waterfowl supported by these wetlands. There are 148 IBA sites of exceptional bird habitat and conservation value throughout California.

IBA is a designation with international recognition of an avian ecological area where important nesting, feeding, migration rest stop, wintering location occur. The way an IBA is managed has global impact on bird conservation, representing the most critical habitats for bird populations worldwide.

OAC is resident in Alameda County with 1000 members and supporters living in Hayward. These are the citizens who are urging the California Energy Commission to deny the above Calpine extension request.

We have addressed Hayward city government in opposing this major development. Yet the permits were granted. How can a particular jurisdiction such as The California Energy Commission have supported the Hayward Shore Power Plant Russell Power Plant?

Reference:

California's air board, will take center stage when it unveils a blueprint for the nation's most aggressive fight against global warming that is expected to affect every resident, industry and government agency in the state in the coming decade.

The far-reaching plan, which comes 18 months after Gov. Arnold Schwarzenegger signed landmark legislation to curb greenhouse emissions by one-third by 2020.. It could require industry to reduce pollution or pay fees based on the amount of carbon they release.

Mary Nichols, chairwoman of the California Air Resources Board recently, said the draft of the "scoping plan," which the agency's staff will present in June 2008 to the 11-member board, will be a work in progress until the final version is adopted by the end of the year.

"We've been clear up until now that the draft plan will lay out our background information on where the state's emissions come from, how much they need to be reduced, and lay out a strategy on how to address them sector by sector," Nichols said.

About 60 percent of the needed reductions can be obtained by implementing existing regulations or new rules that are in the regulatory pipeline, include requiring energy producers to modify their product lineup, requiring utilities to sell a certain amount of electricity produced by renewable sources such as solar and wind, and a handful of "early action" items that the air board adopted a year ago to cut greenhouse gases.

As you are aware Calpine has been a financial mismanaged firm for many years. Recently Calpine has come out of bankruptcy, having achieved reorganization. Then this month the President of Calpine resigned. Currently Calpine has no Chief Executive. It is our fear that Calpine will continue to be financial mismanaged and be unable without taxpayers funds to operate under the new pending fee based system. Audubon firmly request that the California Energy Commissions to take into full account when ever Calpine might begin construction it could again enter into bankruptcy and the project will fail. The Russell Power Plant Hayward Shore Land is clearly a project that will fail to service the citizens Alameda County. Please deny the two year delay as requested.

Background:

Audubon California has long been committed to protecting San Francisco Bay including the immediate bay lands and its wetlands. Historically, industrial development, salt production, urbanization have resulted in the filling of one third of San Francisco Bay, and the loss of 85 percent of its wetlands.

Yet despite these losses, San Francisco Bay retains incredible importance as wildlife habitat. San Francisco Bay is the largest estuary on the West Coast and provides critical habitat not only for shorebirds, waterfowl, marsh birds, but over 500 species of fish, mammals and plants, many of which are either threatened or endangered. San Francisco Bay is a critical stopover point along the Pacific Flyway migration route of shorebirds and waterfowl, which number over one million birds in the height of migration. The importance of San Francisco Bay's shorebird habitat has been recognized by the Western Hemisphere

Shorebird Reserve Network, which ranks it as being of "Hemispheric Importance" to shorebirds.

Audubon California supports the protection and restoration of San Francisco Bay lands and opposes filling and degradation of any immediate bay lands. This position was articulated in the "Wetlands Policy Statement" issued by the Bay Area Audubon Council in 1984. (The Bay Area Audubon Council is composed of the eight local Audubon chapters of the San Francisco Bay Area: Golden Gate Audubon Society, Madrone Audubon Society, Marin Audubon Society, Mount Diablo Audubon Society, Napa-Solano Audubon Society, Ohlone Audubon Society, Santa Clara Valley Audubon Society, and Sequoia Audubon Society.)

Audubon California's position is consistent with the vision put forth by the San Francisco Bay conservation community in the Baylands Ecosystem Habitat Goals Report (1999). Central to the Goals Report is the establishment of 100,000 protected and restored acres of tidal wetlands and uplands within San Francisco Bay. Continued acquisition and restoration of remaining bay front wetlands parcels is required to meet these goals. Given the hemispheric importance of the San Francisco Bay estuary, losing major tidal wetland restoration opportunities and other in-bay and adjacent habitats undermines the potential for a sustainable Baylands ecosystem which Audubon California is working to help establish and protect.

SINCERELY

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