

**James A  
Browning/SAC/R1/FWS/DOI**  
07/31/2007 08:39 AM

To rapicavoli.emmanuelle@epa.gov  
cc Ryan Olah/SAC/R1/FWS/DOI@FWS  
bcc  
Subject Russell City Energy Center (FWS File No. 1-1-07-I-1363)

This is in response to your June 11, 2007, informal consultation letter requesting concurrence with your determination that the proposed construction of the Russell City Energy Center (proposed action) in Hayward, Alameda County, California, is not likely to adversely affect any federally listed species under the administration of the U.S. Fish and Wildlife Service. We received your letter and accompanying information on the proposed action on June 21, 2007. This response is in accordance with the requirements of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Based on our review of the information provided with your request, we concur with your determination that the proposed action is not likely to adversely affect any federally listed species under our administration. Unless new information reveals effects of the proposed action that may affect listed or proposed species in a manner or to an extent not considered, or a new species or critical habitat is designated or proposed that may be affected by the proposed action, no further action pursuant to the Endangered Species Act of 1973, as amended, is necessary.

Jim Browning  
Senior Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Suite W-2605  
Sacramento, California 95825