



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

March 11, 2002

RECEIVED

7/19
SACRAMENTO
FISH & WILDLIFE OFFICE

Jan C. Knight
Chief, Endangered Species Division
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

Tracy - log in 'F' → David W
AB 7/19

Subject: Request for Formal Consultation Under Section 7 of the Federal Endangered Species Act for the Proposed Russell City Energy Center – Alameda County, California

Dear Ms. Knight:

I am writing to request initiation of formal consultation under section 7 of the federal Endangered Species Act (“ESA”) for the Russell City Energy Center (“Russell City”). Calpine/Bechtel Joint Development, LLC (“applicant”) has applied to the Bay Area Air Quality Management District (“District”) for a permit for its project in part to meet the requirements of the federal Prevention of Significant Deterioration (“PSD”) program. See Title 40 Code of Federal Regulations, Part 52.21. Although the authority to issue the federal PSD permit has been delegated to the District, EPA Region 9 (“EPA”) retains its responsibilities to ensure that PSD permitting actions by the District are consistent with the requirements of ESA section 7.

Under section 7 of the ESA, EPA must ensure that final action on a PSD permit is conditioned upon completion of the consultation process where required and the understanding that the applicants will be required to implement any necessary or appropriate alternatives or minimization measures required by EPA as a result of the consultation process.

EPA and the applicant have participated in informal consultation with U.S. Fish and Wildlife Service (“FWS”) regarding the Russell City project and have determined that the project may adversely affect the federally endangered salt marsh harvest mouse (*Reithrodontomys raviventris*), California clapper rail (*Rallus obsoletus longirostris*), California least tern (*Sterna antillarum browni*), and the federally threatened western snowy plover (*Charadrius alexandrinus nivosus*) which are protected pursuant to the ESA of 1973, as amended. With input from FWS, the applicant and its consulting firm, Foster Wheeler Environmental Corporation, have prepared the November, 2001 “Biological Assessment for the Russell City Energy Center” (which has already been forwarded to your office). Supplemental information on the draft Russell City Energy Center Wetland Mitigation Plan has been submitted to your office in December, 2001.

In conclusion, pursuant to section 7 of the ESA, EPA requests initiation of formal consultation for the project described in the Biological Assessment, and preparation of a biological opinion by FWS. EPA would like to receive and review a copy of the draft biological opinion. We look forward to working with FWS on this matter. If you require additional information, or have questions regarding this request, please contact Todd Marse at (415) 972-3976.

Sincerely,



Gerardo C. Rios
Chief, Permits Office

cc: Kae Lewis, CEC, Sacramento, CA
Calvin Fong, Corps, San Francisco, CA
James R. Leahy, Calpine, Pleasanton, CA
Douglas Davy, Foster Wheeler Environmental Corporation, Sacramento, CA
Steven Hill, Bay Area Air Quality Management District, San Francisco, CA