



"Stuart Itoga"
<Sitoga@energy.state
.ca.us>

11/09/01 02:08 PM

To: <don_hankins@fws.gov>
cc: "Dick Ratiiff" <Dratliff@energy.state.ca.us>, "Jim Brownell"
<Jbrownel@energy.state.ca.us>, "Kae Lewis"
<Klewis@energy.state.ca.us>, "Rick York"
<Ryork@energy.state.ca.us>

Subject: Russell City Energy Center

Hi Don,

As per your request, here's the list of potential impacts and associated mitigation measures we would like the applicant to address.

- **Perch deterrent monitoring and contingency plan.** As we discussed at our meeting on 8 November 2001, the applicant proposed perch deterrent methods in the Biological Assessment submitted on 21 September 2001. Although the proposed methods to prevent perching/roosting seemed acceptable, the monitoring plan was not included in the BA, as per USFWS guidance. In a meeting on 30 August 2001 at the USFWS offices in Sacramento, Dan Buford specifically stated the need for a perch deterrent monitoring plan. Further, Dan also stated that a management plan would be needed if monitoring indicated perch deterrents were ineffective. In a conference call on 7 September 2001, the applicant, yourself and CEC staff discussed what should be included in the Biological Assessment. Specifically requested were the monitoring and contingency plans. During a conversation with Doug Davey and Brett Hartman of Foster Wheeler on 26 September 2001, I was informed that the monitoring and contingency plans were not submitted because the applicant was nearing closure on the informally proposed habitat compensation. Habitat compensation, in our opinion, does not mitigate for other impacts associated with the project. Staff has written a condition which would require the applicant to provide monitoring and contingency plans for agency review and approval (see Staff Assessment, Biological Resources Condition of Certification *BIO-14*, pages 3.2-26-3 2-27).
- **Habitat compensation.** Although the applicant has informally discussed habitat compensation, no formal proposal has been received. Although staff would accept applicant's informal proposal (22 acre upland parcel adjacent to plant site) as compensation for habitat impacts associated with the project, staff does not consider habitat compensation and an endowment fund mitigation for other project impacts. For its analysis, staff considered all habitats permanently or temporarily affected by the proposed project. In addition to wetlands and annual grasslands, areas of ruderal vegetation were considered habitat (see Staff Assessment, Biological Resources Section, Discussion of Impacts section, *Permanent and Temporary Habitat Loss*, pages 3 2-11-3 2-12). Should the upland parcel informally discussed be unavailable as compensation, habitat ratios would be used to develop suitable habitat compensation. This strategy was also discussed with Dan Buford at the meeting on 30 August 2001. Staff has written a condition that would require suitable compensation for the project's permanent and temporary habitat impacts (Biological Resources Condition of Certification, *BIO-10*, page 3.2-25).
- **Construction and operational noise levels.** Staff and the East Bay Regional Park District are concerned that construction noise associated with pile driving and steam blows will have an adverse affect on sensitive breeding/nesting species in the area (see Biological Resources Discussion of Impacts, *Construction and Operational Noise*, page 3.2-10). Staff used 60 dBA as a reference point in assessing possible impacts to sensitive species in the project area. Dan Buford concurred with staff at the 30 August 2001 meeting that 60 dBA is used by the USFWS as a reference point when evaluating noise impacts to wildlife. Staff also expressed concern that operational noise could hinder the intraspecific communication abilities of wildlife (i.e. bird vocalizations) in the upland area adjacent to the proposed site. Dan conveyed his opinion that this was a legitimate concern. Staff would like to see a more pro-active approach to mitigate noise impacts than what has been proposed by the applicant. Staff has written a condition to mitigate construction and operational noise associated with the RCEC (see Biological Resources Condition of Certification, *BIO-12*, pages 3.2-25-3.2-26).
- **Bird Flight Diverters.** Dan Buford, in the 30 August meeting, expressed concern about the potential for bird collisions with RCEC transmission lines. This is also a concern of staff and the East Bay Regional Park District. The applicant has expressed the opinion that collisions will probably not be significant, but has proposed the use of streamers on transmission lines associated with the project. Staff has written a condition that would require all ground wires associated with RCEC transmission lines be fitted with agency approved bird flight diverters (see Biological Resources Condition of Certification, *BIO-13*, page 3.2-26).

Please call me at 916-654-4161 with any questions/comments. I hope this is of assistance to you when you draft your letter to the applicant. I'm still working on pulling together the noise info. I'll get that to you early next week. Thanks for coming down and meeting with us.