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Energy Commission's Docket Unit
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, CA 95814

DOCKET
01-AFC-7C
DATE JUN 24 2008
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RE: Docket number 01-AFC-7C

To Whom It May Concern:

On behalf Audubon California's nearly 100,000 members and supporters statewide and our eight local Bay Area chapters, I write to express concerns with the adequacy of the California Energy Commission's environmental review of the proposed Russell City Energy Center (Project). Due to the potential for harm to sensitive habitats and species nearby Audubon California respectfully calls for the careful evaluation all environmental impacts of the Project prior to proceeding any further with the permitting process.

The Commission's 2002 Final Staff Assessment of the proposed Project outlined numerous environmental impacts of the proposed project, requisite mitigation, and additional environmental review and permitting required by the US Fish & Wildlife Service (Service), US Army Corps of Engineers (Corps), and the San Francisco Bay Regional Water Quality Control Board (Board). These reviews are intended to provide additional guidance to ensure the maximum protection of sensitive biological resources that include threatened and endangered species, air and water quality, and sensitive wetland habitats. Subsequent to Calpine's petition to relocate the proposed power plant 1,300 feet away from its original proposed siting California Energy Commission staff have indicated that some of the originally mandated mitigation, as well as all environmental review and permitting by the Service, Corps and the Board are no longer required due different conditions at the amended site location.

Although the amendment to the proposed project location and some design changes to the proposed project will mitigate some impacts identified in the Commission's 2002 staff report, some impacts remain and will require further mitigation and biological review by the Service in the form of a Biological Opinion as originally called for in the Commission's 2002 report. According to the 2002 report increases in background noise caused by 24 hour/day, 7 day/week operation of the proposed plant could "directly impact sensitive species breeding areas and wildlife using the surrounding areas." The report then proceeded to detail some of the possible impacts. Although the proposed project site has been moved by 1300 feet, the proposed project still remains nearby sensitive habitat. Warehouses situated between sensitive marsh habitat and the new proposed project location could, according to the Commission's 2007 report, "funnel the noise to the sensitive area without achieving the fully anticipated decrease in noise levels." **Given the potential negative impacts caused by construction and operational noise of the proposed power plant, omission of a Biological Opinion by the Service is a significant**

oversight, and could lead to permitting of activities that cause harm to sensitive species and habitats.

Neither the 2002 nor the 2007 Commission reports on the proposed Project addressed the terrestrial habitat impacts of **nitrogen deposition** originating from nitrogen oxides emitted as air pollution from the proposed power plant. Dr. Stuart Weiss describes the habitat conversion effects of increased nitrogen deposition on sensitive plant habitats in the 2006 report prepared for the Commission, *Impacts of Nitrogen Deposition on California Ecosystems and Biodiversity.* Many of the San Francisco Bay Area's soils are nutrient limited. Native plants indigenous to the Bay Area are adapted to these nutrient depauparate conditions while many species of invasive plants are limited by local soil conditions. Increased nitrogen inputs from aerial pollution sources can modify soil conditions in ways that make invasive plants more competitive and facilitate type conversion of habitat from native to exotic plant-dominated systems. **Information is needed as to how the proposed Project addresses this issue for the sensitive wetland and upland habitats located nearby.**

Also not addressed by the 2002 nor 2007 Commission reports are possible impacts to birds from **night-time lighting, power lines, and building design**, which can be confusing, and in some cases lethal to birds. **Information is needed as to how the proposed Project addresses these issues for the birds using nearby habitats.** Voluntary power line guidelines have been drafted by the Service and can be found at http://www.eei.org/industry_issues/environment/land/wildlife_and_endangered_species/AvianProtectionPlanGuidelines.pdf and additional information and guidelines on building design can be found on the American Bird Conservancy's website at http://www.abcbirds.org/conservationissues/threats/collisions.html.

The Hayward shoreline is an important part of the San Francisco Bay South Important Bird Area. Important Bird Areas are part of a global and international network of bird conservation, representing the most critical habitats for bird populations worldwide. This significant site would be impacted by construction and operation of the proposed project. On behalf of the birds, other wildlife, and habitats of the Hayward Shoreline, Audubon California respectfully calls for the careful evaluation of all environmental impacts of the Project prior to proceeding any further with the permitting process.

Sincerely,

Mike Perlmutter
Bay Area Conservation Coordinator, Audubon California