

**DEPARTMENT OF FISH AND GAME**

South Coast Region  
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SEP 17 2007



September 11, 2007

Christopher Meyer, Project Manager  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5512

<b>DOCKET</b> <b>07-AFC-4</b>	
<b>DATE</b>	SEP 11 2007
<b>RECD.</b>	SEP 17 2007

**Subject:** Request for Agency Participation in the Review of the Chula Vista Energy Upgrade Project, Application for Certification (07-AFC-4)

Dear Mr. Meyer:

The Department of Fish and Game (Department) received your letter dated August 28, 2007, concerning the above subject. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (Sections 15386 and 15381, respectively). The Department is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning Program.

The proposed Chula Vista Energy Upgrade Project is located on a 3.8 acre parcel in Chula Vista, San Diego County, California. The Project would replace the older and less efficient technology with newer, more efficient cleaner technology.

Due to its ongoing use as a commercial facility, there appear to be few biologically sensitive resources on the actual project site. Thus, the Department's main concern is with potential impacts to the Otay River Preserve (Preserve) located immediately adjacent to the project site to the South. Biological impacts that may be associated with the project site during demolition and construction or with the operation of the facility are: noise levels above 60 dBAs; water drainage or runoff from the site; errant dust from construction activities; physical encroachment of the Preserve; night lighting directed toward the Preserve; invasion of the Preserve from non-native plants or animals; and avian collision with stack towers or guy wires. The Department recommends adequate measures (e.g., dust abatement methods, light minimization, landscaping with non-invasive plants, litter control, etc) be applied to reduce biological impacts to levels below significance.

In addition, if suitable avian nesting sites do exist on the project site and demolition and construction activities are scheduled during the avian nesting season (February 15<sup>th</sup> through August 30<sup>th</sup>), a pre-construction bird nesting survey should be conducted by a qualified biologist no earlier

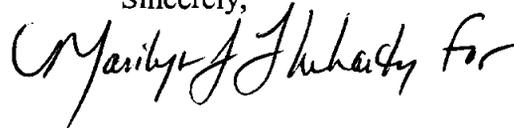
Mr. Meyer

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than one week prior to construction. If nests are located, they must be avoided and protected from disturbance until the birds have fledged and left the nest.

We appreciate the opportunity to comment on your project. As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. Please contact L. Breck McAlexander at (858) 467-4229 regarding Department input and review of environmental documents related to this project.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Mulligan for". The signature is written in a cursive, flowing style.

Michael J. Mulligan  
Deputy Regional Manager  
California Department of Fish and Game