

**California Energy Commission
Energy Facilities Siting &
Environmental Protection Division**
REPORT OF CONVERSATION

File:

Project Title: Carlsbad Energy Center Project

(X) Email

NAME: Heather Blair, Aspen Environmental Group	TIME:	DATE: February 10, 2009
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WITH: Bryant Chesney, Southern California Habitat Coordinator, NMFS	PHONE: (562) 980-4037
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ADDRESS: 501 W. Ocean Blvd., Long Beach, California 90802

SUBJECT: CECP – Potential impacts from desalination

COMMENTS:

I called Bryant Chesney of NMFS to discuss the project and any potential impacts or mitigation. In addition, I provided the records of conversation and associated email chain with CDFG and USFWS to Mr. Chesney (NMFS). In response , he provided the following guidance via email:

“As I understand it, the proposed new power plant facility would not be utilizing additional ocean water beyond what is currently in use by Encina Power Station at Units 4 and 5. Assuming the above is correct, the proposed project would not result in additional impacts to essential fish habitat (EFH) and NMFS would have no additional EFH conservation recommendations to provide on this project. I concur with my other resource agency colleagues that the applicant will need to coordinate appropriate mitigation with the agencies if Encina were to retire Units 4 and 5 and they were to withdrew their own water for desalination purposes.

Additionally, if Encina were to retire their existing water intake units, I believe the Carlsbad Energy Center should comply with 316(b) as if it were a new facility, rather than an existing facility. Otherwise, this approach could be construed as a regulatory loophole to avoid the more restrictive regulations for new facilities.”

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RECD. <u>MAY 08 2009</u>

COPIES TO:
Rick York
Mike Monasmith

NAME: Heather Blair

SIGNATURE