

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



December 21, 2001

Mr. Neal Parece
Project Director
Constellation Power Source Generation, Inc.
111 Marketplace, Suite 200
Baltimore, MD 21202

SUBJECT: Approval of Additional 7 Acres on Project Site (97-AFC-1C)

Dear Mr. Parece:

California Energy Commission staff have reviewed your request to increase the size of the High Desert Power Project site by 7 acres for parking and additional laydown area. This change requires additional habitat compensation for the additional 7 acres. Accordingly, condition BIO-10 is proposed to be added to the Biological Resources Conditions of Certification in Commission Decision for the High Desert Power Project. In addition, existing conditions of certification for the project will apply to the additional 7 acres, and requirements such as the Soil and Water Prevention Plan and Erosion Control Plan will need to be revised to include the new acreage.

As directed by Governor's Executive Order D-25-01, concerning post-certification amendments, we have expedited review of this proposed project modification because statutes and implementing regulations that normally apply to review and approval of this amendment have been suspended. Energy Commission staff have concluded that this modification has no potential for adverse environmental or public health and safety impacts. Therefore, you are authorized to proceed with the project modifications as requested. A copy of this letter will be posted on the Energy's Commission website at www.energy.ca.gov, and we will file a California Environmental Quality Act Notice of Exemption with the State Clearinghouse.

The following is new Condition of Certification BIO-10

BIO-10 In addition to the acreage identified in **BIO-7**, the project owner shall acquire, protect and transfer 7.3 acres of land that the CPM, in consultation with the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS), approves as suitable habitat of the desert tortoise and Mohave ground squirrel. Fee title to the land shall be transferred to CDFG or, with the approval of the CPM in consultation with the CDFG and USFWS, to another public agency or a private non-profit conservation organization.

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This land purchase is required in order to compensate for 7.3 additional acres being used for construction parking and laydown area that were not identified in the original project description, have already been graded, and are in addition to any existing mitigation requirements. If the existing acquisition, endowment, and initial protection funds are not sufficient to manage the additional 7.3 acres, the CPM, in consultation with the CDFG, will recalculate the amount required. The additional funds shall be paid for the benefit of the fee title grantee prior to transfer of the land.

Verification: This 7.3 acres will be purchased within 12 months of the start of rough grading at the site (April 9, 2001) as required in BIO-7. The project owner shall provide the CPM with the implementation agreement between High Desert and the private nonprofit conservation organization that is accepting title to the land for this project that verifies that the disturbance will be compensated for. Upon completion of the acquisition and transfer of the habitat lands to the approved recipient(s), the project owner shall provide the CPM with copies of all title transfer records or records verifying other approved transactions.

If you have any questions, please contact Steve Munro, Compliance Project Manager, at (916) 654-3936, or by e-mail at smunro@energy.state.ca.us.

Sincerely,

ROBERT L. THERKELSEN, Deputy Director
Systems Assessment & Facilities Siting

cc: Jim Brownell