

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

Roseville Energy Park)	Docket No. 03-AFC-1C
Roseville Electric)	Order No. 05-0824-02
)	ORDER APPROVING a Petition to Modify
)	the Amount of Habitat Compensation Required
)	for Mitigation of Vernal Pool Ecosystem

Roseville Electric, the owner/operators of the Roseville Energy Park Project, has requested to modify the habitat compensation required for mitigation of the vernal pool ecosystem based on a chosen alternative natural gas pipeline route with fewer impacts to the vernal pools. The modification will allow Roseville Electric to reduce the acreage required for mitigation from 20.6 to 18.9 acres.

STAFF RECOMMENDATION

The Energy Commission staff reviewed the petition and find that it complies with the requirements of Title 20, Section 1769(a) of the California Code of Regulations and recommends approval of Roseville Electric's petition to modify the Roseville Energy Park Project and amend the related Condition of Certification.

COMMISSION FINDINGS

Based on staff's analysis, the Energy Commission concludes that the proposed changes will not result in any significant impact to public health and safety, or the environment. The Energy Commission finds that:

- The petition meets all the filing criteria of Title 20, section 1769(a) of the California Code of Regulations concerning post-certification project modifications.
- The modification will not change the findings in the Energy Commission's Final Decision pursuant to Title 20, section 1755.
- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code section 25525;
- The Change will be beneficial to the project owner because it will allow for a small reduction in project costs.

- The change is based on information that was not available to the parties prior to Energy Commission certification in that the specific natural gas pipeline route had not been chosen at that time.

CONCLUSION AND ORDER

The California Energy Commission hereby adopts Staff's recommendations and approves the following changes to the Roseville Energy Park Project's Decision. New language is shown **double-underlined and bolded**, and deleted language is shown in ~~strikeout~~.

CONDITION(S) OF CERTIFICATION

BIO-13 To compensate for direct, indirect, and cumulative impacts to the vernal pool ecosystem (vernal pool grasslands, vernal pools, vernal pool fairy shrimp and its habitat, and seasonal wetlands) the Project Owner shall preserve ~~14.5~~ **11.5** acres of vernal pool grassland habitat suitable for vernal pool fairy shrimp and other sensitive species affected by the Project. In addition, the Project owner shall preserve at least ~~6.5~~ **6.112 acres and create 1.298** acres of vernal pools/swales within the same parcel and in addition to the ~~14.1~~ **11.5** acres of vernal pool grasslands for a total of ~~20.6~~ **18.91** acres. To comply with this requirement the Project owner may 1) preserve grassland habitat which contains vernal pools, 2) six months after a good faith effort to locate high quality vernal pool grassland ecosystem habitat, the Project Owner shall participate in the in lieu fund program administered by the USFWS for vernal pool fairy shrimp habitat; or 3) both preserve vernal pool grassland and vernal pool acreage together as vernal pool grassland ecosystem and participate in the in-lieu fund program complying with section 2).

Verification: Within 90 days of the Commission Decision, the Project Owner shall enter into an agreement with the Center for Natural Land Management (CNLM) or other suitable land management organization to seek to locate and preserve (If sufficient habitat has not already been located and preserved) and manage the grassland and vernal pool habitat required by this Condition. The Project Owner shall pay all costs incurred by the CNLM or other suitable land management organization resulting from the locating, preservation (if sufficient habitat has not already been located and preserved) and managing the compensation habitat required under this Condition. The Project Owner shall provide a copy of the agreement to the CPM. After the habitat has been secured, the Project Owner shall provide proof that the habitat is appropriate mitigation, has been preserved in perpetuity, that a suitable endowment (derived through a PAR or other suitable analysis) has been provided to manage the habitat in perpetuity, and the name of the non-profit organization designated as manager of the habitat. No more than 90 days from the date of habitat acquisition, the Project Owner shall also provide a habitat management plan to the CPM, CDFG, and USFWS for review and approval. All documents are to be included in the BRMIMP.

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If sufficient habitat is not secured within six months from the date of the commission decision, the Project Owner shall provide to the CPM, copies of the check made out to the USFWS and documentation indicating USFWS acceptance of the amount to compensate via the in-lieu fund for the amount of wetted acres not otherwise preserved.

IT IS SO ORDERED.

Dated: August 24, 2005

STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION

JACKALYNE PFANNENSTIEL
Vice Chair