

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
December 23, 2010

OFFICE OF ENERGY PROJECTS

Project No. 13123-002--California
Eagle Mountain Pumped Storage
Hydroelectric Project
Eagle Crest Energy Company

OVERNIGHT DELIVERY

Patricia Sanderson Port
Regional Environmental Officer
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

Reference: Request for Formal Consultation under the Endangered Species Act

Dear Mrs. Sanderson Port:

As required by section 7 of the Endangered Species Act, I'm requesting formal consultation with your office.

The Eagle Mountain Pumped Storage Project would be located in two inactive mining pits at the Eagle Mountain Mine in Riverside County, California, near the town of Desert Center. We address the project's effects on threatened or endangered species and/or critical habitat in the enclosed draft environmental impact statement (draft EIS). The enclosed draft EIS serves as our biological assessment. The location of the threatened and endangered species information within that document is provided in the attachment.

We conclude that licensing the project, with our recommended measures, is likely to adversely affect the desert tortoise and adversely modify the Chuckwalla Unit of critical habitat for desert tortoise.

Please give us your biological opinion on our findings no later than 135 days from receipt of this request, as required by 50 CFR § 402.14(e). If we don't hear from you within 30 days, we will assume that you have sufficient information to initiate consultation and will provide us with your biological opinion by May 9, 2011. Any requests for extensions of time should be submitted to the Commission and the applicant in a timely manner that allows for

sufficient time for a mutual agreement to extend the 90-day formal consultation period as per section 402.14(e) of your regulations.

We also conclude that the project would have no effect on the Coachella Valley milkvetch. We request your concurrence with our finding.

Should you need to informally discuss concerns before making your determination, please contact Kenneth Hogan at (202) 502-8434 to indicate your interest in initiating a teleconference with all parties on this issue. Please file your response electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website (<http://www.ferc.gov/docs-filing/efiling.asp>). For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov; call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, your response may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Please put the docket number, P-13123-002 on the first page of your response.

If you have any questions, please call me at (202) 502-8760.

Sincerely,

Timothy J. Welch, Chief
West Branch
Division of Hydropower Licensing

Enclosure--Draft Environmental Impact Statement for the Eagle Mountain Pumped Storage Hydroelectric Project (P-13123-002)

Attachment--Location of information needed to complete consultation on the Eagle Mountain Pumped Storage Hydroelectric Project (P-13123-002)

cc: Public Files
Service List

Felicia Sirchia
U.S. Fish and Wildlife Service
Carlsbad Fish & Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, California 92011

Attachment --Location of Information in the attached (DEIS) needed to complete consultation on the Eagle Mountain Pumped Storage Hydroelectric Project (P-13123-002).

<p>Description of the Action</p>	<p>Information on the general project location and description of federal lands affected are found in the <i>Application</i> section (page 1) (see location map--figure 1, page 2).</p> <p>The preferred action, described in the <i>Proposed Action and Alternatives</i> section (pages 13-28), consists of the applicant's proposal (pages 18-25), as supplemented by additional measures recommended by staff (pages 25-27).</p>
<p>Description of Listed Species and Critical Habitat</p>	<p>In the <i>Affected Environment</i> subsection (pages 119-123) of the Threatened and Endangered Species section, we summarize available background information on species biology, habitat requirements, abundance, distribution within the project area and surrounding areas, and primary constituent elements of the Chuckwalla Critical Habitat Unit; and summarize the results of the surveys conducted by the applicant.</p>
<p>Description of Affected Area</p> <p>and</p> <p>Description of the Effects of the Project, including cumulative effects</p>	<p>In the <i>Environmental Effects</i> subsection (pages 123-130), we provide a description of the geographic area that may be affected by the proposed action; an evaluation of the potential direct, indirect, and cumulative effects on species and critical habitat of the proposed action and alternatives; an evaluation of measures proposed by the applicant and recommended by staff to reduce, avoid, minimize, or enhance endangered species; and a determination of effect associated with the preferred alternative for each species.</p> <p>Cumulative effects are specifically discussed on page 130.</p> <p>In the Unavoidable Adverse Effects subsection, we summarize effects to listed species that can't be avoided or mitigated (page 266).</p>
<p>Relevant Reports</p>	<p>A list of relevant reports and other relevant information on the action, listed species, or critical habitat that form the basis of our assessment of impacts to endangered species are included in the <i>Literature Cited</i> section (pages 269-278). Copies of the reports prepared by the applicant, including desert tortoise studies and survey results have been filed on FERC's e-Library website and are accessible by your office</p>

Document Content(s)

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