# APPENDIX A

# CONSULTATION LETTER UNDER SECTION 7 OF THE ENDANGERED SPECIES ACT

# United States Department of the Interior

FISH AND WILDLIFE SERVICE
6620 Southpoint Drive, South
Suite 310
Jacksonville, Florida 32216-0912

IN REPLY REFER TO:

FWS Log No. 41910-2006-P-0130

May 3, 2006

Mr. Richard Hargis, M/S 922-342C
U. S. Department of Energy
National Energy Technology Laboratory
P.O. Box 10940
Pittsburg, PA 15236-0940

Dear Mr. Hargis:

Thank you for your email correspondence of February 8, 2006, concerning the proposed Orlando Gasification Project and the request to consult under Section 7 of the Endangered Species Act, as amended (Act) (16 USC 1531 *et seq*), and the Fish and Wildlife Coordination Act. The Service provides the following comments and recommendations pursuant to the information you provided in *Project Facts*, the *Federal Register* Notice of Intent in Vol. 70, No. 154/Thursday, August 11, 2005, and your Preliminary Draft of an environmental assessment dated November 2005.

The proposed gasification facility would be located on 35 acres of a 1,100-acre area that has been cleared, leveled, and licensed for power plant use. Existing infrastructure would be used to the extent possible, except for the installation of a 3,200-foot transmission line proposed to serve as an electrical interconnection from the proposed facilities to an existing onsite substation to the northeast. Including the 80-foot right-of-way for the transmission line, the total area for the transmission corridor would be approximately 5.8 acres.

**Threatened and Endangered Species**
**41910-2006-I-0301**

Species that have been documented on the 3,280-acre Stanton Energy Center include the eastern indigo snake, bald eagle, Florida scrub-jay, red-cockaded woodpecker, and the wood stork. As the work for implementation of the proposed project would be confined to disturbed areas used for power generation, the following determinations have been made for these species:

Eastern indigo snake - May affect, not likely to adversely affect. The Service recommends use of the Eastern Indigo Snake Standard Protection Measures during

construction. These guidelines may be found on our website at www.fws.gov/northflorida.

Bald eagle - May affect, not likely to adversely affect. The one nest found within the energy center was reported to be destroyed by hurricanes in 2004 and was located 0.5 mile southeast of the proposed project site. The Service recommends that the proposed 3,200-foot transmission line be constructed using a design that creates appropriate spacing between power lines, and includes raptor deterrent devices to prevent electrocution of bald eagles and other large birds of prey.

Florida scrub-jay - No effect. The proposed work would occur primarily within an area cleared, leveled and used for power generation. Due to the lack of suitable scrub habitat within the proposed project area, no adverse effects are anticipated.

Red-cockaded woodpecker - May affect, not likely to adversely affect. A known woodpecker colony is situated within the energy center approximately 1,500 feet or greater southeasterly from the proposed project. As no suitable foraging area is found within the proposed project area, no adverse effects are anticipated in this area. The transmission line corridor would be located away from the cluster site, but the 5.8-acre clearing may affect some foraging habitat, the effects of which are considered minimal. We do encourage that the width of the clearing, now proposed at 80 feet, be minimized to the extent practicable to reduce removal of trees that may potentially be used for foraging.

Wood stork - May Affect, Not Likely to Adversely. Construction of the proposed facility is not anticipated to remove any quality foraging areas for the wood stork, and no colonies are situated within the energy center.

Our comments for threatened or endangered species herein do not constitute a biological opinion for the proposed project, but they do satisfy the requirements of the Act.

Fish and Wildlife Coordination Act

The proposed activity would have minimal effects on fish and wildlife resources within the energy center. The area where the proposed facility would be constructed has been previously disturbed, and affords minimal quality habitat in comparison with the 2,180-acre buffer area that separates the power station site from surrounding developed and undeveloped areas. The Service supports use and management of this buffer area as habitat for wildlife resources, especially Federal and State threatened and endangered species, or species of special concern. Should DOE or the partners involved in the proposed project need technical assistance to promote use of the buffer habitats, the Service will be happy to respond.

Thank you for the opportunity to comment on the proposed Orlando Gasification Project. If additional information becomes available, or significant changes occur in the project

design and siting, please reinitiate consultation with the Service. Should you have any questions, please feel free to contact Rob Bittner at 904-232-2580, ext. 120.

Sincerely,

Stephen R. Bittner

for David L. Hankla
Field Supervisor