

US EPA ARCHIVE DOCUMENT

# **TENASKA<sup>®</sup>** **BROWNSVILLE** **PARTNERS, LLC**

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September 30, 2014

Mr. Jeffrey Robinson  
Permit Section Chief  
U.S. Environmental Protection Agency, (6PD-R)  
1445 Ross Avenue  
Dallas, TX 75202

Via Overnight Courier and e-mail

Subject: Biological Assessment Updates - Tenaska Brownsville Partners, LLC  
Tenaska Brownsville Generating Station Project

Mr. Robinson:

Pursuant to Tenaska Brownsville Partners, LLC ("Tenaska") application to the EPA for a Prevention of Significant Deterioration ("PSD") permit for greenhouse gases, which was submitted on February 14, 2013, Tenaska is providing these updates to the Biological Assessment that was filed on May 20, 2014 ("BA"). These changes are being made per discussions we and/or representatives from our contract biological team held with A.C. Dumauil on September 3, 2014 and with Ernesto Reyes of the U.S. Fish and Wildlife Services ("USFWS") on September 8, 2014. The following are specific changes requested by both parties:

- Modify the effects determinations for the Northern Aplomado Falcon, Ocelot and the Jaguarundi from "no effects" to "may affect but not likely to adversely affect" for the water discharge pipeline, transmission line and the natural gas transmission pipeline.
- Supplement commitments for mitigating potential impacts to the identified threatened and endangered species and migratory birds by including the following:
  - Provide for performance of nesting surveys for the Northern Aplomado Falcon if construction of the natural gas pipeline and the water discharge line will occur during their nesting period.

In response to these requests Tenaska is providing the attached documents:

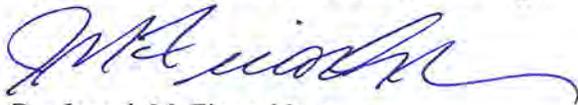
- A Revised *Table ES 1 - Summary of Anticipated Effects on Federally Listed Species Potentially Occurring in the Project Site and Action Area [reference BA pages viii through x of BA]*: The table has been modified accordingly to indicate "may affect but not likely to adversely affect" for the Northern Aplomado Falcon, Ocelot and the Jaguarundi for the water discharge pipeline, transmission line and the natural gas transmission pipeline.
- Revised list of commitments for mitigating potential impacts that specifically addresses conducting nesting surveys for the Northern Aplomado Falcon should construction occur during their nesting period of March through June [reference pages x and xi of BA].

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Tenaska appreciates your prompt review of these documents. We look forward to receiving your comments. Please feel free to contact me at 402-691-9577 or [jfinocchiaro@tenaska.com](mailto:jfinocchiaro@tenaska.com); or Larry Carlson at 402-938-1661 or [lcarlson@tenaska.com](mailto:lcarlson@tenaska.com) if there is anything related to these changes you wish to discuss.

Sincerely,

**TENASKA BROWNSVILLE PARTNERS, LLC**  
a Delaware limited liability company  
By: Tenaska Brownsville I, LLC, Its Manager



By: Joseph M. Finocchiaro

Enclosure

cc: Mr. Larry Carlson - Tenaska, Omaha, NE  
Ms. Melanie Magee- USEPA (6PD-R), Dallas, TX  
Mr. Alfred C. Dumaul- USEPA (6PD-R), Dallas, TX  
Mr. Ernesto Reyes – USFWS, Alamo, TX

**TABLE ES-1: Summary of Anticipated Effects on Federally Listed Species Potentially Occurring in the Project Site and Action Area**

<i>Federally Listed Species</i>	<i>Listing Agency</i>	<i>Recommended Determination of Effect for the Generating Station</i>	<i>Recommended Determination of Effect for the Water Discharge Pipeline</i>	<i>Recommended Determination of Effect for the Transmission Interconnect Line</i>	<i>Recommended Determination of Effect for the BPUB Water Reuse Pipeline Project<sup>2</sup></i>	<i>Recommended Determination of Effect for the BPUB Natural Gas Transmission Pipeline<sup>2</sup></i>
Eskimo curlew ( <i>Numenius borealis</i> )	USFWS	No effect	No effect	No effect	No effect	No effect
Interior least tern ( <i>Sterna antillarum athalassos</i> )	USFWS	No effect	No effect	No effect	No effect	No effect
Northern aplomado falcon ( <i>Falco femoralis septentrionalis</i> )	USFWS	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect
Piping plover ( <i>Charadrius melodus</i> )	USFWS	No effect	No effect	No effect	No effect	No effect
Rio Grande silvery minnow ( <i>Hybognathus amarus</i> )	USFWS	No effect	No effect	No effect	No effect	No effect
Smalltooth sawfish ( <i>Pristis pectinata</i> )	NOAA	No effect	No effect	No effect	No effect	No effect
Jaguar ( <i>Panthera onco</i> )	USFWS	No effect	No effect	No effect	No effect	No effect
Jaguarundi ( <i>Herpailurus yagouaroundi</i> (var. <i>Herpailurus yagouaroundi cacomitli</i> ))	USFWS	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect
Ocelot ( <i>Leopardus pardalis</i> )	USFWS	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect	May affect, but is not likely to adversely affect

<i>Federally Listed Species</i>	<i>Listing Agency</i>	<i>Recommended Determination of Effect for the Generating Station</i>	<i>Recommended Determination of Effect for the Water Discharge Pipeline</i>	<i>Recommended Determination of Effect for the Transmission Interconnect Line</i>	<i>Recommended Determination of Effect for the BPUB Water Reuse Pipeline Project<sup>2</sup></i>	<i>Recommended Determination of Effect for the BPUB Natural Gas Transmission Pipeline<sup>2</sup></i>
West Indian manatee ( <i>Trichechus manatus</i> )	USFWS	No effect	No effect	No effect	No effect	No effect
Atlantic hawksbill sea turtle ( <i>Eretmochelys imbricate</i> )	USFWS/NOAA	No effect	No effect	No effect	No effect	No effect
Green sea turtle ( <i>Chelonia mydas</i> )	USFWS/NOAA	No effect	No effect	No effect	No effect	No effect
Kemp's Ridley sea turtle ( <i>Lepidochelys kempii</i> )	USFWS/NOAA	No effect	No effect	No effect	No effect	No effect
Leatherback sea turtle ( <i>Dermochelys coriacea</i> )	USFWS/NOAA	No effect	No effect	No effect	No effect	No effect
Loggerhead sea turtle ( <i>Caretta caretta</i> )	USFWS/NOAA	No effect	No effect	No effect	No effect	No effect
South Texas ambrosia ( <i>Ambrosia cheiranthifolia</i> )	USFWS	No effect	No effect	No effect	No effect	No effect
Star cactus ( <i>Astrophytum asterias</i> )	USFWS	No effect	No effect	No effect	No effect	No effect
Texas ayenia ( <i>Ayenia limitaris</i> )	USFWS	No effect	No effect	No effect	No effect	No effect
Walker's manioc ( <i>Manihot walkerae</i> )	USFWS	N/A <sup>1</sup>	N/A	N/A	N/A	No effect

1. N/A - Species not listed in Cameron County, Texas. Only the natural gas transmission pipeline crosses into Hidalgo County where this species is listed.

2. Notwithstanding the independent utility of these BPUB regional projects, supplemental assessments of the natural gas line and water reuse pipeline are included for the purpose of advancing EPA's consideration of Tenaska's GHG PSD permit pending receipt of a formal determination that the scope of the project does not include these regional projects.

## Summary of Mitigation Commitments

Tenaska is proposing the following commitments for mitigating potential impacts to the identified threatened and endangered species and migratory birds associated with Project activities.

1. Educate construction personnel regarding the potential for occurrence of endangered species;
2. Require Contractor's environmental representatives to report any encounters with endangered species to the owner/owner's representatives, who will then contact the local offices of USFWS;
3. Protect areas near the waterbodies that may function as a potential travel corridor from unnecessary disturbance (i.e., fencing and/or barricades);
4. Conduct majority of construction activities during daylight hours;
5. Reduction of noise emissions during night-time hours by minimizing night-time construction activities;
6. No direct lighting will be used to illuminate areas near the ditches or large waterways at night;
7. Reduced speed limit posted on the facility construction site;
8. Install bird diverters on the conductors on the transmission line to minimize potential collisions and to discourage nesting or roosting on the structures or towers;
9. Avoid vegetation or removal activities (shrubs/trees) during the peak nesting period of March through August, except as noted in item 10 below, to avoid destruction of individuals, nests or eggs; and,
10. If project activities must be conducted during the peak nesting period, survey for nests prior to commencing work and if a nest is found, maintain a minimum 50 foot buffer of vegetation around the nest until the young have fledged or the nest is abandoned.
11. If the transmission line or the water discharge pipeline to the port will be constructed during the nesting period for the Northern Aplomado Falcon (March to June), nesting surveys will be conducted in accordance with the *Interim Survey Methodology - Northern Aplomado Falcon (USFWS - 5/20/03)*. Should Northern Aplomado Falcon nests be observed within the construction ROW of either line near construction activities, work will be stopped in the respective vicinity, buffers will be established and USFWS will be contacted.