

DOCKETED	
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Project Title:	Abengoa Mojave Compliance
TN #:	264451
Document Title:	Mojave Solar Project (09-AFC-05C) Data Requests, Set 5 - Two New Evaporation Ponds Petition to Amend
Description:	Data Requests, Set 5 for the Two New Evaporation Ponds Petition to Amend TN 253750, TN 253751 and TN 253752
Filer:	Ashley Gutierrez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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**CALIFORNIA
ENERGY COMMISSION**



June 25, 2025

Mahnaz Ghamati, Compliance Manager
Mojave Solar LLC
42134 Harper Lake Road
Hinkley, California 92347

Data Requests Set 5 for the Mojave Solar Project (09-AFC-05C) - Addition of Two New Evaporation Ponds

Dear Mahnaz Ghamati:

The California Energy Commission (CEC) staff is requesting additional information needed for the staff analysis of the Mojave Solar Project petition to amend (TN# 253750, TN# 253751, and TN# 253752) to construct two new permanent evaporation ponds, one at the Alpha block and one at the Beta block.

These data requests seek further information in the area of biological resources. To ensure a timely environmental review, CEC staff is requesting responses to the data requests within 30 days. If you are unable to provide the information requested or need to revise the timeline, please let me know within 10 days of receipt of this letter.

If you have any questions, please email me at ashley.gutierrez@energy.ca.gov.

Ashley Gutierrez

Ashley Gutierrez
Compliance Project Manager

Enclosure: Data Requests

MOJAVE SOLAR PROJECT (09-AFC-05C)

DATA REQUESTS, SET 5

BIOLOGICAL RESOURCES

Author: Ann Crisp

BACKGROUND

The original proceedings for the Mojave Solar Project addressed potential impacts of the project on western burrowing owl (*Athene cunicularia hypugaea*), as a species of special concern, as designated by the California Department of Fish and Wildlife (CDFW). On October 25, 2024, western burrowing owl became a candidate species under the California Endangered Species Act (CESA). Under California law, "take"¹ of candidate species is prohibited unless authorized by an incidental take permit. The MSP license does not include take authorization for this species.

The 2024 Annual Compliance Report reported two active burrowing owl locations on the MSP site. In response to CEC Data Request 16, for the Petition to Amend the Mojave Solar Project (Docket No. 09-AFC-05): Mojave Solar Project, Overnight Solar Project Shared Facilities, MSP provided the results of burrowing owl surveys for the amendment. Surveys were conducted by Corvus biologists along the proposed gen-tie corridor and also mapped historical burrow locations within the project site (TN 262633). The survey results included documentation of an active burrow and two historical burrow locations within the project footprint.

The activities described by the proposed amendment could result in incidental take of the burrowing owl depending on the location of the species in relation to construction activities. These activities include the installation and construction of facilities and structures, general vehicle and heavy equipment operations, and activities generating noise, vibration, and dust. Incidental take in the form of mortality ("kill") may occur due to collisions with or crushing by vehicles or heavy equipment, burial or destruction of burrows and refugia, collision of burrowing owls into the gen-tie line, or crushing of individuals or eggs depending on the location of burrowing owl in relation to project activities.

Under the Warren-Alquist Act, the CEC has in lieu permitting authority for projects it certifies, including the ability to authorize take under CESA through its certification process. As such, any revised conditions must demonstrate how the project would comply with CESA protections, including the acquisition of appropriate take authorization for burrowing owl if the species is present. Staff recommends that the project owner apply for incidental take coverage under the CEC's in lieu permitting authority for burrowing owl or full avoidance of the species would be required.

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

MOJAVE SOLAR PROJECT (09-AFC-05C) DATA REQUESTS, SET 5

DATA REQUESTS

1. If the project owner would like to pursue incidental take coverage for the MSP project, please provide all information that would be required in an ITP application for CESA-listed or candidate species, specifically burrowing owl, including an impacts analysis and proposed mitigation measures (Cal. Code of Regs., tit.14, § 783.2).

Information on what is required in a typical ITP application can be located here:

<https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits>

2. Please provide the results of a breeding season and non-breeding season survey for burrowing owl (*Athene cunicularia hypugaea*), conducted following the protocols in the 2012 CDFW Staff Report on Burrowing Owl Mitigation and covering the MSP site plus a 500-meter buffer. The survey should document all active and historical burrows, signs of occupancy, and any observed breeding activity. Please include survey dates, methods, and qualifications of personnel. The survey should be conducted by a biologist with adequate burrowing owl survey experience in addition to meeting the qualifications of Condition of Certification **BIO-1** and/or **BIO-3**. The project owner should submit a resume describing their burrowing owl experience to the CPM as described under Condition of Certification **BIO-1** and/or **BIO-3** prior to conducting burrowing owl surveys.
3. Please describe any existing compensatory mitigation for the Mojave Solar Project (09-AFC-05C) under **BIO-15** and how this could potentially apply to project activities for the amendment and issuance of an incidental take authorization for the project. This information should include documentation of burrowing owl occupancy on any land proposed to be used for compensatory mitigation.
4. If the project owner declines to pursue incidental take coverage, please provide proposed avoidance and minimization measures to fully avoid take of burrowing owl. This would include modification to **BIO-12**, to not allow burrow collapse.