

<b>DOCKETED</b>	
<b>Docket Number:</b>	09-AFC-05C
<b>Project Title:</b>	Abengoa Mojave Compliance
<b>TN #:</b>	265759
<b>Document Title:</b>	Record of Conversation - Mojave Solar Project July 29, 2025 Site Visit
<b>Description:</b>	The record of conversation (ROC) documents MSP, CDFW, and CEC staff's conversation that took place on July 29, 2025, during an inter-agency site inspection to the MSP facility
<b>Filer:</b>	Ashley Gutierrez
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	8/25/2025 12:06:58 PM
<b>Docketed Date:</b>	8/25/2025

# CALIFORNIA ENERGY COMMISSION

REPORT OF CONVERSATION

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*Siting, Transmission and  
Environmental Protection  
Division*

**FILE:** n/a

**PROJECT TITLE:** Mojave Solar Project  
(MSP)

**Docket:** 04-AFC-05C

**TECHNICAL AREA(s):** Biological Resources - Incidental Take Permit for Western Burrowing Owl

☐ **Telephone**

☐ **Email**

☒ **Meeting Location:** MSP Alpha Solar Field -Site  
Inspection

**NAME(s):**

Ashley Gutierrez, CPM; Ann  
Crisp, Bio Sup; Alex Single,  
Biologist; Marlee Poff (CDFW)  
and Lily Cu (CDFW)

**DATE:** July 29, 2025

**TIME:** 9:30 am

**WITH:**

Mahnaz Ghamati, MSP Compliance Manager and Sean Rowe, MSP Designated  
Biologist

**SUBJECT:** Interagency Site Visit to MSP – Day 2 Biological Resources

**COMMENTS:**

During the July 29<sup>th</sup> Biological Resources site visit to the Mojave Solar Project, California Department of Fish and Wildlife (CDFW) and California Energy Commission (CEC) staff recommended that Mojave Solar Project (MSP) seek take coverage for the Western burrowing owl (BUOW), for the construction of two additional proposed evaporation ponds. The BUOW is a candidate species for listing under the California Endangered Species Act (CESA). As a candidate species (i.e. until the Fish and Game Commission completes its process and votes to list it or not), BUOW has same protections under the CESA as if it were listed.

MSP staff responded they believed they could choose whether to seek take or implement full avoidance. Both the CDFW and CEC staff strongly recommended that MSP seek take authorization under CEC's in-lieu permitting authority to avoid risk of 1) encountering future project delays by securing a take authorization now; and 2) being subject to penalties, if take occurs.

MSP stated they avoided BUOW during construction of MSP and could do so again. CDFW and CEC staff responded that due to BUOW now being a candidate species, instead of a state species of special concern, CEC condition of certification BIO-13 would need to be updated with a wider avoidance radius of 1,640-feet, to reflect the new listing status because the previous avoidance radius of 250-feet does not meet standards for full avoidance under CESA. MSP responded that it would be difficult to conduct work with the larger avoidance radius. MSP compliance manager, Mahnaz Ghamati, stated they will consider asking for take coverage, but she would need to have an internal discussion with her team before making a decision on this topic.

MSP staff asked whether the BUOW survey scope for the take permit could be simplified to focus only on potential habitat areas, excluding the power blocks and solar field collector zones. In response, the CEC CPM requested that CDFW evaluate this option and also determine if the MSP-designated biologist would be qualified to carry out the survey. Neither State agency discussed with MSP habitat compensatory mitigation requirements for take coverage.



<p><b>cc:</b> Mahnaz Ghamati, MSP Compliance Manager Ann Crisp, CEC Biological Resources Unit Supervisor Alex Single, CEC Biologist Hurshbir Shahi, CEC Compliance Monitoring and Enforcement Unit Supervisor Brett Fooks, Safety &amp; Reliability Branch Manager</p>	<p><b>Signed:</b></p> <p>_____ s _____</p> <p><b>Name:</b> Ashley Gutierrez, Compliance Project Mgr.</p>
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