

Memorandum

To: DOCKET 07-AFC-1

Date : 7/11/08

From : Misa Ward
California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512

DOCKET 07-AFC-1	
DATE	JUL 11 2008
RECD.	JUL 11 2008

Subject: Victorville 2: Staff Comments RE: Desert Tortoise Translocation Plan (tn: 46875)

Attached are comments on the applicant's plan docketed 7/2/08

**Energy Commission Comments on the
Victorville 2 Desert Tortoise Translocation Plan Received 7/1/08**

Page 7, last sentence of second paragraph, delete the citation for the FSA and add “in the Energy Commission Decision, which is likely to be published in July 2008.”

Page 15, Figure 5, change “late May to Early June” to “July,” strike “June to” from the CEC licensing box, and replace the four center “August” boxes with “September.”

Page 16, Figure 6, top 3rd and 4th box, change to July, and strike “June to” in second row box.

Page 21, 2nd paragraph, replace last sentence with “All translocated animals found during a dawn to dusk search will be monitored monthly to include two consecutive spring seasons, after which transmitters will be removed.” Cite the CEC Presiding Member’s Proposed Decision.

Page 23 states that transport will only occur when ground temperatures consistently do not exceed 42°C. This converts to 107.6°F, which is significantly higher than the 95°F guideline cited earlier in the plan. Please provide a citation and rationale for the higher temperature or change it to be consistent with the 95°F guideline. Unify the temperature units by converting all temperatures to Fahrenheit.

Page 28, specify whether the “Monitor and maintain exclusion fences” items in the first columns are for temporary and/or permanent fencing.

Page 30, first paragraph, last sentence, delete “preferably into a DWMA.” We are not aware of agency staff involved in the permitting of Victorville 2 expressing this as a preference, and it is contrary to the USFWS guidelines given in Appendix 2 of this plan. Similarly, on page 37, remove “as is placement within a nearby DWMA” from the end of the first paragraph because the BLM plan cited does not apply to the project.

Page 45, last sentence, replace “state and federal regulatory agencies” with “CDFG, USFWS, and CEC.”

Page 47, paragraph under 2(a), correct the spelling of “opinion.”

Page 49, first sentence under section 6.0, delete “, the CEC’s project manager or the CEC siting office manager”.

Page 50, first sentence, replace “Section 2081 incidental take permit” with “permitting-related”.

Page 51, delete Eileen Allen, Dale Edwards, and Terry O'Brien, and add Rick York, Biology and Cultural Unit Supervisor, adding the same address as Misa Ward, phone number 916-654-3945, and email ryork@energy.state.ca.us.

Appendix 3, Page 8, Figure 5, second sentence, after "Tier 1 lands are considered," add "by BLM to be of."