Western Watersheds Project

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Working to protect and restore Western Watersheds

DOCKET
07-AFC-5
DATE JAN 22 2010
RECD. JAN 25 2010

January 22, 2010

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

Dear Dockets staff:

Attached is a hardcopy of Exhibit 518 for 07-AFC-5. It consists of 3 pages showing maps. This exhibit was circulated electronically to all parties on January 7, 2010 and was distributed in hardcopy to all parties at the hearing on January 14, 2010. As instructed in your January 22, 2010 email (copy attached) I am sending you this hardcopy of exhibit 518 so that it can be docketed.

Thank you,

Michael J. Connor, Ph.D.
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Subject: Re: Proposed Western Watersheds Project Exhibit
From: "Docket Optical System" <docket@energy.state.ca.us>
Date: Fri, 22 Jan 2010 08:59:01 -0800
To: "Michael J. Connor" <mjconnor@westernwatersheds.org>

I f you would like this docketed we will need a cover letter and a hard copy.

Dockets Staff
Siting / Dockets Unit
916-654-5076

>>> "Michael J. Connor" <mjconnor@westernwatersheds.org> 1/7/2010 6:21 PM >>>

At Monday's hearing Western Watersheds Project would like to introduce the attached document as an exhibit. It consists of 3 pages from the USFWS 2008 Draft Revised Desert Tortoise Recovery Plan (DRRP) that each show maps. Specifically these are page 12 showing the DRRP's figure 1, page 21 showing the DRRP's figure 2, and page 39 showing the DRRP's figure 5. Both the Staff and the Applicant introduced new maps in their January 4/5 rebuttal testimony and we believe the maps shown in the attached document will help clarify discussion.

The USFWS 2008 Draft Revised Desert Tortoise Recovery Plan is cited in the FSA/DEIS.

If the Commissioners are willing to accept this exhibit it would become Exhibit 516.

Thank you.

Michael Connor

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identified as sufficient space to support viable populations within each of the six recovery units and to provide for movement, dispersal, and gene flow; sufficient quantity and quality of forage species and the proper soil conditions to provide for the growth of such species; suitable substrates for burrowing, nesting, and overwintering; burrows, caliche (hard layer of subsoil typically containing calcium carbonate) caves, and other shelter sites; sufficient vegetation for shelter from temperature extremes and predators; and habitat protected from disturbance and human-caused mortality (USFWS 1994b).

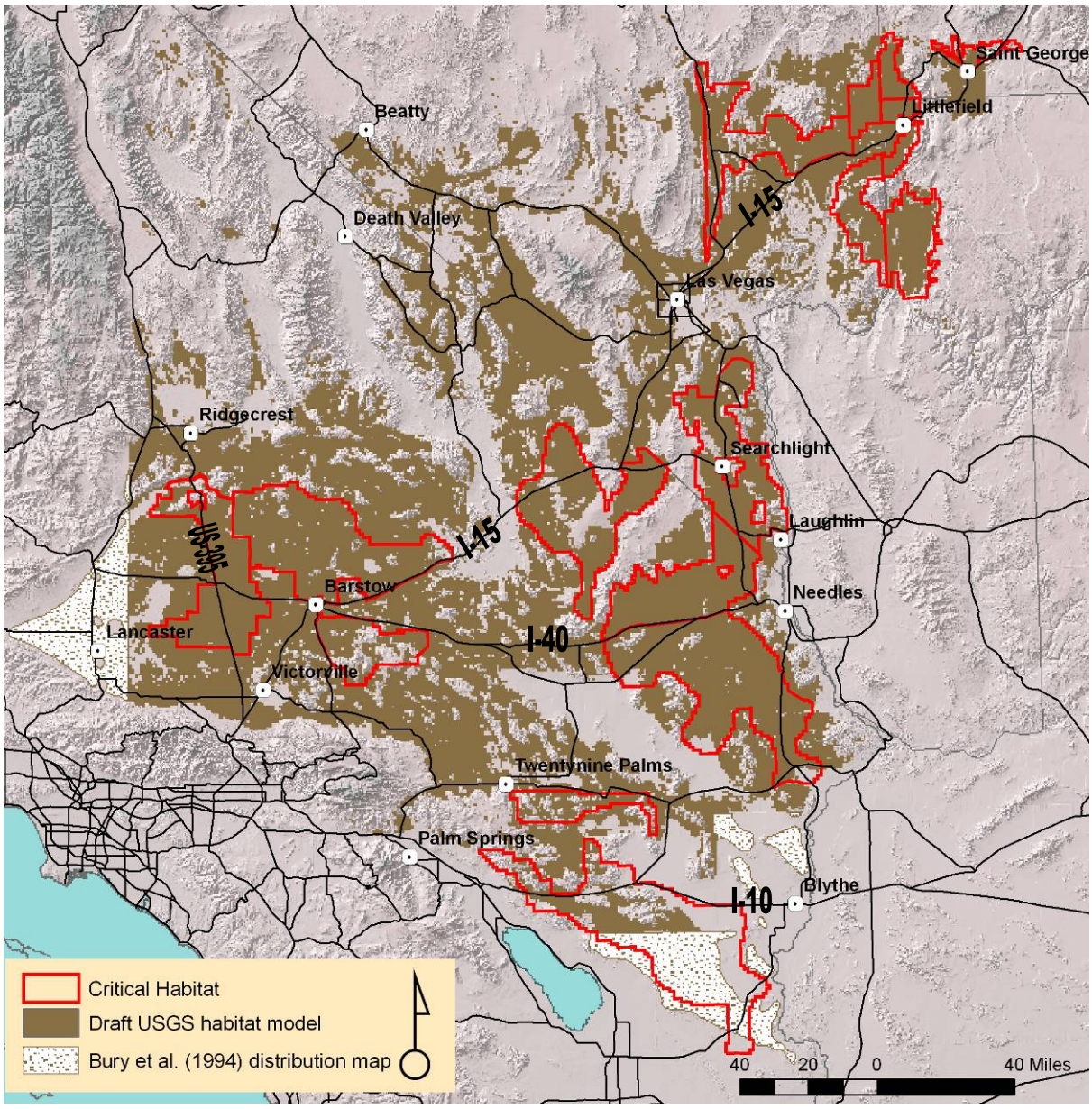

Figure 1. Desert tortoise critical habitat overlaid on the draft U.S. Geological Survey habitat model (Esque *et al.*, in prep.). Areas not included in the habitat model are shown as desert tortoise distribution from Bury *et al*. (1994).

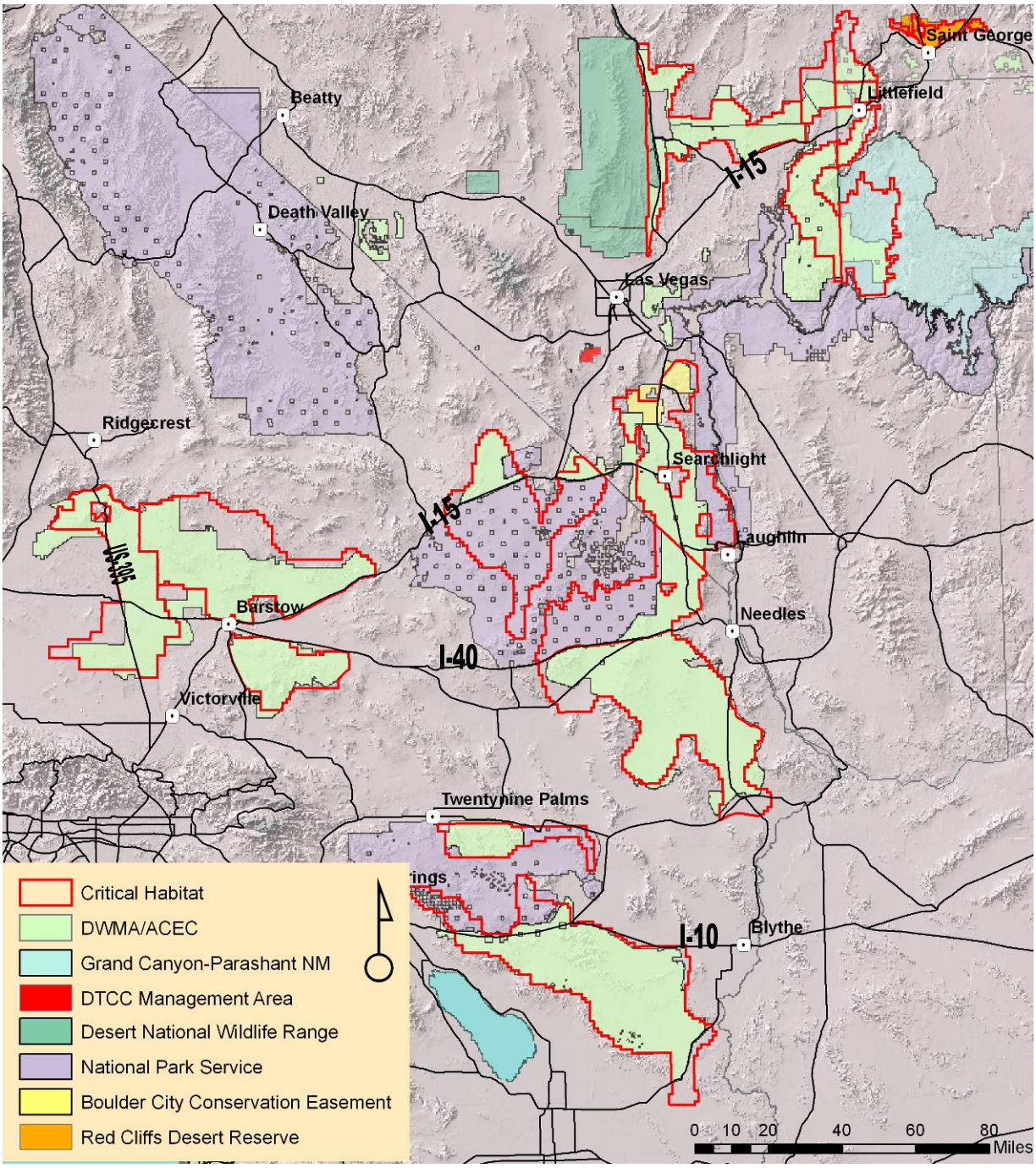

Figure 2. Desert tortoise conservation areas (see Box 2). DWMA = Desert Wildlife Management Area; ACEC = Areas of Critical Environmental Concern; DTCC = Desert Tortoise Conservation Center.

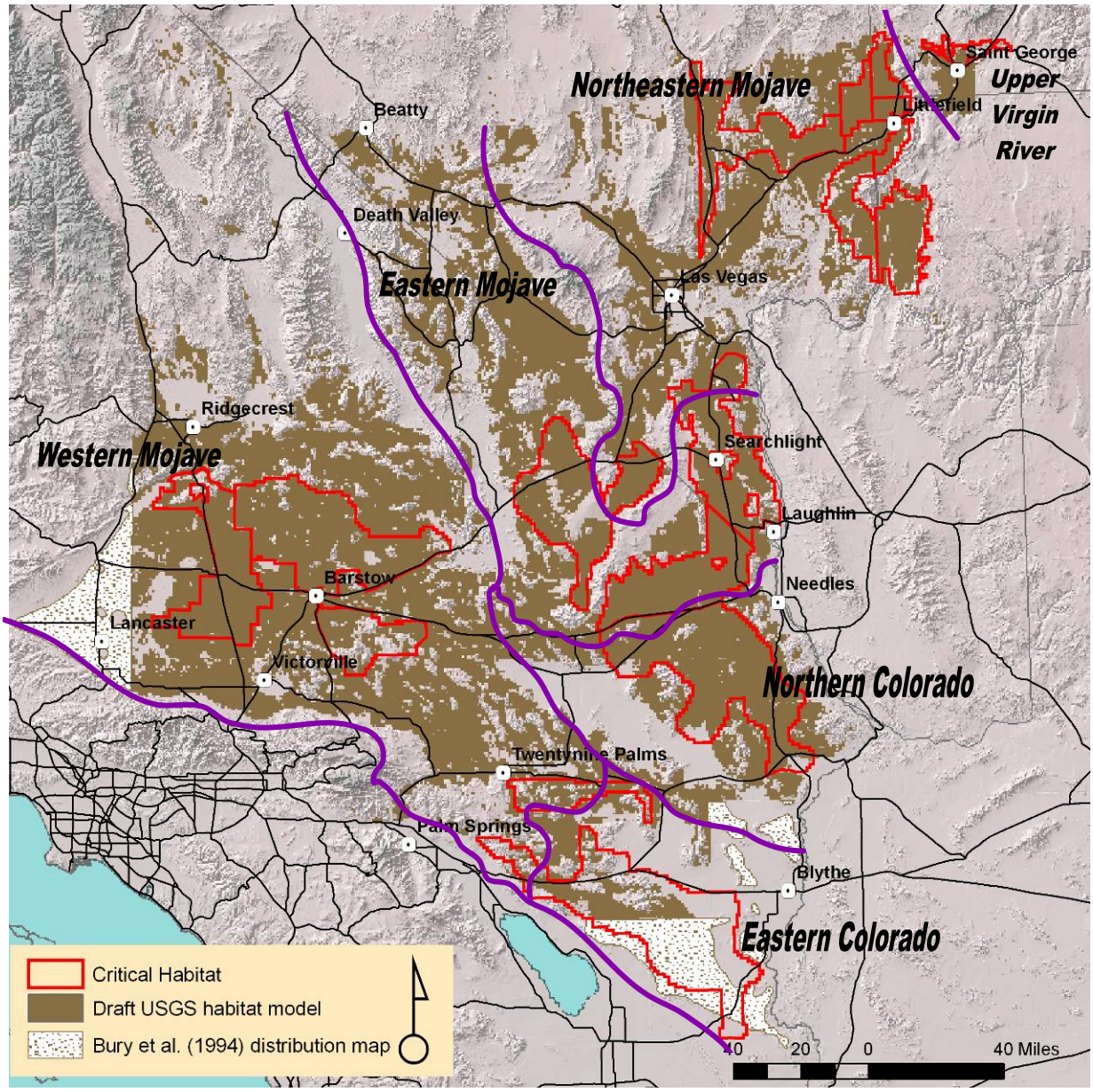

Figure 5. Recovery units as delineated in the 1994 Recovery Plan (outlined in purple).

When the recovery units were delineated initially, genetic, morphological, ecological, and behavioral differences were identified at a species-wide scale (*e.g.*, Woodbury and Hardy 1948; Burge 1977; Jennings 1985; Turner *et al.* 1986; Weinstein and Berry 1987; Lamb *et al.* 1989; Glenn *et al.* 1990; Germano 1993; Lamb and Lydehard 1994). Within the Mojave population, finer-scale genetic, morphological, ecological, and behavioral differentiation was acknowledged in the 1994 Recovery Plan (USFWS 1994a). Three closely related demes were identified in the Mojave population using a parsimony approach to compare the relative mitochondrial DNA (mtDNA) differences in restriction fragment length polymorphisms exhibited by the North American tortoise species (Lamb *et al.* 1989). Additional variation in habitat type and ecosystem interactions (including those influenced by humans), life history characteristics, and physiology,