

DOCKET

09-AFC-9

DATE APR 19 2010

RECD. APR 20 2010

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

The Application for Certification of the
(Solar Millennium) Ridgecrest Solar Power Project

Docket Number 09-AFC-9

**DESERT TORTOISE COUNCIL COMMENTS ON
"DRAFT RIDGECREST SOLAR POWER PROJECT DESERT TORTOISE CLEARANCE
AND RELOCATION/TRANSLOCATION PLAN. ATTACHMENT DR-BI0-54"**

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Desert Tortoise Council
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DESERT TORTOISE COUNCIL COMMENTS ON
"DRAFT RIDGECREST SOLAR POWER PROJECT DESERT TORTOISE CLEARANCE
AND RELOCATION/TRANSLOCATION PLAN. ATTACHMENT DR-BI0-54"

April 19, 2010

Janet Eubanks, Project Manager
Bureau of Land Management
California Desert District
22835 Calle San Juan de los Lagos
Moreno Valley, California 92553

Eric Solorio, Project Manager
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, California 95814

Re: (Solar Millennium) Ridgecrest Solar Power Project (09-AFC-9). "Draft Ridgecrest Solar Power Project Desert Tortoise Clearance And Relocation/Translocation Plan. Attachment DR-BI0-54"

Dear Ms. Eubanks and Mr. Solorio:

Central to the Applicant Solar Millennium's "Draft Ridgecrest Solar Power Project Desert Tortoise Clearance and Relocation/Translocation Plan" (2010) are definitions of relocation and translocation that the Desert Tortoise Council believes are not well grounded in science, fail to lessen the impacts to desert tortoises from moving the animals, and, if applied at the Ridgecrest site, could imperil the health of both the tortoises to be moved and the resident populations into which tortoises will be released.

The traditional understanding is that relocating desert tortoises means moving the animals to an area adjacent to where they were discovered, while "translocating desert tortoise is defined as moving them from harm's way to a location outside their home range" (e.g., moving them more than 1,000 feet or 305 meters (USFWS 2009, 7.9)). Solar Millennium's "Draft...Clearance and Relocation/Translocation Plan" proposes to define translocation as when a desert tortoise must be moved more than 5 kilometers to clear it from the Project site, while relocation is defined as moving a tortoise less than 5 kilometers (2010, 4).

Expanding the maximum distance for relocating desert tortoises is not well grounded in science, despite appearances to the contrary. The White Paper "Understanding Disease in Desert Tortoise Populations..." states that the 5 kilometer maximum distance for relocation "is based on the diameter of a 1-2 year home range estimate of 5 hectares.... Five hectares per home range multiplied by 10 home ranges results in a 5 km-radius area" (2009, 4). Five hectares is merely an "estimate" of desert tortoise home ranges that does not adequately incorporate the evidence that home ranges vary by locale and by sex. Furthermore, it is arbitrary to then multiply that estimate by a factor of ten (the basis for which is unexplained).

Extending relocation to encompass a distance that is traditionally considered translocation is merely a redefinition that does not lessen the negative impacts to animals caused by moving them from one location to another. Moving desert tortoises as Solar Millennium proposes may exceed the carrying capacity of the habitat to which tortoises are moved, may increase the incidence of disease among the tortoises resident on and adjacent to the Ridgecrest site, and it will almost certainly lead to the death of some percentage of the animals.

Defining relocation as moving desert tortoises less than 5 kilometers and then transferring tortoises in accordance with that definition could imperil the health of both the animals to be moved and the resident populations into which tortoises will be released because, according to the "Draft...Clearance And Relocation/Translocation Plan," desert tortoises "that are relocated would not require additional health assessments prior to relocation" (2010, 10). Based on the reports of Berry, et al. (2008), Mack, et al. (2008) and Mack and Berry (2009) that disease is not uniformly distributed across geographical areas, it is reasonable to assume that there will be pockets of diseased animals and pockets of healthy animals within the 5 kilometer range of the Ridgecrest site. Not fully testing animals that are to be "relocated" could result in the introduction of diseases into otherwise healthy populations. And not testing the host populations within the 5 kilometer range could result in the introduction of healthy tortoise from the project site into a population that is diseased.

The *Draft Revised Recovery Plan for the Mojave Population of the Desert Tortoise* (2008) recognizes that the translocation of tortoises from one site to another can introduce *Mycoplasma* that may invade host populations and cause a significant die-off among otherwise healthy tortoises (2008, 156). The document's recommendations for the control of *Mycoplasma* include undertaking "a full health evaluation of all tortoises prior to translocation" (2008, 156). The health evaluation should include two ELISA tests for *Mycoplasma* at six week intervals and testing for secondary infections. The Applicant, however, seems intent on avoiding the recommended tests by lengthening the maximum distance for relocating desert tortoises. Testing both animals that are to be moved any distance beyond the 305 meters specified in the *Desert Tortoise Field Manual* (2009) and the resident populations into which tortoises are to be released is absolutely necessary in order to meet the goal of the *Desert Tortoise Recovery Plan* to control *Mycoplasma* disease and aid recovery of the threatened desert tortoise.

To the extent that the Applicant's redefinition of translocation is derived from the "interim guidelines" set by public agencies (Draft...Clearance And Relocation/Translocation Plan 2010, 4), it is apparent that those guidelines require considerable revision. Our highest priority must be to ensure the health of desert tortoise populations and that responsibility cannot be avoided by an arbitrary redefinition of translocation.

While the Desert Tortoise Council's comments here focus on the problem posed by redefining translocation, it should not be concluded that we find the remainder of the translocation plan to be satisfactory. We reserve the right to comment on other elements of Solar Millennium's "Draft...Clearance And Relocation/Translocation Plan" at a future date.

Sincerely,



Sidney Silliman, Ph.D.
Chair, Ecosystems Advisory Committee
Desert Tortoise Council

References

Berry, Kristin H., Jeremy Mack, Mary Brown, Kemp Anderson, John Roberts, and Elliott Jacobson. "Decision Time for Desert Tortoises in the Fort Irwin Translocation Project: Health and Disease Issues." Abstracts. Thirty-Third Annual Meeting And Symposium. The Desert Tortoise Council. Sam's Town Hotel and Casino, Las Vegas, NV. February 22–25, 2008.

Desert Tortoise Science Advisory Committee. "Understanding Disease in Desert Tortoise Populations: A Brief Summary of Knowledge and Recommendations Pertinent to Conservation." A White Paper Presented to the U.S. Fish and Wildlife Service. June 2009.

"Draft Ridgecrest Solar Power Project Desert Tortoise Clearance And Relocation/Translocation Plan. Attachment DR-BI0-54" Prepared by AECOM for the Ridgecrest Solar Power Project. January 2010.

Mack, Jeremy and Kristin H. Berry. "Development of an Epidemiological Model of Upper Respiratory Tract Disease (Mycoplasmosis) in Desert Tortoises Using the Daggett Study Area: Year 2, 2008." Abstracts. Thirty-Fourth Annual Meeting And Symposium. The Desert Tortoise Council. Casa Blanca Resort And Casino, Mesquite, NV. February 20–22, 2009.

Mack, Jeremy, Kristin H. Berry, Mary Brown, and John Roberts. "Epidemiology of Upper Respiratory Tract Disease in Desert Tortoises At the Daggett Study Area, California, in 2007." Abstracts. Thirty-Third Annual Meeting And Symposium. The Desert Tortoise Council. Sam's Town Hotel and Casino, Las Vegas, NV. February 22–25, 2008.

U.S. Fish and Wildlife Service *Desert Tortoise Field Manual*. December 2009.
(http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/)

U.S. Fish and Wildlife Service. *Draft Revised Recovery Plan for the Mojave Population of the Desert Tortoise (Gopherus agassizii)*. U.S. Fish and Wildlife Service, California and Nevada Region, Sacramento, California. 2008.



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APPLICATION FOR CERTIFICATION
For the RIDGECREST SOLAR
POWER PROJECT

Docket No. 09-AFC-9

PROOF OF SERVICE
(Revised 4/12/2010)

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DECLARATION OF SERVICE

I, Sidney Silliman, declare that on, April 19, 2010, I served and filed copies of the attached, DTC Comments on "Draft Clearance And Relocation/Translocation Plan". The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [http://www.energy.ca.gov/sitingcases/solar_millennium_ridgecrest].

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

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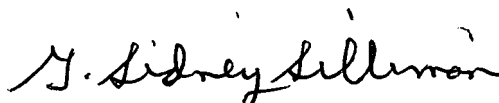
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CALIFORNIA ENERGY COMMISSION

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I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



Sidney Silliman
Desert Tortoise Council