

DOCKET

09-AFC-9

DATE MAY 10 2010

RECD. MAY 17 2010

Kerncrest Audubon
PO Box 984
Ridgecrest, CA 93555
13 May 2010

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)
)
Ridgecrest Solar)
Power Project)

DOCKET No. 09-AFC-9
Supplemental petition to extend
data request deadline

RE: Supplemental petition to extend data request deadline

This is in response to an email request from Kourtney Vaccaro, Hearing Advisor, California Energy Commission requesting that Kerncrest Audubon Society submit supplemental information supporting our earlier petition to extend the deadline for receipt of data requests. Responses to the five specific items the committee asked additional information about are provided below.

1. a. A description of the technical areas at issue (e.g., biological resources, cultural resources, land use, water resources): The area at issue is biological resources.

 b. An explanation of why review of those technical areas could not have been completed by May 17, 2010: A review could not be completed because the full biological field surveys of the land to be cleared and built upon have not been done, they are scheduled to be completed on 1 June 2010.

2. A description of each of the environmental field surveys at issue; The surveys in question are the detailed complete full biological surveys of the expanded project footprint. Applicant revised the footprint of the project to exclude the El Paso wash after the Application for Certification (AFC) was accepted by the commission. This resulted in moving the project footprint into areas where applicant had not previously completed the required full biological surveys. CEC staff has asked for the surveys and applicant is completing them.

3. The date(s) that the surveys are expected to be completed; We understand that the biological surveys will be completed by 1 June 2010

4. A statement explaining whether the surveys are in follow-up to previously prepared surveys or if they are being performed for the first time. As indicated above the surveys have not been done on some land now

included in the project footprint but not originally included in the footprint. In our view these would not be follow-up surveys. Surveys were completed on most of the area but the footprint of the project was altered from that included in the original application. While this alteration took place some time ago, the surveys will have not been completed and we would like time to review those surveys.

5. A brief explanation of why KAS believes that the survey results “will likely lead to the need for further information that should be included in the records of the decision.” KAS believes the new surveys will result in higher counts of a variety of species that will be directly impacted by the project as well as a better understanding of the indirect impact to species. A review of the completed survey could well lead to a need for more detailed information regarding possible mitigations plans such as translocation, habitat enhancement, burrow construction, take permits, and so on.

KAS needs some time to review the survey data once the survey is made available to us. We believe the door should be left open for us to submit data requests until we have had time to complete our review.

Daniel G. Burnett
Member of the Board
Kerncrest Audubon Society

13 May 2010
Date



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
For the *RIDGECREST SOLAR*
POWER PROJECT

Docket No. 09-AFC-9

PROOF OF SERVICE
(Revised 5/12/2010)

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DECLARATION OF SERVICE

I, Daniel G. Burnett, declare that on, 13 May 2010, I served and filed copies of the attached **Supplemental petition to extend data request deadline**, dated 13 May 2010. 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:

(Check all that Apply)

For service to all other parties:

XX sent electronically to all email addresses on the Proof of Service list;

by personal delivery;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

XX sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-9
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

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.

Daniel G. Burnett
Kerncrest Audubon Society