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March 30, 2012

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Mike Monasmith
Senior Project Manager
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California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

Subject: Center for Biological Diversity, Data Response Set 1
Hidden Hills Solar Electric Generating System (11-AFC-2)

Dear Mr. Monasmith:

On behalf of Hidden Hills Solar I, LLC; and Hidden Hills Solar II, LLC, please find attached electronic copies of Center for Biological Diversity Data Response, Set 1.

Hard copies will be sent out Monday. Please call me if you have any questions.

Sincerely,

CH2M HILL

A handwritten signature in blue ink that reads "John L. Carrier".

John L. Carrier, J.D.
Program Manager

Encl.

c: POS List
Project file

DOCKET	
11-AFC-2	
DATE	<u>MAR 30 2012</u>
RECD.	<u>MAR 30 2012</u>

Center for Biological Diversity, Data Response Set 1

Hidden Hills

Solar Electric Generating System

(11-AFC-2)



Application for Certification
Hidden Hills Solar I, LLC; and Hidden Hills Solar II, LLC

March 2012

With Technical Assistance from



Hidden Hills Solar Electric Generating System (HHSEGS)

(11-AFC-2)

**CBD Data Response, Set 1
(Early-Filed Response to Data Requests
CBD-1 through CBD-3)**

Submitted to the
California Energy Commission

Submitted by
**Hidden Hills Solar I, LLC; and
Hidden Hills Solar II, LLC**

March 30, 2012

With Assistance from
CH2MHILL
2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833

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Introduction

Attached are Hidden Hills Solar I, LLC, and Hidden Hills Solar II, LLC (collectively, the “Applicant”) responses to the Center for Biodiversity (CBD) data requests numbers CBD-1 through CBD-3 for the Hidden Hills Solar Electric Generating System (HHSEGS) Project (11-AFC-2). The CBD served these data requests on March 15, 2012, and requested a response sooner than required by the Commission’s siting regulations. In an effort to accommodate CBD’s request for special dispensation, these early-filed responses to Data Requests CBD-1 and CBD-3 are presented below.

Biological Resources (CBD-1 through CBD-3)

BACKGROUND: DESERT KIT FOX

CEC staff requested additional information on the status of desert kit foxes on the Hidden Hills project site (Data Request #78) 2011-11-17 based on the fact that the desert kit fox is a special-status species under Title 14 of the California Code of Regulations and Fish and Game Code Section and should be considered during staff's CEQA review of this project. Because the desert kit fox occupies the proposed project site either as a foraging or breeding mammal, CEC staff must analyze the potential for impacts to this species, especially if natal or satellite dens occur within the site. The response to the data request was inadequate because it failed to provide requested information on "the type of kit fox sign (scat, tracks, and dens) found during field surveys and a map showing the locations of kit fox sign. If potential kit fox dens or complexes were observed, identify the number of burrows and whether they are likely to be natal or satellite dens."

In previously permitted projects, the avoidance of impact to the desert kit fox required "passive translocation". However, information on the populations of kit fox (number of burrows, type of burrows, estimate of population) on site was lacking. Based on the mortality of desert kit foxes documented on the Genesis Solar Energy Project, and the subsequent need for the State to capture, monitor, track and inoculate on-site and adjacent off-site kit foxes to prevent further spread of distemper through the desert kit fox populations, we submit the following data request.

DATA REQUEST

CBD-1 Please provide information on the type of kit fox sign (scat, tracks, and dens) on the proposed site and adjacent off-site areas. Data requested includes a map showing the locations of kit fox sign, kit fox dens and complexes including the number of burrows and whether they are natal or satellite dens and an estimate of the on-site and adjacent population.

Response: As stated in Applicant's Data Response 78, Applicant disagrees with Staff's statement that desert kit fox is a special-status species. The requested information regarding desert kit fox sign, location of kit fox dens and a maps showing the den locations is available in Applicant's AFC Appendix 5.2F-R1, *Presence/Absence Survey for the Desert Tortoise (Gopherus agassizii) and other Sensitive Wildlife on the proposed Hidden Hills SEGS Project*, which was prepared in response to Staff's Data Requests 68 to 72. This data response was filed on December 5, 2011, and is available online at: http://www.energy.ca.gov/sitingcases/hiddenhills/documents/applicant/2011-12-05_Applicants_Data_Response_Set_1B_TN-63056.pdf. No data is available to indicate whether the dens are natal or satellite dens.

BACKGROUND: MIGRATORY BIRDS

The project proponent's response to CEC's data request 2011-12-05_Applicants_Data_Response_Set_1B_TN-63056, notes that the proposed project is near four Important Bird Areas (IBAs) in California and Nevada – the East Mojave Peaks IBA (Kingston Peak specifically), the Shoshone-Tecopa Area IBA, the East Mojave Springs IBA (Horsethief Springs specifically) and Ash Meadows National Wildlife Refuge. It also notes that nearby Pahrump Playa is also a stopover area when inundated. Because migratory birds are

protected under the Migratory Bird Treaty Act, analysis of potential impacts to these species must be evaluated from the proposed project. McCrary et al. (1986) documented significant mortality to avian species from a similar “power tower” technology, primarily from collision with heliostats, but also from singeing from the focused beams. The data response failed to address the primary cause mortality to birds from heliostat collision. It also failed to address the “standby point” issue which also caused bird mortality.

DATA REQUEST

CBD-2 Please provide published and/or peer-reviewed studies on avian mortality from the proposed power tower technology.

Response: Applicant is unable to respond to this data request in the short timeframe provided for by the CBD, and will require the full amount of time provided for in the Commission’s regulations to respond. Applicant will provide a response to this data request on or before April 16, 2012.

CBD-3 Please provide data on migratory pathways in the general area of the proposed project.

Response: Important Bird Areas and Migratory Bird Flyways and Stopover Sites near the project area are addressed in Data Response 54 (Data Response Set 1B, filed 12-5-11). Data Response 54 is available online at http://www.energy.ca.gov/sitingcases/hiddenhills/documents/applicant/2011-12-05_Applicants_Data_Response_Set_1B_TN-63056.pdf.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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1516 NINTH STREET, SACRAMENTO, CA 95814
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**APPLICATION FOR CERTIFICATION
FOR THE *HIDDEN HILLS SOLAR ELECTRIC
GENERATING SYSTEM***

DOCKET NO. 11-AFC-2
PROOF OF SERVICE
(Revised 3/22/2012)

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DECLARATION OF SERVICE

I, Mary Finn, declare that on March 30, 2012, I served and filed copies of the attached Hidden Hills SEGS Data Response, Set CBD, Set 1, dated March 30, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: www.energy.ca.gov/sitingcases/hiddenhills/index.html.

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

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. 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 "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-2
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
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mlevy@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California 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.



Mary Finn
CH2M Hill