



BrightSource

DOCKET

11-AFC-4

DATE Jan 24 2012

RECD. Jan 24 2012

January 24, 2012

Pierre Martinez, Project Manager for Rio Mesa Solar Project
California Energy Commission
1516 Ninth Street,
Sacramento, CA 95814-5512

Dear Mr. Martinez,

Attached is BrightSource's list of clarifications and approvals needed from the Renewable Energy Action Team (REAT) members in order to assure that the surveys we are commencing forthwith align with the their December 16, 2011 recommendations. As the REAT has pointed out, time is of the essence and we are open to informal notifications and direct communication with members to facilitate prompt execution of these additional recommendations.

Please call or email me if you have any questions what so ever.

Respectfully Submitted,

Todd Stewart
BrightSource Energy
Sr. Director Project Development
Project Manager – Rio Mesa Solar Energy Generating Facility



List of Approvals & Clarifications Needed to Initiate Additional Recommended Biological Surveys for the Rio Mesa Solar Electric Generating Facility Project

BrightSource Energy, Inc. ("BrightSource") would appreciate the opportunity to discuss the additional biological surveys that have been proposed for the Rio Mesa Solar Electric Generating Facility ("Rio Mesa SEGF"). As a sign of good faith, and in order to ensure that studies can be undertaken this spring, BrightSource will endeavor to initiate the work required for these additional biological surveys. In order for BrightSource to begin this work, however, we need clarification of certain details, as well as certain approvals, which are listed below. This list is divided into three categories, following the three separate recommendations (I. migratory birds, II. breeding birds, and III. bats) provided by the agencies participating in the Renewable Energy Action Team ("REAT"), as revised on Dec. 16, 2011.

- I. Recommended Migratory Bird Monitoring Strategy to Determine Potential Direct, Indirect, and Cumulative Impacts from Construction and Operation of the Proposed Rio Mesa Solar Project, Riverside County, California, Interagency Recommendations Revised Dec 16, 2011 ("Migratory Bird Recommendations")

For passerine, waterfowl, and upland bird species:

- Approval of number of migration count locations (BrightSource proposed 7, which falls within the range of the Migratory Bird Recommendations of 5 to 10).
- Approval of migration count locations. BrightSource proposed 7 locations within the area of 4 air miles from the project footprint that was proposed in the Migratory Bird Recommendations, as shown on the attached map. Please note that BrightSource will make best efforts to survey within the agricultural lands, but cannot guarantee that it will be provided access to those lands, as local area land owners may decline to cooperate. We would respectfully request agency suggested migration count locations within agriculture lands immediately so that we can begin contacting property owners. Again, property owners may decline the request and have confronted surveyors along public roads in the past.
- Clarification on "Breeding Bird Survey route developed by the project proponent, line transect, or comparable technique". We propose to use the same 16 transects that were surveyed in spring and fall in order to compare results.

Clarification on the specific details of the collection of spring and fall nocturnal migration pulses of avifauna data via radar or comparable techniques, as no specifics were given. BrightSource will provide our recommendations by January 27, 2012 for REAT consideration.



For raptor species:

- Approval of observation point locations. BrightSource proposed 7 locations within the area of 4 air miles from the project footprint that was proposed in the Migratory Bird Recommendations, as shown on the attached map. Please note that BrightSource will make best efforts to survey within the agricultural lands, but cannot guarantee that it will be provided access to those lands, as local area land owners may decline to cooperate. Again, we would respectfully request agency suggested observation point locations so that we can begin contacting property owners.
- Clarification on the specific details of the collection of long-sit point counts, as no specifics were given. If long-sit point counts are intended to be something other than the observation point locations, please provide an explanation.
- Clarification on the specific details of camera trapping, as no specifics were given. Please explain whether camera trapping is an additional work item, or intended as an alternative technique to accomplish other work items as no specifics were given

II. Recommended Breeding Season Avian Surveys for the Proposed Rio Mesa Solar Project, Riverside County, California, Interagency Recommendations Dec 16, 2011 (“Breeding Season Recommendations”)

- Clarification on the specific details of using play-back methods to determine nocturnal species (i.e. elf owl) presence and abundance, as no specifics were given.
- Confirmation that there is no need for additional monitoring for burrowing owls (BrightSource conducted 100% coverage focused ground surveys using CA Burrowing Owl Consortium Survey Protocol in spring 2011, consistent with the Breeding Season Recommendations; California Energy Commission staff has informed us no additional burrowing owl surveys are required outside of pre-construction burrowing owl clearance surveys).
- Clarification on whether ground surveys can be conducted for eagle breeding in place of additional helicopter surveys (helicopter surveys following the U.S. FWS protocols were conducted in 2011). If additional helicopter surveys are required, please confirm whether the Wildlife Research Institute is an acceptable contractor to conduct the helicopter surveys.
- Approval of methods for conducting focused survey in the microphyll woodlands.
- Clarification on “line transect or comparable technique”. BrightSource proposes to use the same 16 transects that have already been surveyed in spring and fall in order to compare results.

III. Recommended Bat Surveys for the Proposed Rio Mesa Solar Project, Riverside County, California, Interagency Recommendations, Dec 16, 2011 (“Bat Survey Recommendations”)

- Approval of Anabat unit locations and number of Anabat units (BrightSource has proposed 3 locations within the project area’s microphyll woodlands and close to agricultural areas, as shown on the attached map).



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- Specific details on the preferred height of Anabat unit placement and the type of Anabat units to be used to collect data.

Thank you for providing the detail and approvals identified above. If there are any questions about the details and approvals requested above, we would like to schedule a conference call to discuss those questions. Please contact Todd Stewart at (510) 550-8908 or (925) 200-0629 to schedule a conference call, if one is needed.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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**APPLICATION FOR CERTIFICATION
FOR THE RIO MESA SOLAR
ELECTRIC GENERATING FACILITY**

DOCKET NO. 11-AFC-04
PROOF OF SERVICE
(Revised 1/23/12)

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*indicates change

DECLARATION OF SERVICE

I, Michelle L. Farley, declare that on, January 24, 2012 I served and filed copies of the attached Letter of Clarifications Required for Conducting Additional Surveys for RMS, dated January 24, 2012. These documents are accompanied by the most recent Proof of Service list, located on the web page for this project at:

[<http://www.energy.ca.gov/sitingcases/riomesa/index.html>].

These documents have been sent to the other parties in this proceeding (as shown on the attached 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 electronic copies 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-4
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.



Michelle L. Farley
BrightSource Energy