

## STATE OF CALIFORNIA

Energy Resources Conservation  
And Development Commission

In the Matter of:

Docket No. 11-AFC-4

Application for Certification  
for the Rio Mesa Solar  
Electric Generating Facility**Energy Commission Staff's Response to Applicant's Notice of Suspension of  
Application for Certification**

On January 14, 2013, Rio Mesa I, LLC and Rio Mesa II, LLC (collectively referred to as applicant) filed a notice of suspension in essence requesting that the Energy Commission stop processing the application for an indefinite period of time, up to 12 months. Staff does not object to applicant's notice of suspension, but requests the Committee impose certain conditions on the applicant that must be met before review of the application is resumed.

First, when the applicant wishes the Energy Commission to recommence review, the applicant should be required to submit a request to resume review of the proposed project in order to provide sufficient notice to staff and the Energy Commission to allow for the repositioning of staff resources. This request should also be required to contain all of the information staff identified as outstanding in the Energy Commission Staff's Request for Extension of the Final Staff Assessment Filing Deadline and Motion to Compel Production of the Incidental Take Permit Application filed on December 21, 2012. Those items include the following:

- Completion of Geoarcheological Study and submittal of Report presenting the results.
- Phase II Archeological Investigation Plan
- Completion of Phase II Archeological Investigation and submittal of Report presenting the results.
- Bird and Bat Survey Data – full year, including fall 2012 and winter 2012-13 data
- Botanical Surveys
- Full accounting by vegetation type of all project disturbance to native vegetation and wildlife habitat

- Incidental Take Permit application (or information that would otherwise be contained therein)
- Draft Tortoise Translocation Plan
- Draft Biological Assessment
- Draft Facility Closure, Revegetation, and Reclamation Plan, including an estimate of the necessary financial security to implement the plan
- Completion of Paleontological Resources field investigations and Report presenting results.
- Updated Construction Craft Resources Survey

Additionally, the applicant should be required to provide any new information obtained concerning the potential solar flux impacts to avian species, bats, and insects, including any additional data supporting their previously released observations or investigations and the results of any monitoring performed at the Ivanpah Solar Electric Generating System should that project be operational when resumption of review is requested. Lastly, the applicant should also be required to provide updates to any information previously provided in any technical area that has either become stale due to the suspension or has otherwise changed, including any new or revised laws, ordinances, regulations, or standards applicable to the proposed project.

Staff requests that the Committee allow staff 30 days to review the request to resume review and accompanying material in order to provide a recommendation to the Committee as to whether it contains the outstanding information and adequate information to support any change to the design of the project or any related facilities. Staff recommends that the Committee allow resumption of review only once it has determined that this information has been adequately provided.

Second, the applicant should be required to provide status updates on at least a quarterly basis advising the Committee and staff of the progress it is making in acquiring the outstanding information.

DATED: January 16, 2013

Respectfully submitted,

/s/ Lisa M. DeCarlo  
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
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**APPLICATION FOR CERTIFICATION FOR THE  
RIO MESA SOLAR ELECTRIC  
GENERATING FACILITY**

**DOCKET NO. 11-AFC-04  
PROOF OF SERVICE  
(Revised 1/11/13)**

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*After docketing, the Docket Unit will  
provide a copy to the persons  
listed below. **Do not** send copies  
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DECLARATION OF SERVICE

I, Teraja` Golston, declare that on January 16, 2013, I served and filed copies of the attached Energy Commission Staff's Response to Applicant's Notice of Suspension of Application for Certification, dated January 16, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <http://www.energy.ca.gov/sitingcases/riomesa/notices/index.html>.

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

*(Check one)*

**For service to all other parties and filing with the Docket Unit at the Energy Commission:**

- X I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**
- Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: January 16, 2013

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Originally signed by  
Teraja` Golston