

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

DOCKET 08-AFC-13
DATE <u>NOV 25 2009</u>
RECD. <u>NOV 30 2009</u>

In the Matter of:

APPLICATION FOR CERTIFICATION)
FOR THESES SOLAR ONE PROJECT)

DOCKET NO. 08-AFC-13

DATA REQUEST BY
Basin and Range Watch

November 25, 2009

Laura Cunningham
Kevin Emmerich
Basin and Range Watch
PO Box 153,
Baker CA, 92309
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atomicoadranch@netzero.net

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE SES SOLAR ONE PROJECT

DOCKET NO. 08-AFC-13

Felicia Bellows
Vice President, Development
Tessera Solar
4800 North Scottsdale Road
Suite 5500
Scottsdale, AZ 85251

**DATA REQUEST BY
Basin and Range Watch**

Dear Ms. Bellows,

Basin and Range Watch submits this set of data requests on Biological Issues to Tessera Solar's SES Solar One Project, pursuant to Title 20, section 1716(b), of the California Code of Regulations. The requested information is necessary to: (1) more fully understand the project; (2) assess whether the project will be constructed and operated in compliance with all laws, ordinances, regulations and standards; (3) assess whether the project will result in significant environmental impacts; and (4) assess potential mitigation measures.

Please contact us if you have any questions. Thank you for your cooperation with these requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul King", written over a horizontal line. The signature is stylized and cursive.

Check box if continuation pages are attached.

We were not satisfied with the answer Solar One provided in response to CURE's data request 84 and 85 in the 08-AFC-5 document.

1. Please indicate how corridors for movement of Mojave fringe-toed lizards, whether on sand or not, would be maintained to move from one suitable habitat to another to maintain genetic diversity.

2. In response to CURE data request 84, SES Solar One states that "it is possible that the proposed facility may indirectly affect the quality of Mojave fringe-toed lizard habitat by impeding, slowing or redirecting the transport of sand to the existing Mojave fringe-toed lizard habitat. This potential impact can be monitored over time to determine whether such an impact actually occurs."

Please provide an alternative mitigation plan to simply monitoring over time. Why did SES Solar One fail to come up with an alternative mitigation plan that would site the project in a way that would allow sand flow to continue to maintain habitat for this sensitive species?

3. In response to data request 85, CURE asked SES Solar One to identify the source of sand that has generated Mojave fringe-toed lizard (*Uma scoparia*) habitat within the project site and the Pisgah Area of Critical Environmental Concern. SES Solar One claims the sand is from "adjacent upstream watershed lands". This conflicts with references that indicate the sand comes from the Mojave River.

Please provide a map that illustrates the geologic process that supplies the Aeolian deposits that sustain Mojave fringe-toed lizard populations on the project site and in the Pisgah Crater Area of Critical Environmental Concern.

**California Energy Resources Conservation
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DECLARATION OF SERVICE

We, Laura Cunningham and Kevin Emmerich, declare that on November 25, 2009, served and filed copies of the attached **data request by Basin and Range Watch**, dated November 25, 2009. 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/solarone/documents/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, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

sent electronically to all email addresses on the Proof of Service list;
 by personal delivery or by depositing in the United States mail at with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses NOT marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

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

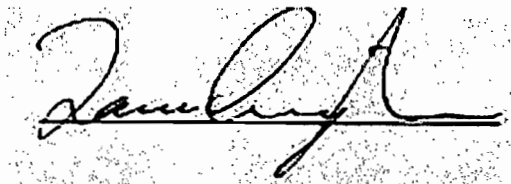
Attn: Docket No.

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.



Laura Cunningham, Kevin Emmerich

Sent via email to: RMAvalos@energy.state.ca.us, lmiles@adamsbroadwell.com,
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CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-13
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