

<b>DOCKET</b>	
<b>08-AFC-13</b>	
DATE	JUN 04 2010
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**From:** Christopher Meyer  
**To:** Docket Optical System  
**Date:** 6/8/2010 3:19 PM  
**Subject:** Fwd: WWP Comments on the Calico Solar Project Staff Assessment  
**Attachments:** 06-04-10-WWPCCommentsCalico.pdf

Please docket with the Calico Solar (08-AFC-13) documents titled: " Western Watersheds Project Comments on the Calico Solar SA/DEIS" Delivering hard copy now.

Thank you,  
Christopher

>>> "Michael J. Connor" <[mjconnor@westernwatersheds.org](mailto:mjconnor@westernwatersheds.org)> 6/4/2010 3:39 PM >>>

Dear Mr. Meyer:

Attached are comments from Western Watersheds Project on the Calico Solar Project Staff Assessment. The public comment period for the SA closes today.

Could you please respond to this email so that I know you received and could open the attached file?

Thank you.

Michael Connor

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*Working to protect and restore Western Watersheds*

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June 4, 2010

Mr. Christopher Meyer  
Project Manager  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814  
<[cmeyer@energy.state.ca.us](mailto:cmeyer@energy.state.ca.us)>

Re: CALICO SOLAR PROJECT STAFF ASSESSMENT AND DRAFT  
ENVIRONMENTAL IMPACT STATEMENT AND DRAFT CALIFORNIA  
DESERT CONSERVATION AREA PLAN AMENDMENT.

Dear Mr. Meyer:

On behalf of Western Watersheds Project and myself, please accept the following comments on the California Energy Commission Staff Assessment (SA) for the Calico Solar Project (formerly the Stirling Energy Systems Solar One Project), in San Bernardino County. The CEC comment period for the SA ends on June 4, 2010 so these comments are timely.

Western Watersheds Project works to protect and conserve the public lands, wildlife and natural resources of the American West through education, scientific study, public policy initiatives, and litigation. Western Watersheds Project and its staff and members use and enjoy the public lands, including the lands at issue here, and its wildlife, cultural and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes.

Western Watersheds Project submitted timely scoping comments for the project on July 7, 2009. In the comments, we reviewed a number of issues of concern posed by this massive project. This included ranges of alternatives, direct, indirect and cumulative impacts on biological resources including desert tortoise, desert bighorn sheep, Mojave fringe-toed lizard, the white-margined beardtongue, and other sensitive and at risk species including the Mohave ground squirrel.

We are unable to provide full comments on the SA at this time for several reasons. First, two days ago (June 2, 2010), Tessera Solar (the Project Applicant) announced a new alternative layout for the project with a revised project boundary. This alternative has not yet been posted on the CEC webpage so that members of the public, including Western Watersheds Project, have been unable to review it prior to the close of the SA comment deadline. Unfortunately, this last minute submission of alternatives by Project Applicants appears to be becoming the norm for these so-called "fast-tracked projects" since it also occurred during the Ivanpah and Ridgecrest

Solar Millennium Project processes. Second, as the CEC Staff note frequently throughout the SA, the materials provided by the applicant fail to fully cover important resources. For example, Staff references the Applicant's failure to map microphyll woodlands on the site, its failure to document sensitive plant occurrences, and cites other issues of controversy including the inadequacy of the desert tortoise surveys.

The environmental review for this project is being rushed at the expense of public participation and this rush shows in the documentation. To comply with the spirit and intent of CEQA, the CEC Staff should issue a Supplemental Staff Assessment that fully describes the project and the project site, and includes a full analysis of the Applicant's new alternative. Only by doing so can the CEC ensure that the public can review the project and provide informed comment.

The SA does reveal some troubling issues specific to the project site. The project site includes habitat acquired as compensation for other projects. We are extremely concerned about the implications of this to achieving the fully mitigated standard since this requires protection of replacement habitat for CESA listed species in perpetuity. The project site also includes significant and numerous historical and cultural resources that will be impacted.

The project site is occupied by a large number of desert tortoises. The SA estimates that over 100 individuals may be present – firm numbers are not available because of the inadequacy of the Applicant's surveys. The SA proposes to mitigate for direct impacts to desert tortoises through acquisition of compensation lands. At a high enough ratio, this may compensate for the direct loss of habitat. However, although the SA recognizes that the project site includes habitat that provides connectivity to adjacent natural lands the mitigations do not address how impacts to this connectivity will be mitigated.

As we explained in our scoping comments, the WMP ROD signed March 2006 includes "Goal 3: ensures genetic connectivity among tortoise populations, both within the West Mojave Recovery Unit, and between this and other recovery units. The SA does not explain how the project and proposed mitigations will meet this biological goal.

The SA also discusses translocation of desert tortoises but provides no information on potential translocation sites. No translocation protocol is provided for public review. Despite the huge number of tortoises that will be impacted, Staff defer the details to some future translocation plan.

The Cady Mountains WSA has a native population of bighorn sheep that use the site on a seasonal basis for foraging, drinking, and movement. The West Mojave Plan's conservation strategy calls for protecting springs used by bighorn sheep and calls for providing methods for crossing freeways and other barriers to dispersal. The revised CEQA document should review all direct, indirect and cumulative impacts to this species including impacts to linkage habitat and connectivity issues, and compliance with the WMP's conservation strategy. It should include mitigation measures such as land bridges to compensate for impacts to connectivity.

The revised CEQA document should fully analyze impacts to Mojave fringe-toed lizard in compliance with the West Mojave Plan's conservation strategy and other applicable governing plans. This requires full documentation of Mojave fringe-toed lizard occurrences. The analysis must include full consideration of blowsand habitat, sand movement in the area, and the impacts of project structures that are required to protect the Pisgah Mojave fringe-toed lizard populations (West Mojave Plan at 2-186).

The proposed project site provides important habitat for the white-margined beardtongue (*Penstemon albomarginatus*), and other sensitive and at risk species. The supplemental CEQA document should fully document all occurrences on the site so that the impacts of the project can be determined. The supplemental CEQA document should also provide full documentation of other rare plant species present.

We directly raised these issues and concerns in our scoping comments. CEQA requires the agencies to address significant issues that are raised not simply recognize them. Relevant and important raised in public comments must be specifically addressed in the supplemental CEQA document. The analyses presented in the SA do not provide an inadequate basis for the public to make informed comment. The SA does not analyze the Applicant's June 2 Alternative. The CEC Staff should produce a CEQA-compliant supplemental to remedy this situation.

Please keep Western Watersheds Project on the list of interested public for this project. If we can be of any assistance or provide more information please feel free to contact me by telephone at (818) 345-0425 or by e-mail at <mjconnor@westernwatersheds.org>.

Yours sincerely,



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