



October 21, 2010

VIA Email and U.S. Mail

Christopher Meyer
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Attn: Docket No. 08-AFC-13
California Energy Commission
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DOCKET	
08-AFC-13	
DATE	OCT 21 2010
RECD.	OCT 21 2010

Re: Public Comment on Calico Solar Project

Dear Mr. Meyer:

Attached is a recent news article related to desert tortoises found on the Ivanpah Solar Project site. Sierra Club intends to introduce and discuss this article at the Committee hearing on October 22, 2010 as a supplement to public comments that we previously filed and served. Hard copies will be provided to the docket office and the service list as appropriate.

Sincerely,

Travis Ritchie
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S.B. COUNTY: More tortoises than expected at solar site

10:01 PM PDT on Tuesday, October 19, 2010

By DAVID DANELSKI
The Press-Enterprise

The number of desert tortoises living in the path of the nation's first large-scale solar energy project on public land is proving to be more than expected.

Since the BrightSource Energy Co. broke ground Oct. 8 in northeast San Bernardino County, wildlife biologists walking ahead of heavy construction equipment on a small portion of the project site have found 17 tortoises, according to a company consultant.

Federal biologists say they are surprised by the early numbers, because the U.S. **Fish and Wildlife Service** estimated that 32 tortoises live in the entire 5.6-square-mile site. This estimate was used to support the conclusion that the development would not cause significant harm to the reptiles, a threatened species.

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Further environmental analysis may be required if tortoise numbers are far higher than expected -- possibly leading to delays or changes in the project.

BrightSource spokesman Adam Eventov said the company is monitoring the tortoise situation closely.

"At this point, it's a snapshot," Eventov said. "It's too early to know how many will be moved until we spend more time in the field."

The project, in the Ivanpah Valley near Primm, Nev., is favored by the **Obama** and Schwarzenegger administrations because it will provide clean electricity for as many as 140,000 homes and help reduce **global warming**.

Story continues below



Silvia Flores/The Press-Enterprise
Biologists expected the whole solar site to have some 32 tortoises, but 17 have already been found one just one small portion of the land.

Opponents

Some environmental groups oppose the development and say renewable energy projects should be built on former farms and other land that doesn't have value as wildlife habitat.

The Ivanpah Valley is proving to be better habitat than previously believed.

Surveys commissioned by BrightSource in 2007 and 2008 found only 16 tortoises within the entire 5.6 square miles, and company officials have said only a small number of tortoises would be affected.

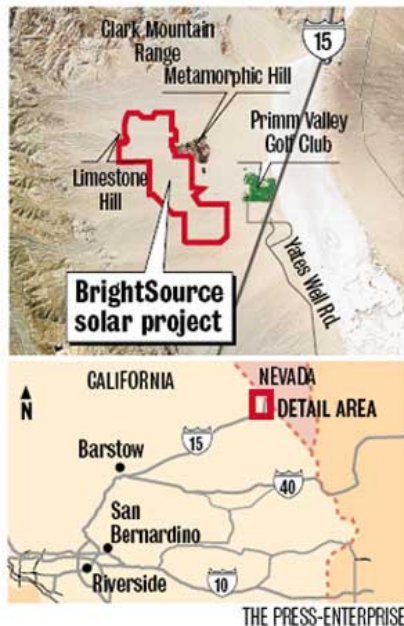
The surveys, done by the Colorado-based **CH2M Hill** engineering and environmental

consulting firm, were later used by Fish and Wildlife to estimate that 32 tortoises lived in the project's footprint. The higher number took into account tortoises that may have been in underground burrows during the counts.

Based on the estimate of 32 animals, Fish and Wildlife found that the development would not "impede the survival or recovery of the desert tortoises in a measurable manner," a conclusion required for BrightSource to move forward.

The finding, called a biological opinion, will become void if more than 38 tortoises have to be relocated, said Brian Croft, a Fish and Wildlife senior biologist. If that occurs, a new analysis will be required to determine whether the project puts the species in jeopardy. A jeopardy finding could delay or limit the development.

Story continues below



Biologists working for BrightSource so far have focused on a swath being cleared for fencing around the southern third of the solar development. Tortoises found in the way are outfitted with radio transmitters for tracking before being placed outside the fence.

The 17 animals already found will not count toward the total, because they can be moved a short distance to safety, Croft said. Tortoises found in the interior of the site, farther from the fence, will have to be relocated.

Those tortoises will be held in pens for the winter and then moved to the base of the Clark Mountains northwest of the project property.

Mercy Vaughn, a lead biologist under contract to BrightSource, said various factors could have contributed to the low tortoise counts in 2007 and 2008. Among other possibilities, those surveys were done during drier weather and in spring when males are less active, she said.

Tally expected to rise

Larry LaPre, a wildlife biologist for the U.S. **Bureau of Land Management**, which oversees the area leased to the Oakland-based solar developer, said he was surprised by the early numbers and expects the tortoise count to go up.

Other biologists said the century-old creosote bushes that dominate the valley provide shade for tortoises and harbor plants the animals eat during the spring.

Environmentalists have filed a petition asking the California Energy Commission to withdraw its approval of the project. They contend the tortoises in the Ivanpah Valley have unique genetics that have allowed them to adapt to higher-altitude habitat. That

trait is expected to help the species survive global warming, said Beatty, Nev., resident Kevin Emmerich, of Basin and Range Watch.

The commission is scheduled to consider the petition on Tuesday.

Reach David Danelski at 951-368-9471 or ddanelski@PE.com



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APPLICATION FOR CERTIFICATION
For the CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

PROOF OF SERVICE
(Revised 10/18/10)

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DECLARATION OF SERVICE

I, Jeff Speir, declare that on October 21, 2010, I served and filed copies of the attached Sierra Club Letter RE News Article, dated, October 21, 2010. 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: [www.energy.ca.gov/sitingcases/solarone].

The documents have been sent to both 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;
- by delivering on this date, for mailing with the United States 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 "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

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I declare under penalty of perjury 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.