Beacon Solar Energy Project – Docket No. 08-AFC-2

Re: Response to CURE's Motion to Compel

The Kern County Chapter of the California Native Plant Society (CNPS) supports intervenor California Unions for Reliable Energy's (CURE) motion to compel responses to CURE's 26 January 2009 data requests for the Beacon Energy Solar Project. CURE's data requests seek highly relevant information concerning the Project's potential impacts to native plant species.

The mission of the California Native Plant Society is to increase understanding and appreciation of California's native plants and to conserve them and their natural habitats through education, science, advocacy, horticulture and land stewardship. To date, the Project applicant has not fully disclosed, considered, or avoided or reduced significant Project impacts to special-status plant species as required by CEQA. CURE's data requests seek information necessary for CEQA compliance and adequate public review of potential Project impacts to plant resources. Specifically, the Kern County Chapter of the California Native Plant Society supports:

1. Biological Resource data requests 10 through 19, which request additional information on the special-status plant surveys conducted for the project. CNPS Botanical Survey Guidelines (2001) provide explicit information on how plant surveys should be conducted, and what information should be contained in the survey report. Surveys conducted for the project do not appear to conform to many aspects of our guidelines. CURE data requests 10 through 19 seek the additional information CNPS needs to evaluate the adequacy of Project surveys in providing knowledge on impacts to botanical resources. It is CNPS's policy that lead agencies not accept the results of surveys unless they are conducted and reported according to our stated guidelines.
2. Biological Resource data requests 102 through 106, which address Project impacts to native desert vegetation and compliance with the California Desert Native Plants Act. Before mitigation is proposed, CNPS policy on mitigation guidelines (1998) requires: (A) identification of vegetation types, rare plants and habitats, and specialized biotic resource areas; and, (B) identification, assessment, and description of project impacts on botanical resources. CURE data requests 102 through 106 seek the types of data required to evaluate Project impacts on native plants protected by the California Desert Native Plants Act.
3. Biological Resource data requests 107 through 110, which seek additional information on methods used to survey for Mojave tarplant (*Deinandra mojavensis*). Mojave tarplant is a CNPS 1B species, and it has been listed as endangered by the State of California. CNPS policy recommends project applicants follow the Department of Fish and Game's *Guidelines for Assessing Effects of Proposed Developments on Rare and Endangered Plants and Plant Communities*. CURE data requests 107 through 110 seek the information needed to determine whether the applicant followed these guidelines, and to evaluate Project impacts on Mojave tarplant.

4. Biological Resource data requests 111, and 113 through 121, which seek information on impacts to botanical resources in desert washes and control of invasive exotic plants. Information presented by the applicant on impacts to, and mitigation for, desert washes is confusing and generally conflicts with CNPS mitigation policies. Furthermore, CNPS considers introduction of non-native plants one of the most significant threats to natural ecosystems. CURE data requests 111, and 113 through 121 seek the information required to evaluate Project impacts to desert wash communities, the adequacy of proposed mitigation, and the applicant's dedication to preventing spread of non-native plant species.

5. Biological Resource data requests 122 through 125, which seek information on herbicide use and weed management techniques. CNPS recognizes that herbicide can be an effective tool for controlling invasive non-native plants (weeds) that impact native vegetation. However, herbicide, like other vegetation treatments, has potential adverse effects. The decision of whether or not to use herbicide in a specific weed management project is site-specific, and should be based on an evaluation of herbicide and alternative treatments, especially from an environmental standpoint. Project plans should address the conservation of native plants and their habitat. Herbicide treatment should have clear and achievable objectives, preferably including a gradual reduction or phase-out of the need for continued intervention. The information sought by CURE data requests 118 through 120, and 122 through 125 is needed to ensure the applicant implements a clear and achievable weed management plan.

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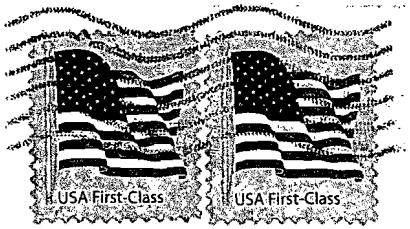

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