



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
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Ventura, California 93003

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Eric K. Solorio
Project Manager
Siting, Transmission and Environmental Protection Division
California Energy Commission, MS-15
Sacramento, California 95814

Subject: Beacon Solar Energy Project's Participation in a Regional Monitoring and Management Plan for Common Ravens

Dear Mr. Solorio:

This letter is in response to a request from Susan Sanders of the California Energy Commission, received on January 13, 2009, for information on the guidance that the U.S. Fish and Wildlife Service (Service) has been providing to Beacon Solar Energy regarding avoiding, reducing, and offsetting the potential effects of its proposed solar power plant in eastern Kern County, specifically in relation to common ravens (*Corvus corax*) and regional monitoring and management. We appreciate the opportunity to provide this input to the California Energy Commission.

Reducing predation by the common raven (raven) on the federally and State threatened desert tortoise (*Gopherus agassizii*) is one component of a multifaceted effort to aid in the recovery of the desert tortoise. Both project specific and regional management and monitoring programs will be important for identifying areas in which ravens must be managed. The project specific programs will focus monitoring and management activity on the areas and facilities directly under the control of the private project applicants; however, because ravens travel great distances on a daily basis, a regional monitoring and management program that is beyond the capability of any single entity to implement, is needed. Consequently, the Service is establishing a region-wide management and monitoring program in the California Desert Conservation Area through agreements with State and local governments and private project applicants. We propose that project applicants contribute to the region-wide effort in an amount related to the anticipated level of adverse impacts from their project on desert tortoises from predation by ravens. We strongly encourage the Bureau of Land Management and the California Energy Commission to consider requiring projects to contribute to this regional raven monitoring and management effort as part as their permitting processes. We anticipate that funds contributed by Beacon Solar Energy and other applicants will be held by the National Fish and Wildlife Foundation as part of a Desert Conservation Fund until such time as they are needed to implement portions of the program.

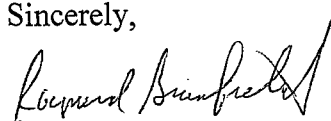
In lieu of conducting an offsite project-specific statistically based raven monitoring program to determine project-related effects on local raven densities, nesting and potential effects on desert tortoises, Beacon Solar Energy has proposed to contribute money towards the regional raven monitoring and management plan. That amount is approximately \$100,000, which represents the cost of conducting the project-specific monitoring originally proposed by Beacon Solar Energy. Although this amount is not associated with the anticipated level of adverse impacts from the project, the Service is agreeable to this approximate amount at this time, because the Service and other agencies (e.g., the Bureau of Land Management and the California Department of Fish and Game) are still in the process of developing a method to calculate a monetary fee based on acres of impact. Because Beacon Solar Energy would contribute to a more efficient regional effort, the Service will not request any preconstruction monitoring to determine raven abundance and use in association with its project.

In addition, Beacon Solar Energy proposes to remove raven nests as part of its project-specific raven management efforts in conjunction with its proposed solar energy facility. Nest removal is one component of its onsite raven management and monitoring plan, which will include monitoring raven activity at and specify management and control measures to avoid, minimize, or mitigate impacts of ravens on the desert tortoise at the project site.

The Service is the lead Federal agency for administering the Migratory Bird Treaty Act of 1918 (MBTA), as amended. The MBTA provides the Service with regulatory authority to protect migratory bird species. This law prohibits the "take" of these species by any entity, unless permitted by the Service; the Service can issue permits to take migratory birds that are causing damage to resources. With respect to the proposed Beacon Solar Energy project, the Service supports the removal of raven nests as part of an onsite management and monitoring plan to protect desert tortoises that may reside in the vicinity of the project site. This activity follows the guidelines in the Environmental Assessment to Implement a Desert Tortoise Recovery Plan Task: Reduce Common Raven Predation on the Desert Tortoise. The Service and several cooperating agencies developed this plan in 2008 to reduce predation by ravens on the desert tortoise in the California desert.

We appreciate your interest in our guidance to Beacon Solar Energy and our regional raven monitoring and management proposal and look forward to discussing it with you in more detail. If you have any questions regarding this matter, please contact Ashleigh Blackford of the Ventura Fish and Wildlife Office at (805) 644-1766, extension 234.

Sincerely,



Raymond Bransfield
Senior Biologist