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DOCKET
09-AFC-8
DATE JUL 12 2010
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July 12, 2010

California Energy Commission
Dockets Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: SAND DUNES/ MOJAVE FRINGE-TOED LIZARD MITIGATION-BIO 20 DISCUSSION
GENESIS SOLAR ENERGY PROJECT
DOCKET NO. (09-AFC-8)

Enclosed for filing with the California Energy Commission is the original of **SAND DUNES/ MOJAVE FRINGE-TOED LIZARD MITIGATION-BIO 20 DISCUSSION** for the Genesis Solar Energy Project (09-AFC-8).

Sincerely,

Marie Mills

SAND DUNES/MOJAVE FRINGE-TOED LIZARD MITIGATION – BIO 20

The discussion below supports the conclusion that the 151-acres in the sand shadow is not suitable habitat for the MFTL and, therefore, is not likely to be occupied by MFTL for the following reasons. Key points are:

1. Intensive surveys were conducted in 2009 and 2010 in the sand shadow and Project Site
2. The survey methods were successful at finding many Mojave fringe-toed lizards in appropriate habitats.
3. No Mojave fringe-toed lizards were observed in the 151-acre sand shadow.
4. The habitat is does not offer suitable Mojave fringe-toed lizard substrates

Intensive surveys for Mojave fringe-toed lizards were conducted in both 2009 and 2010 that intersected the sand shadows identified by Dr. Collison. In 2010, 100% of the 420-foot-wide linear route alternative and the 52-acre "toe alternative" were surveyed using transects spaced at 30-foot intervals (Figure 4B from the 2010 survey report[1] is attached). In both 2009 and 2010, an additional intensive suite of 30-foot-wide buffer transects were completed out to one mile from the Plant Site (nine transects) and 2400 feet from the linear route (14 transects), respectively. The surveys intersected both the 151-acre western sand shadow and the eastern sand shadow. A total of approximately 99 acres, or 22% of these combined sand shadows, was surveyed in 2009 and 2010 with transects located throughout the 151 acres. While more of the survey was in the eastern shadow, the habitat in the two sand shadows is similar, so the surveys adequately sampled the habitat type present in the 151-acre sand shadow in question.

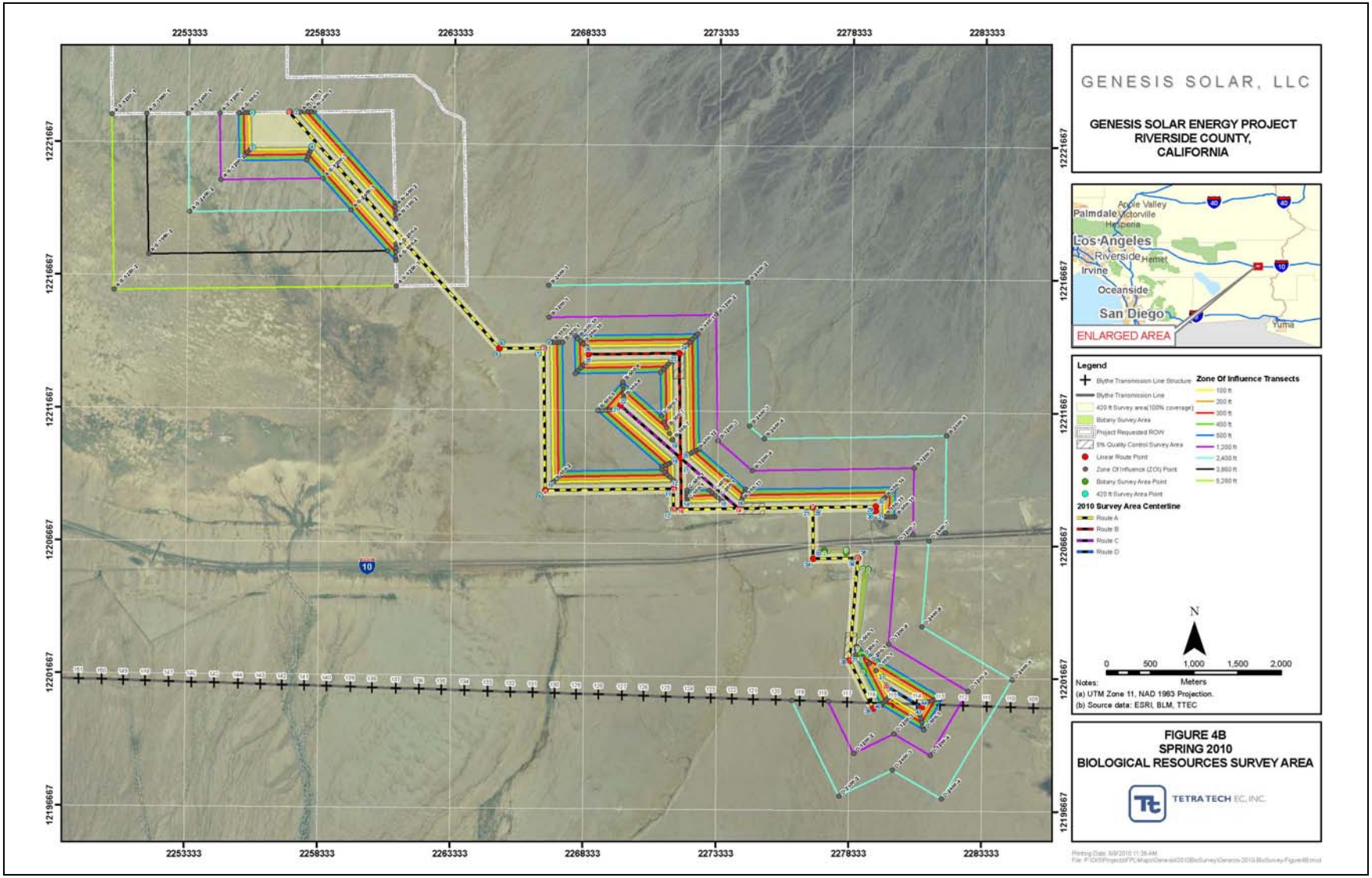
The surveys were focused on several species concurrently, including ground-dwelling plant and animal species that included Mojave fringe-toed lizard. Each transect was completed by walking slowly, scanning back and forth for sign and individuals. Current and recent weather conditions that could affect lizard activity were recorded at the beginning and end of each transect.

A total of 70 Mojave fringe-toed lizards were observed during 2010 surveys and 39 were observed during the 2009 survey. None was observed in the sand shadows. Based on the large number of observations, Mojave fringe toed lizards were clearly aboveground and active (i.e., available for surveying). Furthermore, the biological survey crew had no difficulty seeing them. To provide a greater data base with which to analyze the presence of loose-sandy habitat in the sand shadow, Genesis Solar mapped all observations of ribbed cryptantha (*Cryptantha costata*), also a loose sand associate. Two observations of ribbed cryptantha occurred in the 151-acre sand shadow. While ribbed cryptantha is an indicator of loose sandy habitats, and may aid us in our analysis, its presence does not necessarily indicate that Mojave fringe-toed lizard could also occupy the patch. Plant

[1] TetraTech and A. Karl. 2010. Genesis Solar LLC's Spring Survey Biological Data, dated May 28, 2010, and docketed on May 28, 2010.

populations may easily exist on smaller sand patches than a vertebrate that has territories, must forage over a larger area than a plant, and has social interactions.

In the Project vicinity, Mojave fringe-toed lizards were consistently observed in the Stabilized and Partially Stabilized Sand Dunes; they were also frequently observed in the loose-sandy, aeolian deposits in drainages and small dunes scattered throughout Sonoran Creosote Bush Scrub. There is little of this substrate in the 151-acre sand shadow. The substrates in that area are generally characterized by a 20-70% cover of fine and very fine gravels over soft loam or silty loam. Where the playa edges are exposed, the soils are firm and fine, with few coarse particles. Small patches of loose sand occur in some of the small drainages that intersect the Sand Drifts over Playa habitat (Figure 2). Certainly, this is the reason why ribbed cryptantha was observed in a few places in this habitat type and a few Mojave fringe-toed lizards were observed in this habitat outside the 151 acre sand shadow. These patches appear to be largely absent in the 151 acres. Their small size and separation from suitable habitat by large patches of inhospitable, non-sandy habitat, may suggest that they are less likely to support viable populations of Mojave fringe-toed lizard and are more prone to elimination by stochastic events.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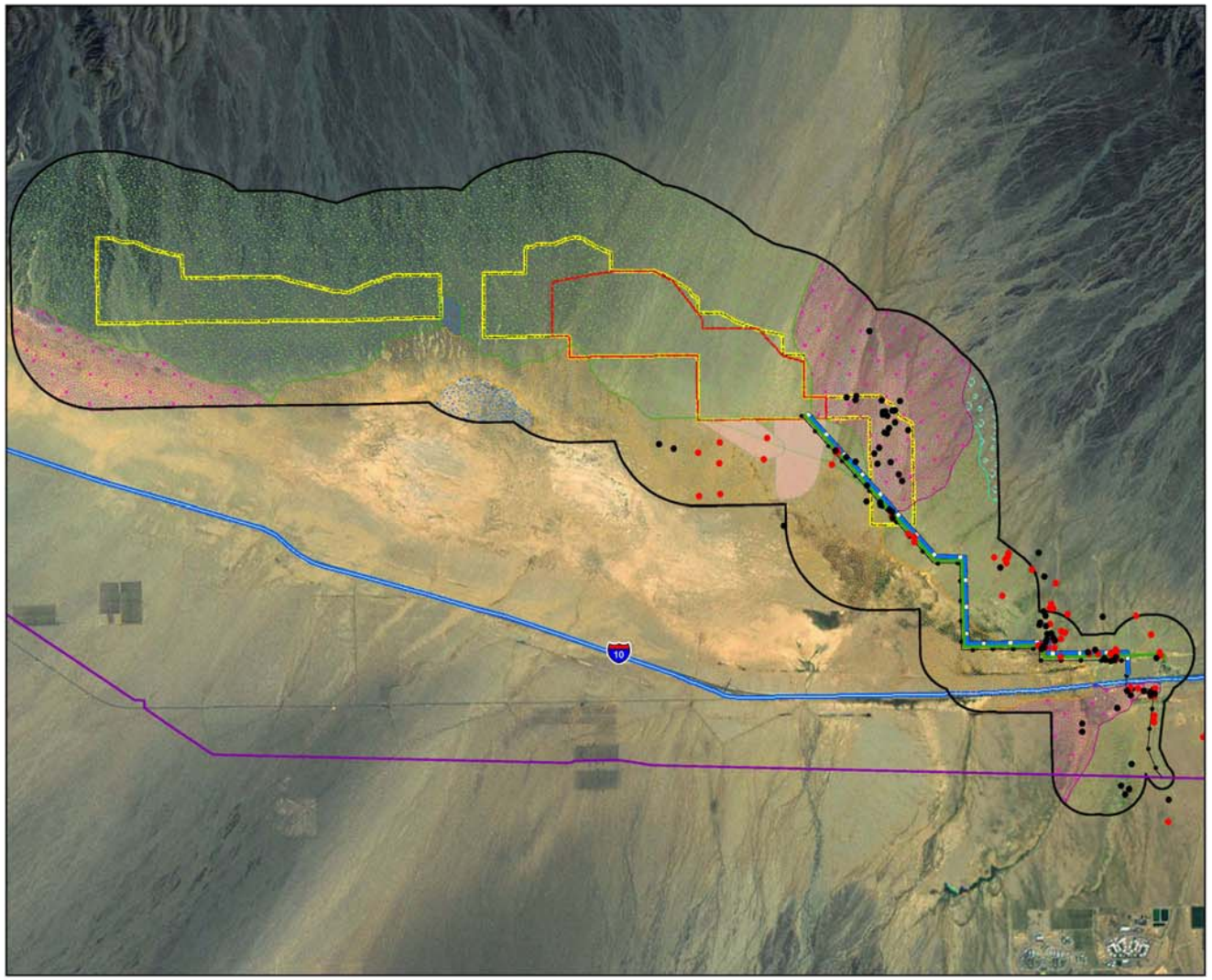
GENESIS SOLAR, LLC
GENESIS SOLAR ENERGY PROJECT
RIVERSIDE COUNTY,
CALIFORNIA
Apple Valley
Palmdale
Victorville
Hesperia
Los Angeles
Riverside
Hemet
Irvine
Oceanside
San Diego
Yuma
ENLARGED AREA
Legend
Blythe Transmission Line Structure
Blythe Transmission Line
420 ft Survey area(100% coverage)
Botany Survey Area
Project Requested ROW
5% Quality Control Survey Area
Linear Route Point
Zone Of Influence (ZOI) Point
Botany Survey Area Point
420 ft Survey Area Point
2010 Survey Area Centerline
Route A
Route B
Route C
Route D
Zone Of Influence Transects
100 ft
200 ft
300 ft
400 ft
500 ft
1,200 ft
2,400 ft
2,860 ft
5,280 ft
N
0
500
1,000
1,500
2,000
Meters
Notes:
(a) UTM Zone 11, NAD 1983 Projection.
(b) Source data: ESRI, BLM, TTEC
FIGURE 4B
SPRING 2010
BIOLOGICAL RESOURCES SURVEY AREA
TETRA TECH EC, INC.

Last Saved: Thursday, May 13, 2010 11:51 AM
Analyst: J MacLachlan File: P:\GIS_2007_PROJECTS\Ridgeline_Pah_Rah_2007\maps\FDL_Veg_Uma_s_Crypanth_Sand_Shadow.mxd



Genesis Solar, LLC

GENESIS SOLAR ENERGY PROJECT
RIVERSIDE COUNTY,
CALIFORNIA

- *Uma scoparia* Observations, '09 - '10
- *Cryptantha costata* Spring 2010 Observations
- Sand Shadow Area
- Chenopod Scrub
- Sonoran Creosote Bush Scrub
- Dry Desert Wash Woodland
- Playa and Sand Drifts over Playa
- Stabilized and Partly-Stabilized Sand Dune
- Facility Footprint
- Project Site
- Extent of Surveyed Area
- Blythe Energy Project Transmission Line
- Proposed Transmission Interconnect (7.5 Miles)
- Proposed Gas Line (5.9 Miles)
- Proposed Access Road (6.1 Miles)

N

0 0.5 1 1.5 2
Miles

Notes:
(a) UTM Zone 11, NAD 1983 Projection.
(b) Source data: A. Karl & Assoc., CEC, ESRI, TTEC, USDA

Biological Survey Sesults for
Uma scoparia and Cryptantha costata
and Previously Mapped
Natural Community Types

Figure 1.

Figure 2. Area under the 151-acre sand shadow. The arrow indicates the wash in which ribbed cryptantha was observed in 2010. Note that there are a few linear patches of sandy habitat associated with drainages interspersed with largely non-sandy habitat.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
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1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION FOR THE *GENESIS SOLAR ENERGY PROJECT*

Docket No. 09-AFC-8

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(Revised 6/7/10)

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DECLARATION OF SERVICE

I, Marie Mills, declare that on July 12, 2010, I served and filed copies of the attached **SAND DUNES/ MOJAVE FRINGE-TOED LIZARD MITIGATION-BIO 20 DISCUSSION**, dated _____. 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://ww.energy.ca.gov/sitingcases/genesis_solar].

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:

__X__ sent electronically to all email addresses on the Proof of Service list;

_____ by personal delivery;

__X__ 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:

__X__ 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. 09-AFC-8
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, 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.

Marie Mills