

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, California 92011



In Reply Refer To:  
10B0279-10I0671

APR 27 2010

Ms. Liana Reilly, NEPA Document Manager  
DOE, Western Area Power Administration  
P.O. Box 281213  
Lakewood, Colorado 80228-8213

**DOCKET**

**09-AFC-10**

DATE APR 27 2010

RECD. APR 27 2010

Ms. Allison Shaffer, Project Manager  
BLM, Palm Springs-South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, California 92262

Mr. John Kessler, Project Manager  
CEC, Siting, Transmission and Environmental Protection Division  
1516 Ninth Street  
Sacramento, California 9 5814

Subject: Notice of Intent to Prepare an Environmental Impact Statement/Staff Assessment for the Proposed Construction and operation of the Rice Solar Energy Project, Riverside County, California (DOE/EIS-0439) and Possible Land Use Plan Amendment

Dear Ms. Reilly, Ms. Shaffer, and Mr. Kessler:

We offer the following comments on the subject environmental impact statement/staff assessment (EIS/SA) as they relate to potential impacts to U.S. Fish and Wildlife Service (Service) trust resources within the jurisdiction of the Carlsbad Fish and Wildlife Office of the Pacific Southwest Region. We preface our comments by recognizing the need for development of renewable energy and the challenge of balancing solar energy development with conserving natural resources in the southwest. We look forward to working with the agencies involved in this effort and offer our assistance in the evaluation of the projects proposed under the renewable energy program.

Rice Solar Energy, LLC (RSE), is proposing to construct and operate a 150-megawatt concentrated solar power generating facility on 3,324 acres of private land in eastern Riverside County. The site was formerly used as an airfield (Rice Army Airfield) for training during World War II. The proposed project will consist of a power block, central power tower, solar heliostat field, storm water system, evaporation ponds, and other requisite facilities. RSE has applied to the Western Area Power Administration (Western) to interconnect the proposed project to Western's electrical transmission system and make any necessary modifications to the system to accommodate the interconnection. RSE has also applied for a Bureau of Land Management (BLM) right-of-way (ROW) for the 230-kilovolt transmission line, access road, and fiber optic line associated with the proposed project. The new transmission line would extend approximately 10 miles from the solar



PROOF OF SERVICE (REVISED 3/4/10 ) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 04/28/10  
TKG



facility boundary to a new substation to be constructed adjacent to Western's existing line. The substation (on approximately 3 acres), to be owned and operated by Western, would be located adjacent to Western's existing Parker-Blythe transmission line.

Based on the number of applications on public and private lands already received, and an unknown number expected to be submitted in the future, the direct, indirect, and cumulative impacts of renewable energy projects across the southwest on listed, sensitive, and other wildlife and plant species and a variety of ecosystems may be substantial. To minimize the magnitude and extent of these impacts on natural resources, we strongly recommend that an alternative site analysis be conducted to identify previously disturbed lands in close proximity to existing transmission infrastructure and load centers that could support solar energy projects and reduce significant impacts to wildlands and the species they support.

Western and BLM should ensure that a thorough analysis be conducted in the EIS/SA that identifies all direct, indirect, and cumulative effects that are expected from the proposed Rice project and associated infrastructure. Impacts resulting from vegetation clearance, surface and groundwater pumping for energy generation and maintenance, construction and maintenance of transmission lines, access roads and other facilities, construction and restoration of staging areas, and transport and fate of hazardous materials should be clearly documented and quantified, and measures to avoid, minimize, or mitigate impacts to natural resources should be identified. Best management practices have been developed for solar energy projects and should be incorporated into the proposed project to the extent practicable. The manual is currently being revised; however, the draft may be accessed at the California Energy Commission's website at <http://www.energy.ca.gov/2009publications/CEC-700-2009-016/CEC-700-2009-016-SD-REV.PDF>.

Large-scale, disjunct solar energy projects could have far-reaching impacts on listed species, particularly the threatened desert tortoise (*Gopherus agassizii*) and other non-listed species such as desert bighorn sheep (*Ovis canadensis nelsoni*) through habitat loss, population and habitat fragmentation, changes in water flow (both surface and groundwater), introduction of pollutants, mortality by vehicle encounters, and alteration of the adjacent conservation areas (i.e., National Landscape Conservation Lands, Desert Wildlife Management Areas, Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, National Wildlife Refuge System lands, National Park Service lands, and designated critical habitat) through edge effects. Activities occurring on lands beyond the boundaries of the conservation areas can affect tortoise populations and the effectiveness of conservation actions occurring within those boundaries and may impact the integrity of essential characteristics of terrestrial and aquatic ecosystem as a whole.

We understand that each of the solar facilities will have chain link fences constructed around project perimeters, which may result in considerable habitat fragmentation and elimination of wildlife corridors. We recommend that this component of project design be carefully analyzed relative to potential impacts to movement of desert tortoise, desert bighorn sheep, and other plant and wildlife species throughout the project area.

Historically, translocation has been used to minimize project impacts on desert tortoises and research into large-scale translocation effects and effectiveness is being undertaken. Drawing from knowledge gained through this and previous research, the Service will continue to update



translocation procedures and evaluate the long-term feasibility of this minimization measure. If the project cannot be designed to avoid impacts to desert tortoises, we recommend that Western and BLM work closely with the wildlife agencies to develop a robust translocation plan that minimizes the potential take of individuals on and adjacent to the project site and associated transmission.

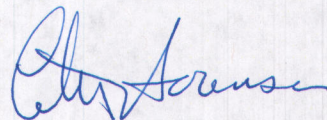
Migratory birds are federally protected under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 *et seq.*) and under Executive Order 13186 - Responsibility of Federal Agencies to Protect Migratory Birds. In addition, eagles are protected under the Bald and Golden Eagle Protection Act. Because of our conservation responsibilities and management authorities, we recommend that the EIS/SA include an evaluation of potential impacts to migratory birds, particularly the western burrowing owl (*Athene cunicularia*), which is likely to occur throughout the project area and is being affected by the loss, degradation, and fragmentation of its habitat.

Potential impacts to golden eagle (*Aquila chrysaetos*) from the power tower, heliostats, and associated transmission infrastructure should also be carefully evaluated, as there is expected to be a loss of foraging habitat and potential mortality from electrocution from the transmission lines and power tower. As you may know, power line electrocutions are a cause of mortality in raptors and other migratory birds. Electrocutions may cause power outages that inconvenience customers, spark wildland fires, and result in lost revenue. Electrocutions can be avoided by making relatively inexpensive design modifications to power lines and poles; therefore, we have been working with the electric utility industry to develop voluntary guidelines intended to reduce the operation and avian risks that result from interactions with electric utility facilities. The Avian Protection Plan (APP) Guidelines can be found at [www.aplic.org](http://www.aplic.org). We recommend that the APP Guidelines are followed during the construction and operation of proposed project and associated transmission lines.

We appreciate the opportunity to provide formal comments on the proposed Rice Solar Energy Project. We have also expressed our comments on these issues verbally during previous coordination meetings with Western, BLM, and California Department of Fish and Game, and we look forward to continuing to work closely with the agencies and other stakeholders involved in this process.

If you have any questions regarding these comments, please contact Jody Fraser of my staff at (760) 431-9440 or [jody\\_fraser@fws.gov](mailto:jody_fraser@fws.gov).

Sincerely,



 Kennon A. Corey  
Assistant Field Supervisor





**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)**

**APPLICATION FOR CERTIFICATION  
FOR THE *RICE SOLAR ENERGY POWER  
PLANT PROJECT***

**Docket No. 09-AFC-10**

***PROOF OF SERVICE*  
(Revised 3/4/2010)**

**APPLICANT**

Jeffrey Benoit  
Project Manager  
Solar Reserve  
2425 Olympic Boulevard, Ste. 500 East  
Santa Monica, CA 90404  
[Jeffrey.Benoit@solarreserve.com](mailto:Jeffrey.Benoit@solarreserve.com)

Allison Shaffer  
Bureau of Land Management  
Palm Springs/South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, Ca 92262  
[allison\\_shaffer@blm.gov](mailto:allison_shaffer@blm.gov)

**APPLICANT'S CONSULTANTS**

Andrea Grenier  
Grenier and Associates  
1420 East Roseville Parkway, Ste. 140-377  
Roseville, CA 95661  
[andrea@agrenier.com](mailto:andrea@agrenier.com)

**INTERVENORS**

**ENERGY COMMISSION**

ROBERT WEISENMILLER  
Commissioner and Presiding Member  
[rweisenm@energy.state.ca.us](mailto:rweisenm@energy.state.ca.us)

Douglas Davy  
CH2MHILL  
2485 Natomas Park Drive, Ste. 600  
Sacramento, CA 95833  
[ddavy@ch2m.com](mailto:ddavy@ch2m.com)

KAREN DOUGLAS  
Chairman and Associate Member  
[kldougla@energy.state.ca.us](mailto:kldougla@energy.state.ca.us)

**COUNSEL FOR APPLICANT**

Scott Galati  
Galati & Blek, LLP  
455 Capitol Mall, Suite 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)

Kourtney Vaccaro  
Hearing Officer  
[kvaccaro@energy.state.ca.us](mailto:kvaccaro@energy.state.ca.us)

**INTERESTED AGENCIES**

California ISO  
E-mail Preferred  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

John Kessler  
Siting Project Manager  
[jkessler@energy.state.ca.us](mailto:jkessler@energy.state.ca.us)

Liana Reilly  
Western Area Power Administration  
PO Box 281213  
Lakewood CO 80228-8213  
[reilly@wapa.gov](mailto:reilly@wapa.gov)

Deborah Dyer  
Staff Counsel  
[ddyer@energy.state.ca.us](mailto:ddyer@energy.state.ca.us)

Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

### DECLARATION OF SERVICE

I, Teraja` Golston , declare that on, April 28, 2010, I served and filed copies of the attached, Rice Solar Energy (09-AFC-10) - Scoping Comments of USFWS. 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://www.energy.ca.gov/sitingcases/ricesolar>].

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;
- X   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:**

       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-10  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto: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.

Original Signature in Dockets  
Teraja` Golston