

**DOCKET****07-AFC-5****Docket Optical System - Public Comment for Docket No. 07-AFC-5**DATE SEP 02 2010RECD. SEP 02 2010

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**Date:** 9/2/2010 4:46 PM  
**Subject:** Public Comment for Docket No. 07-AFC-5

Attention: California Energy Commission, Presiding Member Mr. Jeffrey Byron

Subject: Public Comments Concerning Ivanpah Solar Energy Generating System (Docket No. 07-AFC-5) PMPD

Please consider the following concerns regarding the Presiding Member's Proposed Decision (PMPD) for the Ivanpah Solar Energy Generating System (Project) in the Eastern Mojave Desert. A review of the PMPD and Final Staff Assessment for the Project indicate that the certification process and impact assessment did not thoroughly assess the Project's impact on desert tortoise populations. In particular, the assessments did not determine whether or not adequate receptor sites have been identified for tortoises translocated from the Project site, what risks would be involved for longer distance translocation, and what risks are posed by the potential for spread of disease.

--During Project evidentiary hearings, it was learned that officials at the Mojave National Preserve--a potential receptor site for translocated tortoises--had not yet determined whether the Preserve could receive the tortoises.

--It was also determined that the translocated tortoises could potentially spread disease to healthy tortoise populations at the receptor sites, or become susceptible to disease existing at the receptor site.

--Any change in translocation procedures that would require testing tortoises at the receptor site opens up new avenues of risk, as such procedures would require further human handling of translocated tortoises. Such handling would also effect the number of animals considered "take" as a result of the Project.

Given the potential for an even greater impact on tortoises population, and the potential for a "take" of animals not accounted for in CEC's original assessments, the CEC should not make the Presiding Member's Proposed Decision final until such time that further review determines the true extent of risk to tortoises, and a revised "take" of wildlife is issued. Such revisions would likely affect the mitigation required to make the Project's impacts less than significant according to applicable Laws and Ordinances.

Sincerely,  
 Shaun Gonzales