

**STATE OF CALIFORNIA**  
**Energy Resources Conservation**  
**and Development Commission**

**DOCKET**

**11-AFC-92**

DATE MAR 15 2012

RECD. MAR 15 2012

In the Matter of:

APPLICATION FOR CERTIFICATION  
FOR THE HIDDEN HILLS SOLAR  
ELECTRIC GENERATING SYSTEM  
(SEGS)

DOCKET NO. 11-AFC-2

**DATA REQUEST**  
**INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY**

March 15, 2012

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In the Matter of:

APPLICATION FOR CERTIFICATION  
FOR THE HIDDEN HILLS SOLAR  
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(SEGS)

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The following data requests are submitted by the Center for Biological Diversity.

Please provide your responses via email by March 30, 2012 to each of the following people:

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Please identify the person who prepared your responses to each data request. If you have any questions concerning the meaning of any data requests, please let us know.

## **Biological Resources**

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### **BACKGROUND: *DESERT KIT FOX***

CEC staff requested additional information on the status of desert kit foxes on the Hidden Hills project site (Data Request #78) 2011-11-17\_CEC\_Data\_Request\_Set\_1C\_TN692011.pdf, based on the fact that the desert kit fox is a special-status species under Title 14 of the California Code of Regulations and Fish and Game Code Section and should be considered during staff's CEQA review of this project. Because the desert kit fox occupies the proposed project site either as a foraging or breeding mammal, CEC staff must analyze the potential for impacts to this species, especially if natal or satellite dens occur within the site. The response to the data request was inadequate because it failed to provide requested information on "the type of kit fox sign (scat, tracks, and dens) found during field surveys and a map showing the locations of kit fox sign. If potential kit fox dens or complexes were observed, identify the number of burrows and whether they are likely to be natal or satellite dens."

In previously permitted projects, the avoidance of impact to the desert kit fox required "passive translocation". However, information on the populations of kit fox (number of burrows, type of burrows, estimate of population) on site was lacking. Based on the mortality of desert kit foxes documented on the Genesis Solar Energy Project, and the subsequent need for the State to capture, monitor, track and inoculate on-site and adjacent off-site kit foxes to prevent further spread of distemper through the desert kit fox populations, we submit the following data request

### **DATA REQUEST**

1. Please provide information on the type of kit fox sign (scat, tracks, and dens) on the proposed site and adjacent off-site areas. Data requested includes a map showing the locations of kit fox sign, kit fox dens and complexes including the number of burrows and whether they are natal or satellite dens and an estimate of the on-site and adjacent population.

### **BACKGROUND: *MIGRATORY BIRDS***

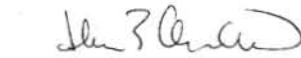
The project proponent's response to CEC's data request 2011-12-05\_Appliants\_Data\_Response\_Set\_1B\_TN-63056, notes that the proposed project is near four Important Bird Areas (IBAs) in California and Nevada – the East Mojave Peaks IBA (Kingston Peak specifically), the Shoshone-Tecopa Area IBA, the East Mojave Springs IBA (Horsethief Springs specifically) and Ash Meadows National Wildlife Refuge. It also notes that nearby Pahrump Playa is also a stopover area when inundated. Because migratory birds are protected under the Migratory Bird Treaty Act, analysis of potential impacts to these species must be evaluated from the proposed project. McCrary et al. (1986) documented significant mortality to avian species from a similar "power tower" technology, primarily from collision with heliostats, but also from singeing from the focused beams. The data response failed to address the primary cause mortality to birds from heliostat collision. It also failed to address the "standby point" issue which also caused bird mortality.

**DATA REQUEST**

1. Please provide published and/or peer-reviewed studies on avian mortality from the proposed power tower technology.
2. Please provide data on migratory pathways in the general area of the proposed project.

Dated: March 15, 2012

respectfully submitted,



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**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**

**APPLICATION FOR CERTIFICATION  
FOR THE *HIDDEN HILLS SOLAR ELECTRIC  
GENERATING SYSTEM***

DOCKET NO. 11-AFC-2

PROOF OF SERVICE  
(Revised 3/9/2012)

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**DECLARATION OF SERVICE**

I, Shene Anderson declare that on 3/15, 2012, I served and filed copies of the attached data request dated 3/15, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: [[www.energy.ca.gov/sitingcases/hiddenhills/index.html](http://www.energy.ca.gov/sitingcases/hiddenhills/index.html)].

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

**(Check all that Apply)**

**For service to all other parties:**

- ☒ Served electronically to all e-mail addresses on the Proof of Service list;
- ☒ Served by delivering on this date, either personally, or for mailing with the U.S. 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 "e-mail preferred."

**AND**

**For filing with the Docket Unit at the Energy Commission:**

- ☒ by sending an electronic copy to the e-mail address below (preferred method); **OR**
- ☐ by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

**CALIFORNIA ENERGY COMMISSION – DOCKET UNIT**

Attn: Docket No. 11-AFC-2  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:**

- ☐ Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission  
Michael J. Levy, Chief Counsel  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[mlevy@energy.state.ca.us](mailto:mlevy@energy.state.ca.us)

I declare under penalty of perjury under the laws of the State of California 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.

