

DOCKET

11-AFC-04

DATE MAR 15 2012

RECD. MAR 16 2012

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE RIO MESA SOLAR
ELECTRIC GENERATING SYSTEM
(SEGS)

DOCKET NO. 11-AFC-04

DATA REQUEST
INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY

March 15, 2012

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STATE OF CALIFORNIA
**Energy Resources Conservation
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In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE RIO MESA SOLAR
ELECTRIC GENERATING SYSTEM
(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:

Lisa T. Belenky, Senior Attorney
Center for Biological Diversity
351 California St., Suite 600
San Francisco, CA 94104
Direct: 415-632-5307
Fax: 415-436-9683
lbelenky@biologicaldiversity.org

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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

BACKGROUND *DESERT KIT FOX*

The desert kit fox is known to occur on the project site and 193 den complexes were observed on site (AFC at 5.2-60). Based on the fact that the desert kit fox actually 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.

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*

In 2012-01-12_Avian_Survey_Counterproposal_for_CEC_REAT_Review_TN-63365, it is noted that the proposed project is near two Globally Important Bird Areas (GIBAs) – Cibola National Wildlife Refuge and Hall's Island. Additional National Wildlife Refuges – Imperial, Bill Williams and Havasu are identified along the Colorado River in 2012-01-12_RMSEGF_CEC_Biological_Workshop_Presentation_TN-63357. Other Important Bird Areas (IBAs) also occur in the proposed project area, including Colorado Desert Microphyll Woodlands IBAs and the Lower Colorado River Valley IBAs. 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.

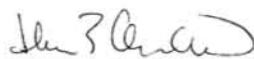
DATA REQUEST

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.
3. All original data, modeling and modeling assumptions relied on for statements regarding the SEDC project and Rio Mesa proposed project in the power

point presentation titled "RIO MESA SOLAR ELECTRIC GENERATING FACILITY CEC BIOLOGICAL RESOURCES WORKSHOP March 13, 2012", docketed with the Commission, and posted on the web on March 14, 2012.

Date: March 15, 2012

respectfully submitted,



Ilene Anderson
Public Lands Desert Director
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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 RIO MESA SOLAR
ELECTRIC GENERATING FACILITY**

**DOCKET NO. 11-AFC-04
PROOF OF SERVICE
(Revised 2/27/12)**

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DECLARATION OF SERVICE

I, _____, declare that on _____, I served and filed copies of the attached, dated _____, This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: [<http://www.energy.ca.gov/sitingcases/riomesa/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 electronic copies 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-4
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
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

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.

DECLARATION OF SERVICE

I, Ikene Anderson declare that on March 15, 2012, I served and filed copies of the attached, dated March 15, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: [<http://www.energy.ca.gov/sitingcases/riomesa/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:

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AND

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Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
mlevy@energy.state.ca.us

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