

**From:** Pierre Martinez  
**To:** Todd Stewart  
**CC:** Andrea Grenier; Heather Blair; Lisa DeCarlo; Rick York; Scott White  
**Date:** 4/16/2012 4:31 PM  
**Subject:** Rio Mesa Solar Electric Generating Facility (11-AFC-4)

<b>DOCKET</b> 11-AFC-4
DATE APR 16 2012
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To: Todd Stewart, BrightSource  
From: Renewable Energy Action Team (REAT) agencies  
Date: April 16, 2012  
Re: Rio Mesa Solar - REAT feedback regarding response to Data Request 50

BrightSource requested that the REAT agencies consider whether the avian point count survey data collected in 2011 and presented in response to Data Request 50 is sufficient to substitute for a fourth day of migratory bird surveys as requested in Data Request 44. Following is the response prepared by the U.S. Fish and Wildlife Service (Service). The Energy Commission, California Department of Fish and Game, and U.S. Bureau of Land Management concur with the Service's response below. To the rationale provided below, we'd like to add that inclusion of the fourth day of survey is critical for greater statistical confidence of the survey data.

The Service does not feel that migratory bird point count surveys conducted in spring and fall of 2011 are comparable to the point count survey portion of Data Request 44. Consequently, we do not see them as an acceptable substitute for recommended point counts, per Data Request 50, for the reasons that follow.

- \* The work conducted in 2011 represents less than 40% of the time period recommended by REAT.
- \* Surveys were conducted weekly for four weeks each in spring (Apr. 5 - May 5) and fall (Nov. 9 - Dec. 9). REAT recommended weekly surveys from February 21 - May 31, August 15 - November 1, and December 15 - January 31. .
- \* As documented in the development of Data Request 44, the recommended longer survey window is necessary in order to develop an understanding of migratory bird use of the site throughout the year and inform a robust risk analysis.
- \* Last year's surveys do not capture early spring and early fall migrants or winter migratory bird use of the project site and surrounding areas, all of which are important components to understand.
  
- \* The information provided lacks the desired level of clarity and precision to generalize survey results.
- \* Each survey day was approx. 4 hours long. It is not clear how many points this translated to per day, or number of observers per point (16 transects, 8 points each, 2-6 observers per day, 3-4 days per week to cover all points in each week).
  
- \* Survey methodology was not adequate to determine flyover migratory use.
- \* The survey protocol summary describes looking/listening primarily for birds perched in the vicinity. This would not adequately cover flyovers of the project site.
- \* Despite this, survey results are applied to generalize flyover patterns, which does not match their methodology.
  
- \* According to the CVs provided, many of the surveyors lack extensive experience with birds in general, and migratory birds or raptors in particular.
  
- \* The report's conclusions about flyovers, migratory bird patterns, and raptor migration are inappropriate to derive from their surveys, because of survey design. While this was our rationale behind the data requests, and is not immediately relevant to the question at hand about Data Request 50, it is nonetheless important to note. Based on the above, we do not consider 2011 point count survey data sufficient to help the Agencies quantitatively ascertain the project's potential avian impacts, and recommend the applicant follow the REAT recommendations in Data Request 44.

Pierre Martinez, AICP  
Project Manager

California Energy Commission  
Siting, Transmission and Environmental Protection Division  
1516 Ninth Street, MS 15  
Sacramento, CA 95814  
Office: 916-651-3765  
fax: 916-654-3882  
Email: pmartine@energy.state.ca.us