

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION)
FOR THE IVANPAH SOLAR)
ELECTRIC)
GENERATING SYSTEM)
_____)

DOCKET NO. 07-AFC-5

DOCKET	
07-AFC-5	
DATE	<u>OCT 30 2009</u>
RECD.	<u>NOV 02 2009</u>

DATA REQUEST BY
Basin and Range Watch

October 30, 2009

Laura Cunningham
Kevin Emmerich
Basin and Range Watch
PO Box 153,
Baker CA, 92309
Phone: 775-553-2806
atomaticoadranch@netzero.net

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION)
FOR THE IVANPAH SOLAR)
ELECTRIC)
GENERATING SYSTEM)
_____)

DOCKET NO. 07-AFC-5

Solar Partners, LLC
John Woolard,
Chief Executive Officer
1999 Harrison Street, Suite #500
Oakland, CA 94612

**DATA REQUEST BY
Basin and Range Watch**

Dear Mr Woolard,

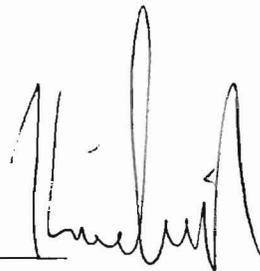
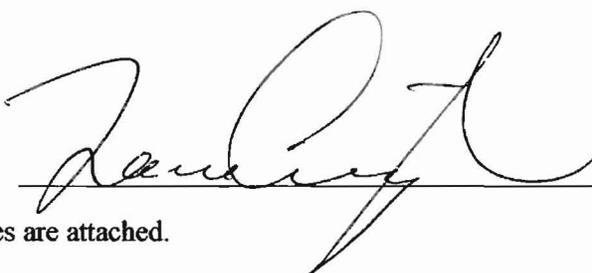
Basin and Range Watch submits this set of data requests on Biological Issues to BrightSource's Ivanpah Solar Electric Generating System, pursuant to Title 20, section 1716(b), of the California Code of Regulations. The requested information is necessary to: (1) more fully understand the project; (2) assess whether the project will be constructed and operated in compliance with all laws, ordinances, regulations and standards; (3) assess whether the project will result in significant environmental impacts; and (4) assess potential mitigation measures.

Basin and Range Watch reserves the right to submit additional data requests on any topic that requires further information. Pursuant to section 1716(f) of the Energy Commission's regulations, written responses to these requests are due within 30 days.

Please contact us if you have any questions. Thank you for your cooperation with these requests.

Sincerely,

10-30-2009



Check box if continuation pages are attached.

DESERT TORTOISE SURVEY METHODS IN SUPPLEMENTAL DATA RESPONSE SET 2J, DESERT TORTOISE SURVEYS OF POTENTIAL TRANSLOCATION AREAS FOR THE IVANPAH SOLAR ELECTRIC GENERATING SYSTEM (ISEGS)

Data Requests

1. Please submit copies of all desert tortoise pre-project survey data sheets.
2. Please submit resumes of Southern Nevada Environmental, Inc (SNEI) surveyors.
3. Please indicate the personnel that had a minimum of 60 days prior field experience searching for desert tortoises and tortoise sign.
4. For surveyors without 60 days prior field experience, provide a discussion of how surveyors were trained and any measures that were taken to ensure they obtained accurate survey results.
5. Please provide dates and times of tortoise surveys. If surveys were not conducted during appropriate seasons (April through May and September through October) as determined by U.S. Fish and Wildlife Service (USFWS) April 2009 Pre-Project Field Survey Protocol (http://www.fws.gov/ventura/speciesinfo/protocols_guidelines/docs/dt/DT_Pre-project_SurveyProtocol_2009_FieldSeason.pdf), please explain the reasons. Was approval granted for any survey work conducted outside the spring and fall seasons by USFWS and California Department of Fish and Game (GDFG)?
6. If surveys were conducted outside recommended USFWS protocol seasons, please discuss how survey numbers would be as accurate as those obtained during optimal activity seasons.
7. Please provide temperature data collected during surveys. Were surveys conducted when air temperatures were above 40 degrees Celsius?
8. Please indicate whether any desert tortoises were handled during Project surveys. If tortoises were handled, please provide documentation of the section 10(a)(1)(A) permit(s) issued by the USFWS authorizing handling.
9. In the ISEGS Supplemental Data Response Set 2J, SNEI indicates that rainfall estimates were not obtained on site, but at higher elevations from Mountain Pass in different habitat, and approximately 50 miles away at Las Vegas. Please discuss how tortoise abundance estimates may be skewed by rainfall estimates that are not on site.
10. In the ISEGS Supplemental Data Response Set 2J, SNEI concludes that drought may be the prime cause for a possible decline in tortoises on the site. Please discuss why other potential causes for this decline were not discussed, such as disease, subsidized predation relating to the interstate highway, and livestock use.

**California Energy Resources Conservation
and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION) DOCKET NO. 07-AFC-5
FOR THE IVANPAH SOLAR)
ELECTRIC)
GENERATING SYSTEM)
_____)

DECLARATION OF SERVICE

We, Laura Cunningham and Kevin Emmerich, declare that on October 30, 2009, served and filed copies of the attached **data request by Basin and Range Watch**, dated October 30, 2009. 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: [www.energy.ca.gov/sitingcases/ivanpah]. 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, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

sent electronically to all email addresses on the Proof of Service list;
 by personal delivery or by depositing in the United States mail at with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above 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

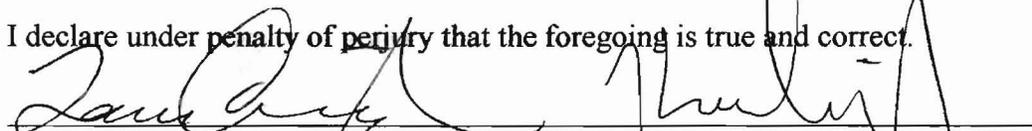
Attn: Docket No.

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.



Laura Cunningham, Kevin Emmerich

Sent via email to: sdeyoung@brightsourceenergy.com; tstewart@brightsourceenergy.com; jcarrier@ch2m.com; jdheslawfirm.com; e-recipient@caiso.com; tom_hurshman@blm.gov; sterling_white@blm.gov; dfgpalm@adelphia.net; tgulesserian@adamsbroadwell.com; gloria.smith@sierraclub.org; joanne.spalding@sierraclub.org; gssilliman@csupomona.edu; jbasofin@defenders.org; mjconnor@westernwatersheds.org; jbyron@energy.state.ca.us; jboyd@energy.state.ca.us; pkramer@energy.state.ca.us; jkessler@energy.state.ca.us; dratliff@energy.state.ca.us; publicadviser@energy.state.ca.us; docket@energy.state.ca.us

Sent via US mail to:

Solar Partners, LLC
John Woolard,
Chief Executive Officer
1999 Harrison Street, Suite #500
Oakland, CA 94612

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

John L. Carrier, J. D.
2485 Natomas Park Dr. #600
Sacramento, CA 95833-2937

Jeffery D. Harris
Ellison, Schneider & Harris L.L.P.
2600 Capitol Avenue, Ste. 400
Sacramento, CA 95816-5905

Tom Hurshman,
Project Manager
Bureau of Land Management
2465 South Townsend Ave.
Montrose, CO 81401

Sterling White, Field Manager
Bureau of Land Management
1303 South Highway 95
Needles, CA 92363

Becky Jones
California Department of
Fish & Game
36431 41st Street East
Palmdale, CA 93552

California Unions for Reliable Energy
("CURE")

Tanya A. Gulesserian

Marc D. Joseph

Adams Broadwell Joseph & Cardozo

601 Gateway Boulevard, Ste 1000

South San Francisco, CA 94080

Western Watersheds Project

Michael J. Connor, Ph.D.

P.O. Box 2364

Reseda, CA 91337-2364



**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 *IVANPAH SOLAR ELECTRIC*
*GENERATING SYSTEM***

**DOCKET No. 07-AFC-5
PROOF OF SERVICE**

(Revised 5/27/09)

APPLICANT

Solar Partners, LLC
John Woolard,
Chief Executive Officer
1999 Harrison Street, Suite #500
Oakland, CA 94612

Steve De Young, Project Manager
Ivanpah SEGS.

Todd A. Stewart, Project Manager
sdeyoung@brightsourceenergy.com

E-MAIL PREFERRED

1999 Harrison Street, Ste. 2150
Oakland, CA 94612
tstewart@brightsourceenergy.com

**APPLICANT'S
CONSULTANTS**

John L. Carrier, J. D.
2485 Natomas Park Dr. #600
Sacramento, CA 95833-2937
jcarrier@ch2m.com

COUNSEL FOR APPLICANT

Jeffery D. Harris
Ellison, Schneider
& Harris L.L.P.
2600 Capitol Avenue, Ste. 400
Sacramento, CA 95816-5905
jd@eslawfirm.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Tom Hurshman,
Project Manager
Bureau of Land Management
2465 South Townsend Ave.
Montrose, CO 81401
tom_hurshman@blm.gov

Sterling White, Field Manager
Bureau of Land Management
1303 South Highway 95
Needles, CA 92363
sterling_white@blm.gov

Becky Jones
California Department of

Fish & Game
36431 41st Street East
Palmdale, CA 93552
dfqpalm@adelphia.net

1303 J Street, Ste. 270
Sacramento, CA 95814
jbasofin@defenders.org

publicadviser@energy.state.ca.u

E-MAILED PREFERRED

INTERVENORS

California Unions for Reliable
Energy ("CURE")

Tanya A. Gulesserian

Marc D. Joseph

Adams Broadwell Joseph &
Cardozo

601 Gateway Boulevard, Ste 1000

South San Francisco, CA 94080

tgulesserian@adamsbroadwell.com

*Western Watersheds Project
Michael J. Connor, Ph.D.
P.O. Box 2364
Reseda, CA 91337-2364
mjconnor@westernwatersheds.org

Gloria Smith, Joanne Spalding

Sidney Silliman, Sierra Club

85 Second Street, 2nd Fl.

San Francisco, CA 94105

gloria.smith@sierraclub.org

joanne.spalding@sierraclub.org

gssilliman@csupomona.edu

E-mail Preferred

Joshua Basofin, CA Rep.
Defenders of Wildlife

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding
Member

jbyron@energy.state.ca.us

JAMES D. BOYD

Vice Chairman and

Associate Member

jboyd@energy.state.ca.us

Paul Kramer

Hearing Officer

pkramer@energy.state.ca.us

John Kessler

Project Manager

jkessler@energy.state.ca.us

Dick Ratliff

Staff Counsel

dratliff@energy.state.ca.us

Elena Miller

Public Adviser