

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

801 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX (650) 589-5062

tgulesserian@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4715

TEL: (916) 444-6201
FAX: (916) 444-6209

DANIEL L. CARDOZO
THOMAS A. ENSLOW
PAUL F. FOLEY*
TANYA A. GULESSERIAN
MARC D. JOSEPH
LOULENA A. MILES
GLORIA D. SMITH

FELLOW
RACHAEL E. KOSS

OF COUNSEL
THOMAS R. ADAMS
ANN BROADWELL

September 5, 2008

*Licensed in New York only

Docket Office
California Energy Commission
Attn: Docket No. 07-AFC-8
1516 Ninth Street
Sacramento, CA 95814

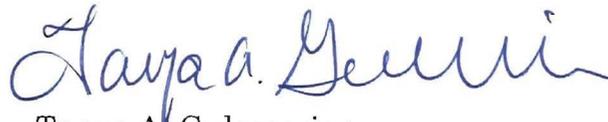
DOCKET	
DATE	SEP 05 2008
RECD.	SEP 05 2008

Re: Docket No. 07-AFC-8

Dear Docket Office Clerk:

Enclosed are an original and two copies of CURE Data Requests, Set Two (Nos. 47-95). Please docket, conform a copy and return the copy in the envelope provided.

Sincerely,



Tanya A. Gulesserian

TAG:bh
Enclosures

2118-022a

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL (650) 589-1660
FAX (650) 589-5062

tgulesserian@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4715

TEL (916) 444-6201
FAX (916) 444-6209

DANIEL L. CARDOZO
THOMAS A. ENSLOW
PAUL F. FOLEY*
TANYA A. GULESSERIAN
MARC D. JOSEPH
LOULENA A. MILES
GLORIA D. SMITH

FELLOW
RACHAEL E. KOSS

OF COUNSEL
THOMAS R. ADAMS
ANN BROADWELL

September 5, 2008

*Licensed In New York only

Via Electronic Service

Perry H. Fontana, QEP
Vice President – Projects
Ausra, Inc.
2585 East Bayshore Road
Palo Alto, CA 94303
perry@ausra.com

Re: Carrizo Energy Solar Farm Project (07-AFC-8)
CURE Data Requests, Set Two (Nos. 47-95)

Dear Mr. Fontana:

California Unions for Reliable Energy (CURE) submits this second set of data requests to Ausra, Inc. for the Carrizo Energy Solar Farm Project 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; (4) assess whether the project will be constructed and operated in a safe, efficient and reliable manner; and (5) assess potential mitigation measures.

CURE reserves the right to submit additional data requests on any other topic that requires further information. Our reservation is based in part on matters beyond our control; principally, Ausra stated that it will file a revised biological report after further surveys of biological resources.¹ Given that Ausra itself has

¹ Responses to CEC Data Requests 79-100 (June 2008); CESF Responses to Cure Data Requests Set One 07-AFC-08 (July 30, 2008).

September 5, 2008
Page 2

delayed this proceeding, further data requests would in no way harm Ausra or otherwise prejudice any party to this proceeding.

Pursuant to section 1716(f) of the Energy Commission's regulations, written responses to these requests are due within 30 days. If you are unable to provide or object to providing the requested information by the due date, you must send a written notice of your objection(s) and/or inability to respond, together with a statement of reasons, to Commissioners Pfannenstiel and Byron and to CURE within 20 days.

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

Sincerely,



Tanya A. Gulesserian

TAG:bh

Enclosure

cc: Docket (07-AFC-8)
Proof of Service List (07-AFC-8)

**STATE OF CALIFORNIA
California Energy Commission**

In the Matter of:

The Application for Certification
for the CARRIZO ENERGY SOLAR
FARM

Docket No. 07-AFC-08

**CALIFORNIA UNIONS FOR RELIABLE ENERGY
DATA REQUESTS, SET TWO**

September 5, 2008

Tanya A. Gulesserian
Rachael E. Koss
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 Voice
(650) 589-5062 Facsimile
tgulesserian@adamsbroadwell.com
mdjoseph@adamsbroadwell.com

Attorneys for the CALIFORNIA
UNIONS FOR RELIABLE ENERGY

The following data requests are submitted by California Unions for Reliable Energy. Please provide your responses via email (if available) by October 6, 2008 to each of the following people:

Tanya A. Gulesserian
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080
(650) 589-1660
tgulesserian@adamsbroadwell.com

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.

**CARRIZO ENERGY SOLAR FARM
CURE Data Requests Set One (Nos. 47-95)**

BIOLOGICAL RESOURCES

Background: FEDERAL ENDANGERED SPECIES ACT COMPLIANCE

The AFC indicates that Project will potentially impact federally endangered species. Once species have been listed as threatened or endangered under the federal Endangered Species Act (ESA), they are entitled to certain regulatory protections. Section 9 of the ESA specifically prohibits the taking of any endangered species of fish or wildlife. The term “take” is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.”

Under Section 10 of the ESA, private individuals and states may receive exemptions from the prohibitions on incidentally taking species. An incidental take permit can be obtained to develop land or conduct any legal activities not directed at harming the species. As a requirement to obtain an incidental take permit to develop land, the landowner must formulate a Habitat Conservation Plan (HCP). HCPs allow development of portions of habitat used by listed species in exchange for the creation and implementation of a plan designed to conserve the same species in the remainder of the habitat.

The Applicant has indicated that federal ESA compliance will be achieved through formal consultation pursuant to section 7 of the ESA. Section 7 consultation occurs between federal agencies only, covering a specific, discretionary federal action that may affect a listed species (a federal nexus). The Applicant has indicated that U.S. Army Corps of Engineers will initiate section 7 consultation with the U.S. Fish and Wildlife Service (USFWS).

Data Requests

47. Please provide any correspondence or other documentation among the Applicant, Count, federal action agencies and state and federal wildlife agencies regarding section 7 consultation for the Project.

48. Please explain whether section 7 consultation would cover all components of the Project, or only the 380-acre construction laydown area. Please provide documentation to support your answer.
49. If section 7 consultation will only occur for the laydown area, please explain the status of the process for developing a Habitat Conservation Plan for the remainder of the Project.
50. Please list the species that the U.S. Army Corps of Engineers will be consulting with USFWS on for the ESA section 7 consultation.

Background: IMPACTS TO THE CALIFORNIA CONDOR

The California condor (*Gymnogyps californianus*) is listed as endangered under both the state and federal Endangered Species Act. Since the 1970's, great efforts have been made to restore the California condor population through a captive breeding and release program.¹ The existence of key foraging habitat is crucial to these efforts.²

The AFC states that the California condor is not expected to occur in the Project area due a lack of suitable foraging habitat.³ However, according to the Recovery Plan for the California Condor, the principal foraging regions for the California condor included the Carrizo Plain.⁴ Specifically, the recovery plan states that "the majority of important foraging areas were on private cattle-grazing lands."⁵ This is because California condors traditionally fed on dead livestock.⁶ The recovery plan thus urges land owners to leave dead livestock on rangelands to provide an important food source for released condors.⁷

It is known that California condors will travel up to 150 miles per day for food.⁸ In 1996, two California condors were released at Castle Craggs, San Luis Obispo County, approximately 50 miles from the Project site.⁹ In addition, California condors are found in the Carrizo Plain National Monument,

¹ U.S. Fish and Wildlife Service Recovery Plan for the California Condor, April 1996, p. 14.

² Id. at p. 28.

³ AFC, p. 5.6-13.

⁴ U.S. Fish and Wildlife Service Recovery Plan for the California Condor, April 1996, p. 6.

⁵ Id.

⁶ Id. at p. 28.

⁷ Id.

⁸ <http://www.cvm.umn.edu/raptor/info/Condor.html>

⁹

http://digitalrepository.fws.gov/cdm4/item_viewer.php?CISOROOT=/natdiglib&CISOPTR=1987&CISOBOX=1&REC=4

approximately ten miles from the Project site.¹⁰ Thus, California condors may forage on the Project site, and will likely utilize the Project site as foraging habitat in the future as the population continues to grow.

Data Requests

51. Since endangered California condors live in the Carrizo Plain and the USFWS Recovery Plan states that the Carrizo Plain provides foraging for the condor, please provide an analysis of the Project's impacts on the foraging habitat and restoration of the California condor population.
52. Please provide an analysis of cumulative impacts to the endangered California condor and its foraging habitat from all past, present and future projects in the Carrizo Plain, including the neighboring OptiSolar Topaz Solar Farm and the Sun Power project.

Background: IMPACTS TO WESTERN SPADEFOOT TOAD

Western spadefoot toad (*Spea hammondi*) is listed as a California Species of Special Concern. Western spadefoot toads are terrestrial and enter water to breed. During dry periods, spadefoot toads construct and occupy burrows that may be up to 3 feet deep. Spadefoot toads emerge from burrows to forage and breed following rains in the winter and spring.

In 1991, a spadefoot toad breeding site was located approximately two to three miles downstream from the Project site.¹¹ In addition, according to the California Department of Fish and Game ("CDFG"), the creek in the construction laydown area appears to provide seasonal pools suitable for spadefoot toad breeding.¹²

In addition, according to CDFG, the areas upland of the creek in the construction laydown area appear to provide uplands suitable for burrowing.¹³ Soil compaction in the proposed construction laydown area and permanent parking area may reduce burrowing potential and directly affect toads which are already burrowed on-site.¹⁴

¹⁰ <http://www.blm.gov/ca/st/en/fo/bakersfield/Programs/carrizo/birds.html>

¹¹ See CNDDDB.

¹² March 26, 2008 California Department of Fish and Game Letter to CEC re CESF AFC.

¹³ Id.

¹⁴ Id.

Data Requests:

53. Please conduct a breeding survey for western spadefoot toad during the rainy season to determine potential impacts to breeding sites, and provide the results.
54. Please conduct a survey for western spadefoot toad in areas upland of the creek to determine potential impacts to upland burrowing habitat, and provide the results.

Background: IMPACTS TO SPECIAL STATUS SPECIES

According to the March 26, 2008 CDFG letter to the California Energy Commission, at least ten special status species that are known to utilize the Project site, or that most likely utilize the site, were not addressed in the AFC. The species include the short-nosed kangaroo rat, bald eagle, ferruginous hawk, golden eagle, loggerhead shrike, mountain plover, San Joaquin whipsnake, Kern primrose sphinx moth, coast (California) horned lizard, and Oregon vesper sparrow.

Data Requests

55. Please explain how the Applicant has addressed the Project's impacts to the short-nosed kangaroo rat.
56. Please explain how the Applicant has addressed the Project's impacts to the bald eagle.
57. Please explain how the Applicant has addressed the Project's impacts to the ferruginous hawk.
58. Please explain how the Applicant has addressed the Project's impacts to the golden eagle.
59. Please explain how the Applicant has addressed the Project's impacts to the loggerhead shrike.
60. Please explain how the Applicant has addressed the Project's impacts to the mountain plover.
61. Please explain how the Applicant has addressed the Project's impacts to the San Joaquin whipsnake.
62. Please explain how the Applicant has addressed the Project's impacts to the Kern primrose sphinx moth.

63. Please explain how the Applicant has addressed the Project's impacts to the coast (California) horned lizard.

64. Please explain how the Applicant has addressed the Project's impacts to the Oregon vesper sparrow.

Background: ROAD-KILL MORTALITY

Road-kill is the greatest directly human-caused source of wildlife mortality in the United States, with more than one million vertebrates killed each day.¹⁵ Because the Project's construction and operation will cause an increase in traffic¹⁶, road-kill mortality will likely increase as well. However, the AFC does not include an analysis of road-kill mortality.

Data Requests

65. Please provide an analysis of impacts on biological resources from increased traffic. Please include data for existing and potential road-kill mortality.

Background: BIRD MORTALITY

Fish and Game Code sections 3503.5 and 3513 do not allow "take" of birds-of-prey or migratory nongame birds. A 1986 study of avian mortality at a solar energy plant in the Mojave Desert concluded that the heat generated from the reflective surface of mirrors was high enough to kill birds.¹⁷

The Project consists of solar reflectors that concentrate solar energy on pipes in 56-foot high receivers. Each receiver concentrates the sunlight for ten rows of reflectors, which are 1,268 feet by 90 feet each. The Project will contain approximately 195 ten-reflector rows.¹⁸ Each receiver structure is composed of multiple cables, wires, and other components and carries ten pipes. There is also a system of pipes above the entire solar field for washing the mirrors.

According to the AFC, nineteen species of birds were observed, or their sign was detected, within the 1,020 acres of the Project site study area.¹⁹ However, the

¹⁵ Lalo, J. 1987. The problem of roadkill. *American Forests* (Sept.-Oct.):50-52.

¹⁶ AFC, pp. 5.11-7-11.

¹⁷ McCrary, M.D., R.L. McKernan, R.W. Schreiber, W.D. Wagner, and T.C. Sciarrotta. 1986. Avian mortality at a solar energy power plant. *J. Field Ornithol.* 135-141.

¹⁸ AFC, p. 3-5.

¹⁹ AFC, p. 5.6-9.

AFC fails to analyze potential impacts to birds from the concentrated heat that birds would encounter when flying between the reflectors and receivers.

Data Requests

66. Please provide a discussion of bird mortality from the concentrated heat generated by the reflectors.
67. Please provide monitoring data from similar solar facilities.
68. If monitoring data is not available from similar facilities, please develop a monitoring plan to analyze whether the heat will cause significant impacts to birds.
69. If it is determined that significant impacts will occur, please propose mitigation measures to avoid impacts to birds from the heat.

WATER QUALITY AND RESOURCES

Background: CLEAN WATER ACT SECTION 404 PERMIT

The Applicant submitted a Clean Water Act (“CWA”) section 404 permit application to the U.S. Army Corps of Engineers for the discharge of 15.5cy of fill, for the purpose of creating two channel crossings for a new access road.²⁰ A CWA section 404 permit requires a showing that the proposed project is the least environmentally damaging practicable alternative to achieve the project’s purpose.²¹ Practicable alternatives include “activities which do not involve a discharge of dredged or fill material into the waters of the United States.”²² An alternative is practicable “if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.”²³

²⁰ See Application for the Department of the Army Permit at http://www.energy.ca.gov/sitingcases/carrizo/documents/applicant/2008-02-29_REQUEST_FOR_CORPS_VERIFICATION_OF_JURISDICTION_TN-47070.PDF

²¹ 40 C.F.R. section 230.10(a).

²² Id.

²³ Id.

Data Requests

70. Please demonstrate how the proposed Project is the least environmentally damaging practicable alternative to achieve the Project's purpose under the Clean Water Act.
71. Please include an explanation of whether it is practicable for the Project to avoid impacts to the creek channel by employing temporary structures that span the creek, rather than creating permanent crossings.
72. Please explain whether the Applicant is willing to relocate the fueling station proposed adjacent to the creek in order to obviate the need for crossings.

Background: FLOATING SPRINGS

At the August 5, 2008 workshop, a neighbor identified floating springs on her property in the vicinity of the Project site.

Data Requests

73. Please identify all floating springs within the watershed and provide a map of their locations.
74. Please provide an analysis of the potential impacts on floating springs from drawing groundwater for the proposed Project.

Background: GROUNDWATER SUPPLIES

The June 2008 Hydrology and Hydrogeology Report assumes that there are 118 wells within three miles of the Project vicinity. The Report's well inventory is incomplete. For example, according to a 2004 Groundwater Resources Evaluation prepared by Triton Environmental Group for the proposed subdivision of Sections 4 and 5²⁴, there are three wells located on Section 4. Sections 4 and 5 are located immediately south of the Project site, yet the Report fails to include these wells in its well inventory. Further, the Report did not account for the proposed subdivision of Sections 4 and 5. Thus, the Report fails to adequately predict groundwater demand for the area.

²⁴ Groundwater Resources Evaluation, Sections 4 and 5, Township 30 South Range 18 East, Project No. 04014, June 7, 2004.

Data Requests

75. Please provide a list of all wells located within three miles of the Project vicinity.
76. Please revise the groundwater supply analysis to include all wells located within three miles of the Project vicinity. Please account for all proposed subdivisions of property and other projects located or proposed to be located within three miles of the Project vicinity.

LAND USE

Background: ONSITE MANUFACTURING

The supplement to the AFC states that “[t]he Project will include limited onsite manufacturing in the...construction laydown area...during the construction phase of the Project.”²⁵ According to the supplement, the manufacturing building will require approximately 40,000 square feet of floor space for **welding** various components together to create complete reflector frames.²⁶ However, in data response 102, the Applicant states that the manufacturing building will be used only for “assembly activities” and no manufacturing will take place in the building. The Applicant asserts that “assembly activities would be allowed as a construction related activity as part of the project CUP.”²⁷ The Applicant needs to clarify what specific activities will occur in the manufacturing building in order to fully evaluate the Project’s consistency with the San Luis Obispo County Land Use Ordinance (“Land Use Ordinance”).

If welding will occur in the manufacturing building, then the proposed on-site manufacturing is not permitted under the Land Use Ordinance. Only small-scale manufacturing is permitted in the agriculture land use category. Welding falls under the Land Use Ordinance’s land use category “Industry, Manufacturing & Processing Uses.” Specifically, the proposed manufacturing may be categorized as “small-scale manufacturing,” defined as “[m]anufacturing establishments not classified in another major manufacturing group, including: jewelry, silverware and plated ware; musical instruments; toys; sporting and athletic goods; pens, pencils, and other office and artists’ materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries...Also includes small-scale blacksmith and **welding** services when accessory to another use.”²⁸ The establishment of small-scale manufacturing use in

²⁵ Supplement to AFC, p. 1-3.

²⁶ Id. at pp. 1-3-1-4.

²⁷ Data Response No. 103.

²⁸ Land Use Ordinance, p. 8-64 (emphasis added).

an agriculture land use category “is limited to establishments accessory or secondary to full-time farming or ranching operations on the same site, and which produce farm or ranch-related equipment, or small products sold off-site to supplement farm income.”²⁹ Thus, the manufacturing, as proposed in the AFC supplement, is not permitted under the Land Use Ordinance.

Alternatively, the proposed manufacturing may be categorized as “metal industries, fabricated” which includes “manufacturing establishments engaged in **assembly of metal parts**, including blacksmith and welding shops, sheet metal shops, machine shops and boiler shops, which produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.”³⁰ The Land Use Ordinance does not permit “metal industries, fabricated” land uses in the agriculture land use category.³¹

Further, the Land Use Ordinance does not contain a provision that allows for temporary manufacturing or assembly uses in the agriculture land use category.

Data Requests

77. Please clarify whether welding will occur in the manufacturing building.
78. If welding will not take place in the manufacturing building, please explain in detail how the reflector frames will be completed. Please revise the Project description with an explanation and diagram of the specific activities that will occur in the manufacturing building.
79. Please provide an analysis of how the proposed activities in the manufacturing building are consistent with the Land Use Ordinance and include specific cites relied upon for the analysis.
80. If welding will occur in the manufacturing building, please explain how welding is a permitted use on agricultural land under the Land Use Ordinance.

²⁹ Id. at p. 4-117.

³⁰ Id. at p. 8-41 (emphasis added).

³¹ Id. at p. 2-14.

ENERGY

Background: SITE ARRANGEMENT

The Project proposes to provide 177 MW of energy.³² The supplement to the AFC modifies the mirror orientation from an east/west to a north/south configuration.³³

Data Requests

81. Please explain the effect of the alternative configuration on the Project's energy output.

TRAFFIC

Background: IMPACTS ON SAFETY

At the August 5, 2008 Staff Data Response and Issue Resolution Workshop, concerns were raised regarding the extremely sharp turns and curves present on portions of State Route 58 that will be utilized by trucks and buses during construction. In addition, concerns were raised regarding truck traffic at night. The Applicant indicated at the workshop that it would be willing to accept a condition of certification that no trucks will use roads at night.

82. Please provide an analysis of the number and frequency of trucks crossing the centerline of State Route 58 and the resulting impacts on safety. Please include data to support the answer.
83. If the analysis shows a likelihood that trucks and buses would cross the centerline of State Route 58, please provide specific measures (e.g., flagpersons) that the Applicant proposes to implement to ensure roadway safety.
84. Please explain how measures to ensure roadway safety will affect traffic on State Route 58.
85. If the measures to ensure roadway safety will result in any traffic disturbances, please provide the following:

³² AFC, p. 1-1.

³³ Supplement to AFC, p. 1-1.

- a. The number of times the road will be stopped to through traffic as a result of the proposed Project;
 - b. An analysis of traffic delays from the proposed Project; and
 - c. An analysis of the Project's impacts on tourists using Highway 58.
86. Is the Applicant willing to accept a condition of certification that trucks will not use roads at night?

Background: CUMULATIVE IMPACTS

On July 18, 2008, Topaz Solar Farms, LLC filed a conditional use permit application with San Luis Obispo County for a 550 MW solar photovoltaic energy generating facility. The proposed Topaz Solar Farm project is located adjacent to the proposed Project on approximately 6,200 acres along Bitterwater Road, at least a mile and a half north of Highway 58.³⁴

Data Requests

87. Please discuss the cumulative impacts on traffic from the proposal to develop the Topaz Solar Farm, another solar power plant, adjacent to the Project site.
88. Please discuss the cumulative impacts on traffic safety from the proposal to develop the Topaz Solar Farm adjacent to the Project site.

SOCIOECONOMICS

Background: CARRIZO PLAIN NATIONAL MONUMENT

The Carrizo Plain National Monument is a protected refuge for many plant and animal species that inhabit the Carrizo Plain area, including the San Joaquin kit fox, pronghorn antelope, and tule elk.³⁵ The Wilderness Society recently presented a study that evaluates the benefits to local economies from the presence and protection of the Carrizo Plain National Monument.³⁶ Specifically, the report highlights the importance of protecting the Carrizo Plain National Monument for

³⁴ See Conditional Use Permit Application for Topaz Solar Farm, submitted to San Luis Obispo Planning and Building Department by Topaz Solar Farms, LLC, July 18, 2008.

³⁵ See <http://www.blm.gov/ca/st/en/fo/bakersfield/Programs/carrizo/self-guided-tour/text.html>

³⁶ See Haefele, M., et al. 2008. The Carrizo Plain National Monument: A Stunning Area Sustaining Vibrant Communities. The Wilderness Society.

“the future economic health of local and regional communities.”³⁷ The report concludes that for the local communities to receive the greatest economic benefits from tourism and the growth of local businesses, the attractiveness of the Carrizo Plain National Monument must be enhanced through the protection of the natural attributes of the area.³⁸

The Project site is at the south end of a kit fox corridor linking the Carrizo Plains National Monument to the Salinas River and Pajaro River watersheds.³⁹ Potential impacts to the kit fox from the proposed Project include loss of habitat, reduced connectivity, and increased exposure to predation and traffic.⁴⁰ In addition, the Project site will impact the movement and habitat of pronghorn antelope and tule elk, threatening these species’ viability.⁴¹ According to the Department of Fish and Game, maintaining connectivity between the pronghorn and tule elk groups on the Project site with groups in the Carrizo Plain National Monument is essential to maintaining the overall San Luis Obispo County pronghorn and tule elk populations.⁴²

Because the proposed Project will substantially impact the San Joaquin kit fox, pronghorn antelope, and tule elk populations in the area, including the groups in the Carrizo Plain National Monument, through loss of connectivity, the integrity of the Carrizo Plain National Monument will be compromised. According to the Wilderness Society, degradation of the natural attributes of the Carrizo Plain National Monument will impact the local economy. Therefore, the proposed Project has the potential to negatively impact the future health of the local economy.

Data Requests

89. Please provide an analysis of the Project’s impacts on the local economy due to the Project’s impacts on the loss of connectivity between populations of the San Joaquin kit fox, pronghorn antelope, and tule elk populations in the Carrizo Plain National Monument, the Project site, and other populations in the area.

³⁷ Haefele, M., et al. 2008. *The Carrizo Plain National Monument: A Stunning Area Sustaining Vibrant Communities*. The Wilderness Society, p. 5.

³⁸ *Id.* at p. 40.

³⁹ See March 26, 2008 memorandum from California Department of Fish and Game to the California Energy Commission re: Carrizo Solar Energy Farm project application for certification.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

Background: TAX REVENUES

The AFC states that the socioeconomic impacts from the Project include increased tax revenues.⁴³ However, Section 73 of the California Revenue and Taxation Code allows a property tax exemption for certain types of solar energy systems installed on or before December 31, 2009, and the Applicant anticipates a 100 percent property tax exemption under this provision.⁴⁴ Thus, the Project will not produce any property tax revenue for San Luis Obispo County.

The AFC states that the Project will generate tax revenue from the purchase of local products for construction “when available.”⁴⁵ However, there is no guarantee that the necessary products will be available or that the Project will purchase local products if available.

Further, even if products for construction are available locally, the benefits are short-term. In addition, any revenue from the purchase of materials necessary for operation of the Project is uncertain because “the anticipated value of operation materials purchased will vary from year to year.”⁴⁶ In other words, the Applicant may not purchase any maintenance or equipment-related materials in a given year and may not purchase them locally.

Data Requests

90. Please explain which construction products could be purchased locally.
91. Please explain whether the Applicant is willing to accept a condition of certification that the Project will purchase products for construction when available. Please define “when available” (e.g. when available for purchase within a 150 mile radius of the Project site).
92. Please explain which operation materials could be purchased locally.
93. Please explain whether the Applicant is willing to accept a condition of certification that the Project will purchase operation materials locally when available. Please define “when available” (e.g. when available for purchase within a 150 mile radius of the Project site).

⁴³ AFC, p. 5.10-11.

⁴⁴ Id. at p. 5.10-14.

⁴⁵ Id.

⁴⁶ Id.

94. Please explain how the Project will increase tax revenues for San Luis Obispo County on a long-term basis.

PROJECT DESCRIPTION

Background: Receivers

The AFC states that a 56-foot tall receiver carrying a row of 10 pipes will concentrate the sunlight from the reflectors.⁴⁷

Data Request

95. How many 56-foot tall receivers are proposed to be constructed?

Dated: September 5, 2008

Respectfully submitted,



Tanya A. Gulesserian
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd., Suite 1000
South San Francisco, CA 94080
(650) 589-1660 Telephone
(650) 589-5062 Fax
tgulesserian@adamsbroadwell.com
Attorneys for California Unions for Reliable Energy

⁴⁷ Id. at pp. 3-5 – 3-8.

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:

The Application for Certification for the
Carrizo Energy Solar Farm by Carrizo Energy,
LLC

Docket No. 07-AFC-8

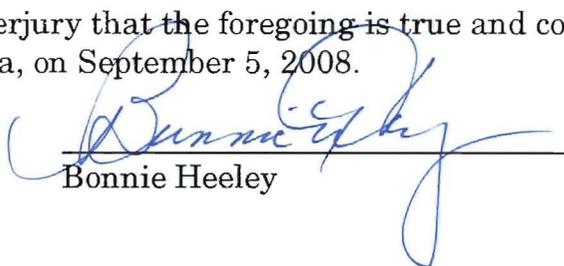
PROOF OF SERVICE

I, Bonnie Heeley, declare that on September 5, 2008, transmission via electronic mail of the attached **CALIFORNIA UNIONS FOR RELIABLE ENERGY DATA REQUESTS, SET TWO** was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.6, and 1210. All electronic copies sent to all those identified on the Proof of Service listed below.

Via U.S. Mail to:
CALIFORNIA ENERGY
COMMISSION
DOCKET UNIT
ATTN: Docket Unit 07-AFC-8
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

Via email to:
docket@energy.state.ca.us
Perry@Ausra.com
Angela_leiba@urscorp.com
Kristen_e_walker@urscorp.com
jluckhardt@downeybrand.com
jpfannen@energy.state.ca.us
jbyron@energy.state.ca.us
gfay@energy.state.ca.us
cholmes@energy.state.ca.us
mdoughto@energy.state.ca.us
pao@energy.state.ca.us
tgulesserian@adamsbroadwell.com
e-recipient@caiso.com
jkessler@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.
Executed at Sacramento, California, on September 5, 2008.



Bonnie Heeley

Docket Optical System - 07AFC8 Carrizo Energy Solar Farm Project CURE Data Requests Set Two 9-5-08

From: "Bonnie Heeley" <bheeley@adamsbroadwell.com>
To: <docket@energy.state.ca.us>, <Perry@Ausra.com>, <Angela_leiba@urscorp.com>, <Kristen_e_walker@urscorp.com>, <jluckhardt@downeybrand.com>, <jpfannen@energy.state.ca.us>, <jbyron@energy.state.ca.us>, <gfay@energy.state.ca.us>, <cholmes@energy.state.ca.us>, <mdoughto@energy.state.ca.us>, <pao@energy.state.ca.us>, "Tanya A. Gulesserian" <TGulesserian@adamsbroadwell.com>, <e-recipient@caiso.com>, <jkessler@energy.state.ca.us>
Date: 9/5/2008 5:04 PM
Subject: 07AFC8 Carrizo Energy Solar Farm Project CURE Data Requests Set Two 9-5-08
Attachments: 2118-021a CURE Carrizo data requests set two rvsd cover (2).pdf; 2118-020a CURE Carrizo data requests set two rvsd.pdf

Attached in pdf format are CURE's Data Requests Set Two, together with a cover letter. If you encounter problems with the receipt of these documents, please contact Bonnie Heeley at the phone or email address listed below.

<<2118-021a CURE Carrizo data requests set two rvsd cover (2).pdf>> <<2118-020a CURE Carrizo data requests set two rvsd.pdf>>

Bonnie Heeley

Adams Broadwell Joseph & Cardozo

(650) 589-1660

bheeley@adamsbroadwell.com

This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.