



May 13, 2010

Mr. Iain Fisher
CEQA Project Manager
Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3296

Re: Tule Wind Project - Response to Data Request No. 5

Dear Mr. Fisher:

Pacific Wind Development, Inc., a wholly owned subsidiary of Iberdrola Renewables, Inc. (IBR) received your Data Request No. 5 regarding the Tule Wind Project. Enclosed is IBR's response.

If you have questions regarding this information, please contact me at 503.796.7781 or Shannon D'Agostino at 703.752.7755 ext. 113.

Sincerely,

Jeffrey Durocher
Wind Permitting Manager

cc (via e-mail): Greg Thomsen, BLM (GThomsen@blm.gov)
Thomas Zale, BLM (Thomas_Zale@blm.gov)
Jeffery Childers, BLM (jchilders@blm.gov)
Rica Nitka, Dudek (rnitka@dudek.com)
Shannon D'Agostino, HDR (Shannon.D'Agostino@hdrinc.com)

Encl.

IBERDROLA RENEWABLES, Inc.
1125 NW Couch St., Suite 700
Portland, OR 97209
Telephone (503) 796-7000
www.iberdrolarenewables.us

Northern harrier	<i>Circus cyaneus</i>							0.01		
Olive-sided flycatcher	<i>Contopus cooperi</i>									
Prairie Falcon	<i>Falco mexicanus</i>									
Purple martin	<i>Progne subis</i>									
Rufous-crowned sparrow	<i>Aimophila ruficeps</i>									
Turkey vulture	<i>Cathartes aura meridionalis</i>	0.37	0.47	0.22	0.35	0.03	0.07	0.0	0.02	
Vaux's swift	<i>Chaetura vauxi</i>									
Yellow warbler	<i>Dendroica petechia</i>									

Encounter Rates* within RSA ELEVATION RANGE for Wind Turbines during 2007-2008 Tule Avian Study

(if no number is given the species was not observed during that survey)

Common name	Scientific Name	Fall 2007		Winter 2007-2008		Spring 2008		Summer 2008		Overall	
		3.0	1.5	3.0	1.5	3.0	1.5	3.0	1.5	3.0	1.5
Bells Sage Sparrow	<i>Amphispiza belli belli</i>										
Cooper's Hawk	<i>Accipiter cooperii</i>	0.06	0.07			0.00	0.01	0.03	0.03	0.02	0.02
Golden eagle	<i>Aquila chrysaetos</i>	0.01	0.01		0.00	0.00				0.00	0.00
Gray vireo	<i>Vireo vicinior</i>										
Loggerhead shrike	<i>Lanius ludovicianus</i>	0.0	0.00							0.00	0.00
Long-eared owl	<i>Asio otus</i>										
Northern harrier	<i>Circus cyaneus</i>	0.00		0.00	0.01					0.00	0.00
Olive-sided flycatcher	<i>Contopus cooperi</i>										
Prairie Falcon	<i>Falco mexicanus</i>					0.01	0.01			0.00	0.00
Purple martin	<i>Progne subis</i>										
Rufous-crowned sparrow	<i>Aimophila ruficeps</i>							0.00	0.00	0.00	0.00
Turkey vulture	<i>Cathartes aura meridionalis</i>	0.07	0.07	0.04	0.04	0.29	0.37	0.64	0.70		0.29
Vaux's swift	<i>Chaetura vauxi</i>	1.28	1.40							0.21	0.23
Yellow warbler	<i>Dendroica petechia</i>							0.00	0.00	0.00	0.00

*The encounter rate is an estimate of the frequency with which a species is observed at the elevations of the Rotor Sweep Area (RSA ELEVATION RANGE) for both 1.5MW (between 41.5m-118.5m) and 3.0MW (between 60m-150m) wind turbines. This information is an important component in evaluating risk; however, this number alone does not indicate risk to a species. Encounter rate is an index of birds flying within the RSA ELEVATION RANGE elevations and may not equate to actual post-construction mortality.

Bells sage sparrow was not observed within either RSA elevation range during 2005-2006 or 2007-2008 surveys.

Cooper's hawk had encounter rates of 0.07 for the 1.5MW RSA elevation range and 0.06 for the 3.0MW RSA elevation range during the fall of 2007. During this time the flight direction was south and southeast for six flying birds. The overall encounter rate for the entire 2007-2008 study for Cooper's hawk was 0.02, and for the 2005-2006 study the encounter rate was 0.01 for both RSA elevation ranges.

Golden eagle was not observed within either RSA elevation range during 2005-2006 surveys. For the 2007-2008 surveys, the overall encounter rate for both RSA elevation range's was 0.00. During the fall of 2007, one golden eagle was seen flying in a northwest direction, and in spring 2008 one was seen flying north.

Gray vireo was not observed within either RSA elevation range during 2005-2006 or 2007-2008 surveys.

Loggerhead shrike had an encounter rate of 0.00 each time it was seen during both the 2005-2006 and 2007-2008 surveys for both RSA elevation ranges.

Long-eared owl was not observed within either RSA elevation range during 2005-2006 or 2007-2008 surveys.

Northern harrier had an encounter rate of 0.01 in the 1.5MW RSA elevation range during the fall of 2005 and winter 2005/2006. All other observations of the northern harrier resulted in an encounter rate of 0.00 for both RSA elevation ranges. Flight direction for the northern harrier was southeast in fall 2007, south in winter 2005/2006, and north in spring 2008.

Olive-sided flycatcher was not observed within either RSA elevation range during 2005-2006 or 2007-2008 surveys.

Prairie falcon was not seen within either RSA elevation range during 2005-2006 surveys. This species was only seen in the spring of 2008 and had an encounter rate of 0.01 for both 1.5MW and 3.0MW RSA elevation ranges. The overall encounter rate for this survey was 0.00. The flight direction for the prairie falcon was variable for one individual in the spring of 2008.

Purple martin was not observed within either RSA elevation range during 2005-2006 or 2007-2008 surveys.

Rufous-crowned sparrow was not observed within either RSA elevation range during 2005-2006 surveys. This species had an encounter rate of 0.00 for both 1.5MW and 3.0MW RSA elevation ranges during the 2007-2008 survey. There was no information regarding flight direction given in the 2007-2008 survey.

Turkey vulture was seen during all surveys. The encounter rate was consistently lower in the 3.0MW RSA elevation range than in the 1.5MW RSA elevation range. The turkey vulture was seen flying in all directions during the summer 2005, spring 2008 and summer 2008 surveys. Generally, the turkey vultures were seen flying in northern and southern directions. During fall and spring, they sometimes flew in a westerly direction.

Vaux's swift was not observed within either RSA elevation range during 2005-2006 surveys. In fall 2007, this species had an encounter rate of 1.28 for the 3.0MW RSA elevation range and 1.40 for the 1.5MW RSA elevation range. This species had the highest encounter rate for both RSA elevation ranges of any species observed during both studies. Vaux's swift was only seen in the fall of 2007 and 97% of the birds seen were flying south, with the remaining 3% flying east.

Yellow warbler was not observed within either RSA elevation range during 2005-2006 surveys. This species had an encounter rate of 0.00 for both 1.5MW and 3.0MW RSA elevation ranges during the 2007-2008 survey. One was seen flying NW in summer 2008.

3. Please provide discussion of the biological resources (e.g., vegetation communities, jurisdictional resources, special-status species) in the 374 acres of unsurveyed area in the study area. Please provide schedule for completing surveys in this area, if available.

Response:

There are two areas where there is limited or no survey data available, the two Native American Reservations (Manzanita and Campo Reservations), and the private parcels south of Rough Acres Ranch. The areas on the Manzanita and Campo reservations have not been visited by project biologists, though review of aerial imagery shows that the habitats and natural resources appear to be similar to the rest of the project. Negotiations for access and agreements to use these areas are underway. The only impacts expected for those areas are to use them for access roads. The existing and planned roads on the reservations are expected to provide access suitable for use by the Tule project without additional impacts. Impacts in that area would be limited to road improvements to accommodate transport of equipment and supplies for the project.

Surveys for the Native American Reservations and the private parcels have not yet been scheduled, but discussions with these entities are underway and we will notify the CPUC upon identification of a schedule. The unsurveyed areas on the reservations are comprised of existing dirt roads.

Surveys of the private parcels south of Rough Acres Ranch are limited by access restrictions, which allowed observations from adjacent areas. Appendix H of the Biological Technical Report (Index Maps 1-6) shows the habitat mapped from adjacent areas overlaid over aerial photographs.

4. Please provide more information on proposed habitat compensation for permanent impacts to 530 acres of vegetation communities. At a conceptual level, do you have any lands identified, where will the mitigation land be located, will it be in-kind mitigation, how will it be protected (e.g., conservation easement or other legal protection), how will it be managed over the long-term?

Response:

There are 530 acres of estimated maximum permanent vegetation impacts, and several agencies with jurisdictions have competing mitigation goals and ratios. A mitigation package is in preparation, as discussed below, will be presented for agency review and approval.

A majority of the project impacts occur on BLM lands which do not require mitigation for vegetation impacts.

Many of the impacts within County jurisdiction (private lands) are chaparral species which may be mitigated at ratios less than 1:1 depending on where the mitigation ultimately occurs. It is still unclear what mitigation will be required for impacts to tribal lands.

Mitigation is also required for QCB impacts. Consultation with the USFWS will need to occur to determine the amount and type of mitigation required.

Additionally, wetland mitigation requirements will be determined through the U.S. Army Corps of Engineers nationwide permit process.

Finally, mitigation is expected to be required by the California Department of Game and Fish, as implemented in the Streambed Alteration Agreement required for the project.

5. The HDR Biological Technical Report indicates low potential for long-eared owl; however, the Tetra Tech Avian Survey Report (2009) shows 1 incidental observation of long-eared owl and the "Bird Nest Locations" map provided by Iberdrola seems to indicate a long-eared owl nest near Cottonwood Creek campground (shown on the map as LEOW1). Please provide information to clarify this apparent discrepancy.

Response:

The LEOW nest is located approximately 150 - 200 feet outside the survey corridor. The entire project will have 0.39 acre of temporary impacts to closed canopy coast live oak woodland (the LEOW nesting habitat on-site), and will have no permanent impacts. It is reasonable to assume that the LEOW may utilize the impact areas for hunting and dispersal. Based on this comment, the BTR will be changed to reflect high potential for occurrence, and include analysis of potential impacts for this species.

6. The HDR Biological Technical Report indicates that Quino checkerspot butterfly surveys and rare plant surveys are ongoing. Please provide schedule for completing surveys and providing results, if available.

Response:

The QCB surveys were completed May 5, 2010. A report is expected to be prepared by May 31, 2010, under the assumption that additional habitat assessment is not required (this requirement is under evaluation).

Two phases of the rare plant surveys are still to be completed. A late spring survey is expected to have the fieldwork done by July 2 (GIS data will be ready by July 16). Then, a fall Tecate tarplant survey is expected to be done in September with the final report submitted in late October.

7. Section 1.4.4.1 of the HDR Biological Technical Report states that the site is located in San Diego and within “the Pacific Flyway, a major north-south bird migration route” and that the “McCain Valley lies within the Peninsular Ranges, which is capable of supporting more than 400 bird species”. The impact analysis states that “the construction and operation of the proposed project will not interfere with the movement of any native wildlife species or interfere with known migration corridors” and does not mention the Pacific flyway at all. Please provide additional information related to the proposed project’s effects on bird migration.

Response:

The Pacific flyway is a broadly defined area that includes all lands west of the Sierra Nevada in California into southern Arizona. The Peninsular ranges go from south of the border to Ventura County. Although these statements may appear contradictory, they are consistent when taking scale of the flyway into account. The specific information on the avian use at the site is more specific than the general, large scale of the flyway. The spacing and elevation of the turbines will allow for wildlife to move through the larger region. All forms of wildlife will continue to use and move through the area. There will be some effects, such as bird strike, which is analyzed in another part of the BTR. The avian studies provide the best information available for the local area; that data has been included in the BTR discussion of bird strikes. It shows the elevations at which

various groups of birds fly and compare it to the heights of the turbines. It also provides encounter rates for 1.5 and 3 MW turbines by species and season (See Table 7 of the 2007-2008 Avian Surveys). The overwhelming majority of species were never observed flying in the Rotor Sweep Area.

April 15, 2010

Wildlife Research Institute, Inc.

Golden Eagle helicopter surveys on and around Tule Wind Project
San Diego County, CA

Brief initial summary of findings
Phase 1

10 GOEA territories surveyed:

	ACTIVE	# NESTS	NOTES
Aqua Caliente	No	2	RTHK incub. on 1
Boundary Peak	No	0	
Cane Brake	Yes-Incub.	4	
Carizzo Gorge	No	5	
Garnet Mtn	Yes	2	
Glenn Cliff/Buckman Springs	Yes-Incub.	1	
Monument Pk	Yes	3	RTHK incub. on 1
Moreno Butte	Yes-Incub.	3	
Table Mountain	No	6	GHO with 2 young on 1
Thing Valley	Yes	2	

Total # of nests: 28

Total # of active territories: 6

Total # incubating: 3

Note: Data collected complies with Interim USFWS Golden Eagle Inventory and Monitoring Protocol.

