

Memorandum

Date: August 24, 2009
 Telephone: (916) 654-4679

To: Commissioner Jeffrey Byron, Presiding Member
 Commissioner James D. Boyd, Associate Member

From: **California Energy Commission** – John Kessler, Project Manager
 1516 Ninth Street
 Sacramento, CA 95814-5512

DOCKET
07-AFC-5

DATE	08/24/09
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**Subject: STATUS REPORT #12 -
 IVANPAH SOLAR ELECTRIC GENERATING SYSTEM (07-AFC-5)**

SUMMARY

U.S. Bureau of Land Management (BLM) and Energy Commission staff (hereafter jointly referred to as staff) are preparing the Administrative Draft of the Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS), and are striving to complete it by August 26, 2009 despite some significant challenges. The Administrative Draft FSA/DEIS would then support the circulation of a draft Notice of Availability (NOA) for review by BLM, that once approved, would allow the NOA and FSA/DEIS to be published initiating the required 90-day comment period. The applicant continues to be cooperative in providing information and clarification as needed on the proposed project to staff and to cooperating agencies.

Staff conducted an Issue Resolution Workshop on July 31, 2009 in Sacramento to discuss outstanding stormwater and biological resource issues and mitigation approaches, and alternatives. The applicant, BLM, staff and the parties believe this workshop provided an opportunity to clarify information about the proposed project, contribute to a better understanding of the participants' respective concerns and to develop approaches for resolution, and enable completion of the FSA/DEIS.

Among the most significant challenges facing staff in preparing the FSA/DEIS are that analyses and recommendations from two agencies remain outstanding. Despite this being the case, staff is proceeding with completing the Administrative Draft of the FSA/DEIS by leaving place-holders for these affected technical areas to enter the record when they do become available. The areas that remain outstanding are summarized as follows:

1. California Department of Fish and Game (CDFG) Incidental Take Permit Requirements – CDFG has not yet provided staff with its recommendations for meeting the full mitigation standard under the California Endangered Species Act (CESA). As requested in a joint agency (CEC, CDFG, BLM and USFWS) letter

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 ORIGINAL MAILED FROM SACRAMENTO ON 8/24/09

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dated July 14, 2009, the applicant provided an initial habitat assessment and desert tortoise population survey of its proposed relocation/translocation areas for desert tortoise. Staff believes this information will ultimately support CDFG in developing its Incidental Take Permit requirements.

2. Lahontan Regional Water Quality Control Board (RWQCB) Permit Requirements
– The RWQCB has provided staff with some but not all of its requirements for various permits, but is progressing in their efforts. The outstanding permit the RWQCB is currently developing is its Waste Discharge Requirements for the purpose of protecting waters of the state for project activities planned in the ephemeral drainages.

CONCLUSION

Staff is proceeding with preparation of the FSA/DEIS despite some significant challenges. In addition to awaiting information from CDFG and the RWQCB, staff is also challenged by the effects of allocating limited personnel resources among other projects such as the Beacon Solar Energy Project, completing data adequacy review for recently-filed AFCs, and Furlough Fridays. The Siting Division is faced with an extraordinarily heavy workload, but despite these challenges, staff is working to complete the Administrative Draft of the FSA/DEIS as soon as possible and to establish an expedited review within BLM and U.S. Department of Interior of the Administrative Draft FSA/DEIS and the Notice of Availability.

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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 *IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM*

DOCKET No. 07-AFC-5
PROOF OF SERVICE
(Revised 7/20/09)

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DECLARATION OF SERVICE

I, Maria Santourdian, declare that on August 24, 2009, I served and filed copies of the attached Ivanpah Solar Electric Generating System (07-AFC-5) Status Report #12, dated July 23, 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 documents have been sent to both 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:

 X sent electronically to all email addresses on the Proof of Service list;

 X by personal delivery or by depositing in the United States mail at Sacramento, California 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:

 X 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. 07-AFC-5
1516 Ninth Street, MS-4
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I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets
Maria Santourdjian