



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California Desert District
22835 Calle San Juan De Los Lagos
Moreno Valley CA 92553-9046
www.ca.blm.gov



DOCKET

07-AFC-5

DATE JAN 21 2009

RECD. FEB 10 2009

January 21, 2009

In Reply Refer To:

2800
CACACA-48668
CACACA-48497
CACACA-48669
(CA-610)

Andrew Mack
DesertXpress Enterprises, LLC
6750 Via Austi Parkway, Suite 250
Las Vegas, NV 89119

Alicia Torre, Manager Project Development
Bright Source Energy
1999 Harrison Street, Suite 500
Oakland, CA 94612

Wayne Hoffman
OptiSolar, Inc.
31302 Huntwood Ave.
Hayward, CA 94554

Dear Sirs and Madam:

The Bureau of Land Management (BLM) California Desert District is currently in the process of preparing Draft Environmental Impact Statements (EISs) that will analyze impacts associated with right-of-way (ROW) applications filed by your three companies. In the Ivanpah Valley, your ROW applications overlap on public land. The DesertXpress Segment 4B Alternative route crosses through portions of power blocks one and two for the Ivanpah Solar Electric Generating System (ISEGS) project. Maps depicting both projects are enclosed. The proposed DesertXpress route may also cross a portion of the project area for a solar energy generating project proposed (Stateline) by Optisolar, Inc.

At this time, none of the three projects have published a notice of availability for a Draft EIS, however, the administrative draft EIS's for the DesertXpress and ISEGS projects discuss the other project as reasonably foreseeable. BLM encourages your companies to consult together to determine if there is a mutually agreeable solution so that both projects could co-exist. Possible

PROOF OF SERVICE (REVISED 2/10/09) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 2/11/09

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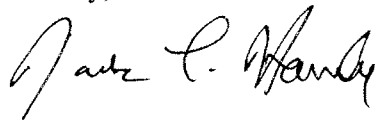
solutions could include route adjustments for the rail line or modifications to the solar project footprint. The filing of an application on BLM-administered public land does not confer any preference rights for the use of those lands. All land use decisions would be the result of a reasoned analysis of alternatives considered pursuant to the National Environmental Policy Act of 1969 (NEPA) and its implementing regulations, including public involvement. The result of your companies not being able to reach a resolution of the conflict in advance of BLM's environmental analysis and publication of a draft EIS could adversely affect one or both of your projects' implementation schedules. Clearly, such an unresolved conflict will complicate BLM's ability to seek meaningful public involvement in the NEPA process on both projects.

In addition to the ISEGS application in the Ivanpah Valley, BLM has a pending ROW application for a photovoltaic solar energy generation project from OptiSolar, Inc. The OptiSolar application is immediately adjacent to the eastern boundary of a portion of the ISEGS project. The DesertXpress Segment 4B Alternative currently bisects the proposed OptiSolar development. To date BLM has not accepted a complete Plan of Development to formally initiate NEPA proceedings for the OptiSolar project, so it is earlier in the process than ISEGS. But DesertXpress should recognize that once this solar application moves forward, a similar interaction between DesertXpress and Optisolar will need to be resolved. As a result, this letter is also being sent to OptiSolar.

BLM strongly encourages DesertXpress to meet both Brightsource and OptiSolar to discuss possible solutions to these potentially conflicting land use applications and then report the results of your discussions, and any resulting amendments to your right-of-way applications, to BLM. If you desire, BLM would be willing to participate in discussions between your companies on this matter. DesertXpress should review their proposed route and initiate discussions to resolve other interactions with any renewable energy projects, including transmission lines, that overlap the proposed rail route.

Please contact Tom Hurshman, BLM ISEGS Project Manager, at 970-240-5345 or Richard Rotte, DesertXpress Project Manager at 760-252-6026 if you have any questions.

Sincerely,



For

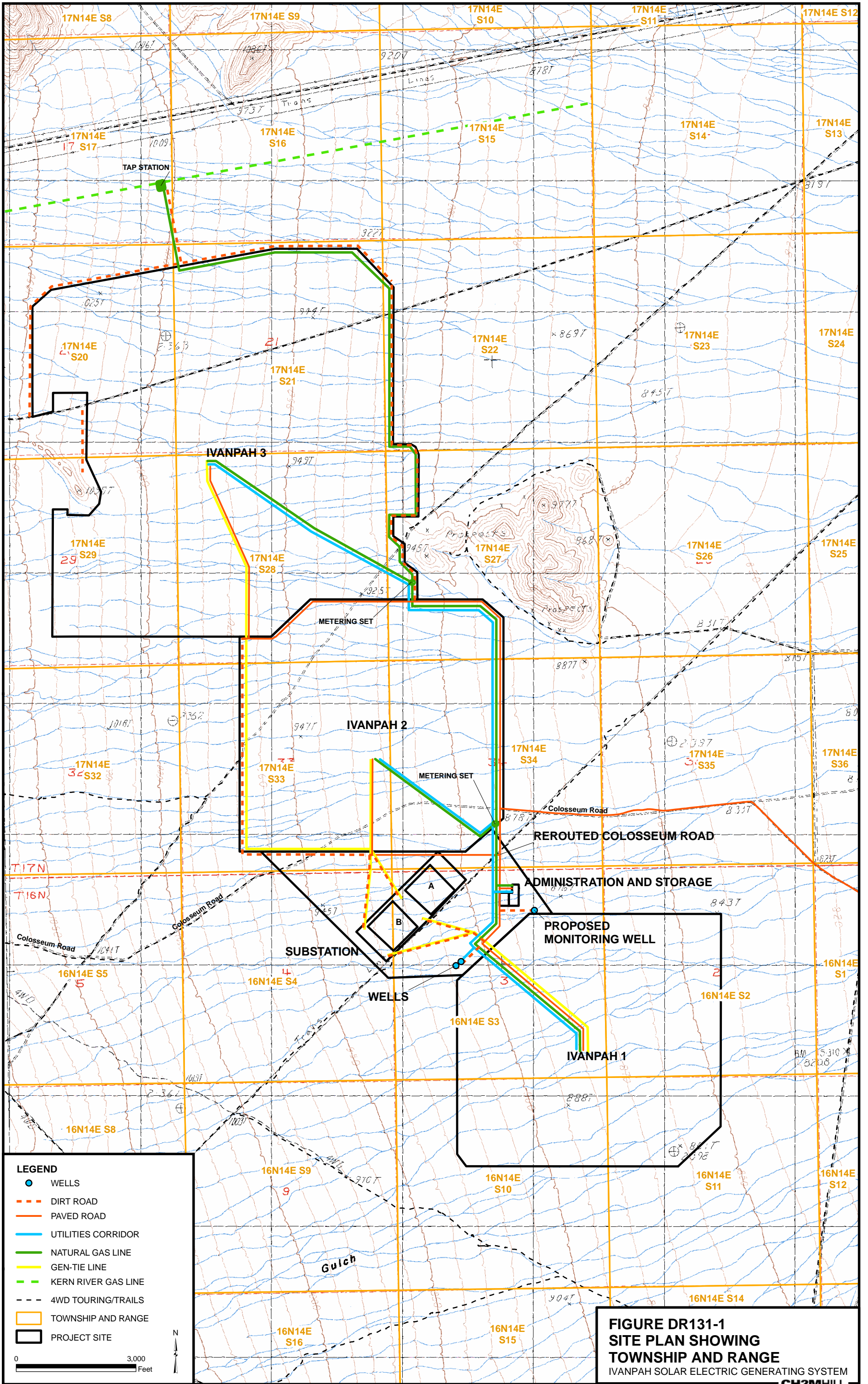
Steven J. Borchard
District Manager

Enclosures - 2 maps

cc: see attached

cc: David Valenstein
Environmental Program Manager
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USDOT Federal Railroad Administration
1200 New Jersey Avenue S
Washington, D.C. 20590

Che McFarlin
Project Manager
California Energy Commission
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Sacramento, California 95814



- | Plants | |
|----------------------------|-------------------------------------|
| 1 Abert's sanvitalia | 33 Pungent glossopetalon |
| 2 Aven Nelson's phacelia | 35 Rosy twotone beardtongue |
| 4 Bee-hive cactus | 36 Rusby's desert-mallow |
| 6 Chaparral sand-verbena | 39 Scaly cloak fern |
| 8 Cima milk-vetch | 40 Sky-blue phacelia |
| 9 Cliff brake | 42 Small-flowered rice grass |
| 13 Desert ageratina | 44 Thompson's beardtongue |
| 15 Desert pincushion | 47 Utah beardtongue |
| 17 Gilman's cymopterus | 49 White bear poppy |
| 18 Hairy erioneuron | |
| 19 Hillside wheat grass | Animals |
| 20 Jaeger's ivesia | 53 Bendire's thrasher |
| 22 Juniper buckwheat | 60 Gray-headed junco |
| 23 Knotted rush | 61 Gray vireo |
| 25 Limestone daisy | 62 Hepatic tanager |
| 26 Many-flowered schkuhria | 64 Kokoweef Crystal Cave harvestman |
| 29 Mormon needle grass | 78 Summer tanager |
| 30 Nine-awned pappus grass | 79 Townsend's big-eared bat |
| | 82 Virginia's warbler |

Legend

DesertXpress Alignment

- Proposed Action Alternative
- Alternative A
- Alternative B
- Option C
- Temporary Construction Easement (TCE)

Biological Resources

Sensitive Vegetation Community

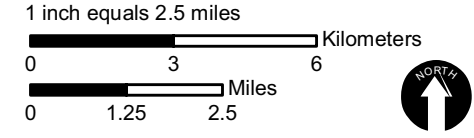
- Joshua tree woodland
- Mesquite bosque

Special Status Species

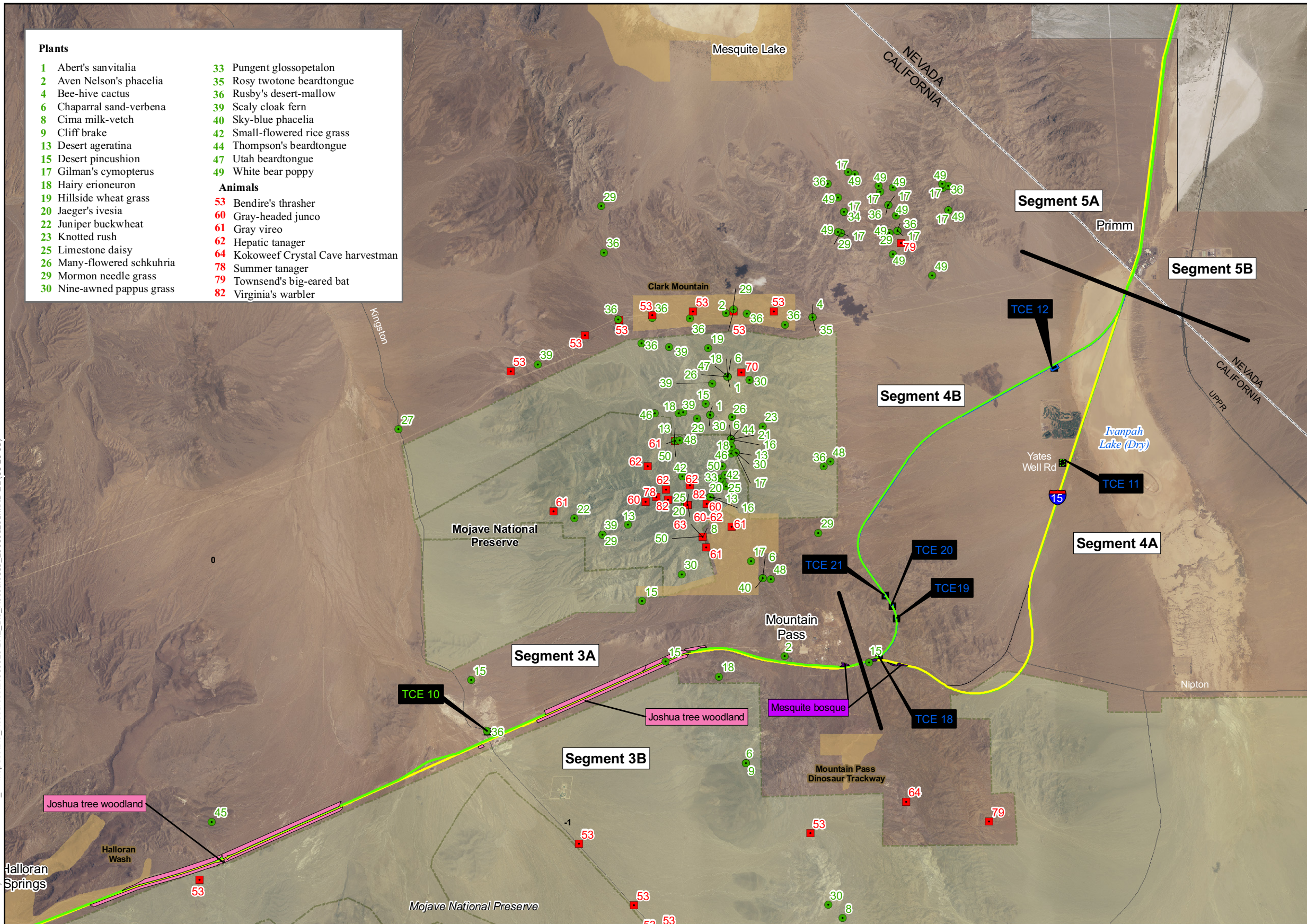
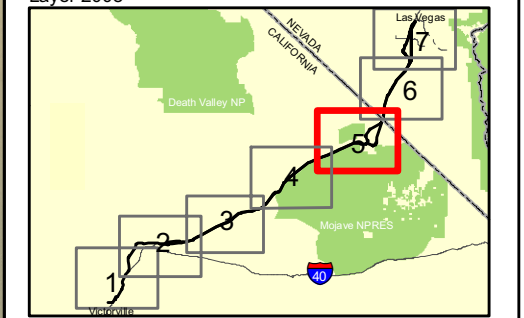
- Plants
- Animals

Note: Undeveloped areas below 5000 feet in elevation are potential Desert Tortoise habitat.

Area of Critical Environmental Concern



Source Data:
 California Natural Diversity Database, Biogeographic Data Branch Department of Fish and Game 2004, Nevada National Heritage Program December 2007, US DOI Bureau of Land Management, Reno Nevada April 2005, DesertXpress 2007, National Atlas of the United States and the United States Geological Survey, ESRI 2006, Tele Atlas and ESRI StreetMap USA 2006, National Agriculture Imagery Program (NAIP) 2005 & 2006, Air Photo USA April 2007, ICF Jones and Stokes and Associates Digitized Vegetation Layer 2008



S:\GIS\Projects\CirclePoint\06334_06\mapdoc\Bio_Resources\20080820\DXE_Bio_Resources\20080820b.MXD EL (08-20-08)



**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 2/10/08)

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DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on February 10, 2009, I served and filed copies of the attached BLM Letter RE: Potential Conflict Between Desert Xpress, Ivanpah and Optisolar. 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 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, CA 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

Sacramento, CA 95814-5512

docket@energy.state.ca.us

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

Original Signature in Dockets
Hilarie Anderson