

# Memorandum

Date: July 9, 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

<b>DOCKET</b> <b>07-AFC-5</b>
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DATE	07/09/09
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**Subject: NOTICE OF FSA/DEIS PREPARATION START DATE AS OF JULY 13, 2009  
IVANPAH SOLAR ELECTRIC GENERATING SYSTEM (07-AFC-5)**

U.S. Bureau of Land Management (BLM) and Energy Commission staff (staff) wish to inform the Committee and the parties in the Ivanpah Solar Electric Generating System (ISEGS) proceeding that we intend to complete the Administrative Draft of the Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS) within 45 days starting and inclusive of July 13, 2009, which would be by or before August 26, 2009. 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 90-day comment period.

In the Revised Committee Scheduling Order dated June 2, 2009, the Committee requested that staff provide notification when all information that is necessary for preparing the FSA/DEIS had been received. Currently, there are two pieces of information which the applicant can help provide, but for which the applicant is not solely responsible:

1. California Department of Fish and Game (CDFG) Incidental Take Permit (ITP) Requirements – CDFG has not yet been able to provide BLM and staff with its recommendations for conditions that would meet the full mitigation standard under the California Endangered Species Act (CESA). CDFG has also communicated that recent submittals from the applicant (Supplemental Data Response, Set 2D), including the Incidental Take Permit application and revised Desert Tortoise Relocation/Translocation Plan, are inadequate to meet compliance requirements related to CESA, and fail to provide full disclosure pursuant to CEQA for an activity which could result in “take” of an endangered species. The most significant missing information is a habitat assessment of the proposed desert tortoise relocation/translocation sites. This information was requested in a joint agency (CEC, CDFG, BLM and USFWS) letter dated April 28, 2009 providing comments to the applicant’s initial draft Desert Tortoise Translocation/Relocation Plan. This information is necessary to establish there will be adequate vegetation of a type that can support foraging for the desert

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tortoise and of a volume that can support an increase in the tortoise population. CDFG is dependent on the applicant providing this information to complete its assessment and development of ITP requirements. BLM and staff are dependent on receiving the ITP requirements from CDFG in order to complete the FSA/DEIS. In order to avoid delays in the FSA/DEIS preparation schedule, the joint agencies have determined that the applicant needs to provide the habitat assessment to CDFG as soon as possible and no later than Day 30 of the 45-Day document preparation period, which would be by August 11, 2009. Staff is continuing with its own independent analysis of the most recently proposed project and is developing recommended mitigation measures to satisfy CEQA.

2. Lahontan Regional Water Quality Control Board (RWQCB) Permit Requirements  
– The RWQCB has not yet provided BLM and staff with requirements of its various permits. BLM and staff have been working closely with the RWQCB to support their information requirements and to help narrow the scope of their analysis by providing clarification of potential issues and collaborating in our respective analyses. Staff has also worked with the applicant and RWQCB to ensure that the applicant provides the information supporting the RWQCB's project review and the development of permit requirements. The RWQCB has requested the applicant to prepare a Dredge/Fill Application that will lead to specification of Waste Discharge Requirements with conditions for protecting waters of the state in the ephemeral drainages. As of the date of this notice, the RWQCB advised staff that they had not yet received this application. Staff will continue to coordinate closely with the RWQCB to ensure their timely development of permit requirements that need to be incorporated in the FSA/DEIS.

## **CONCLUSION**

BLM and staff are working with CDFG and RWQCB to assure permit requirements will be provided in a timely manner that will not delay the publication of the FSA/DEIS. Staff is proceeding diligently with FSA/DEIS document preparation anticipating the timely receipt of these permit requirements for incorporation into the document. Staff believes it is in a position to complete the remaining steps for preparing an Administrative Draft of the FSA/DEIS within 45 days. This would allow circulation of the NOA for review within BLM. Approval of the Administrative Draft FSA/DEIS and NOA will allow publishing the FSA/DEIS and initiating the 90-day comment period.

Docket (07-AFC-5)  
Webworks  
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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 7/2/09)

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DECLARATION OF SERVICE

I, Maria Santourdjian, declare that on July 9, 2009, I served and filed copies of the attached, Notice of FSA/DEIS Preparation Start Date as of July 13, 2009 dated July 9, 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](http://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**

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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