

# DOCKET

07-AFC-5

DATE JUN 26 2009

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State Of California

## Memorandum

The Resources Agency of California

Date: June 26, 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

Subject: **STATUS REPORT #10 -  
IVANPAH SOLAR ELECTRIC GENERATING SYSTEM (07-AFC-5)**

### SUMMARY

BLM and Energy Commission staff (staff) are evaluating recent information provided by the applicant and augmenting the information with further analysis to determine a reasonable range of potential project site disturbance and stormwater effects. Staff's analysis will result in proposed mitigation measures that could affect project layout, and become the basis for a Proposed Project with Modifications alternative to satisfy BLM's NEPA process. BLM and staff are near completion of analysis supporting this alternative for the Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS). The applicant has supported work on the recent analysis, and has continued to clarify its proposed project with a number of filings over the past month.

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. As of the writing of this Status Report, there are four pieces of information outstanding:

1. The BLM and staff analysis as described above for determining a reasonable range of potential project site disturbance and stormwater effects; this staff product is near completion and will need to be incorporated in the FSA/DEIS.
2. BLM is still expecting a revised Revegetation and Reclamation Plan from the applicant in response to BLM and staff comments on the initial draft plan which were provided to the applicant on March 23, 2009.
3. California Department of Fish and Game (CDFG) has not been able to provide staff with its Incidental Take Permit mitigation requirements which were expected by the end of May, 2009. Staff has been advised by CDFG that they will be providing this information during early July. In the mean time, staff is continuing with its own independent analysis of the most recently proposed project and is developing recommended mitigation measures to satisfy CEQA.
4. The Lahontan Regional Water Quality Control Board (RWQCB) has not yet provided staff with its various permit requirements.

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Staff expects Items 1 and 2 to be ready within the next two weeks. For Items 3 and 4, staff is hopeful that the CDFG and RWQCB permit requirements will be provided in a timely manner that does not cause delays to the publication of the FSA/DEIS. While there is room for some overlap with the FSA/DEIS document preparation period to receive the CDFG and RWQCB input, staff will proceed diligently with FSA/DEIS document preparation anticipating that receipt of these permit requirements does not affect the schedule for the FSA/DEIS publication. Assuming that Items 1 and 2 are satisfied and Items 3 and 4 do not result in a delay, staff believes it will be in a position within the next 2 weeks to initiate the remaining steps for preparing an Administrative Draft of the FSA/DEIS which could be completed within 45 days. This would allow the publishing of the FSA/DEIS. The actual publication is dependent upon receiving BLM's approval of the Notice of Availability.

***APPLICANT IS CONTINUING PREPARATION OF ITS DEVELOPMENT PLANS AND HAS WILLINGLY PREPARED FILINGS CLARIFYING ITS PROJECT PLANS AND EFFECTS***

BLM and staff disagree with applicant's statement that all information necessary for BLM and Energy Commission staff to prepare the FSA/DEIS had been provided on or before May 19, 2009. However, since that date the applicant has filed information fulfilling most of the outstanding data requests. The applicant has also provided information clarifying its project plans and project effects when requested, which is greatly appreciated by BLM and staff. The most recent informational filings are listed as follows:

1. \*5/27/09 – Data Response 1K – Groundwater Study, Army Corps Jurisdictional info., & Waste Discharge Requirements Application to RWQCB for its reuse of wastewater for landscape irrigation (Applicant did not address all of the RWQCB requirements including dredge and fill of waters of the state)
2. \*5/27/09 – Data Response 2D - Incidental Take Permit Application to CDFG
3. \*6/2/09 – Data Response 1L – Streambed Alteration Agreement application (However, the applicant did not include basis for estimate of stream effects, which is needed to quantify the mitigation requirements.)
4. \*6/3/09 – Data Response 1M – Army Corps Letter indicating drainages are not waters of the U.S.
5. 6/3/09 – Supplemental Data Response 2E – Rare Plant Data
6. \*6/5/09 – Data Response 2F – Dust and Erosion Control product information (previously requested as part of the Drainage, Erosion and Sediment Control Plan)
7. \*6/9/09 – Data Response 2G – Supplement to Streambed Alteration Permit Application (in Data Response 1L) providing compilation of ISEGS' effects to streams;

8. 6/9/09 – Data Response 2H – Clarification of materials proposed for Power Towers in support of staff’s Glint & Glare Study;
9. \*6/17/09 – Data Response 2J – Supplement to DESCPC to analyze effects of cutting vegetation;

\* indicates responses to information as listed in staff’s previous status reports as needed to support preparation of the FSA/DEIS;

### ***OUTSTANDING INFORMATION NEEDED FOR FSA/DEIS PREPARATION***

1. BLM and Staff - Sensitivity Analysis of Project Stormwater Effects - Preliminary results of BLM and staff’s analysis are that the project as currently proposed could cause the following:
  - a. During a 100-year storm, a significant number of heliostats (i.e. more than 13,000) could be damaged due to scour. This could lead to a significant amount of debris and damage to other downstream facilities. BLM and staff will explore mitigation options to avoid the potential significant loss of heliostats.
  - b. The project’s effects to onsite ground and vegetation conditions would result in a higher rate of stormwater runoff than the pre-developed condition. Although this is inconsistent with San Bernardino County’s design criteria, BLM and staff appreciate the tradeoffs of disrupting natural stormwater and sediment transport through the site by implementing normal Best Management Practices such as stormwater detention basins, and plan to explore mitigation options that would also consider local effects of the increased stormwater discharge rates.
2. Applicant - Revegetation and Reclamation Plan – BLM would like the applicant to address the 18 pages of comments provided by BLM and staff on March 23, 2009, and for the applicant to prepare a revised plan that includes reclamation measures appropriate for the site conditions.
3. CDFG - Desert Tortoise Mitigation Requirements – Staff has not yet received from CDFG the Desert Tortoise mitigation requirements which are needed to satisfy the California Endangered Species Act Incidental Take Permit requirements. CDFG stated at the May 18, 2009 Scheduling Conference that this information would be available by end of May. Staff has been advised by CDFG that they will be providing this information during early July. In the mean time, staff is continuing with its own independent analysis.
4. RWQCB - Permit Requirements – Staff has 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 facilitated coordination between the applicant and RWQCB to provide an understanding of how the applicant can best support the RWQCB's project review and the development of permit requirements. The RWQCB has requested the applicant to prepare a Dredge/Fill Application that likely will lead to specification of Waste Discharge Requirements with conditions for protecting waters of the state in the ephemeral drainages. The RWQCB has also requested clarification of various infiltration, drainage and sedimentation assumptions by the applicant. Staff will continue to coordinate closely with the RWQCB and encourage their timely development of permit requirements that will need to be incorporated in the FSA/DEIS.

### ***CURRENT SCHEDULE FOR PREPARING THE FSA/DEIS AND SUBSEQUENT MILESTONES***

1. Late June - Complete analysis of applicant's latest site and drainage plans and complete stormwater modeling using more reasonable assumptions
2. Early July – Develop description of “Proposed Project with Modifications” Alternative
3. Mid to late July – Conduct workshop in Sacramento to discuss outstanding stormwater and biological resource issues and mitigation approaches, in stride with preparing the FSA/DEIS
4. Mid to late August – Complete Administrative Draft of FSA/DEIS and circulate draft NOA within BLM for approval
5. Possibly late August – Receive BLM's approval of NOA and publish FSA/DEIS

If we assume the BLM NOA approval can be accomplished by end of August, then in applying the Revised Committee Schedule, subsequent milestones could be accomplished as follows:

6. End of November – Close of 90-Day FSA/DEIS comment period
7. January 2010 – Publish FEIS and Conduct Energy Commission Adoption Hearing
8. March 2010 – Complete Governor's consistency review, BLM's Record of Decision, Right of Way Grant and Land Use Plan Amendment
9. April – May 2010 – If the project is approved by the Energy Commission and BLM issues a ROW Grant, the applicant could be enabled to relocate desert tortoises from ISEGS 1 during spring 2010

## **CONCLUSION**

In summary, BLM and staff share the applicant's desire to move renewable energy generation forward in an environmentally responsible manner, and maintain eligibility for applicants to qualify for federal stimulus money. BLM and staff will continue to work with sister agencies, including the CDFG, RWQCB, the U.S. Fish and Wildlife Service, and other agencies to find closure on outstanding issues and support these state and national goals.



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
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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 5/27/09)**

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**DECLARATION OF SERVICE**

I, Hilarie Anderson, declare that on June 26, 2009, I served and filed copies of the attached Status Report # 10. 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 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:**

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

by personal delivery or by depositing in the United States mail at \_\_\_\_\_ 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:**

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:

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Attn: Docket No. 07-AFC-5  
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I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets  
Hilarie Anderson



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

**Original Signature in Dockets**  
**Hilarie Anderson**