

CALIFORNIA ENERGY COMMISSION  
 1516 NINTH STREET  
 SACRAMENTO, CA 95814-5512  
 www.energy.ca.gov



<b>DOCKET</b>	
<b>07-AFC-5</b>	
DATE	<u>11/10/09</u>
RECD.	<u>11/12/09</u>

November 10, 2009

TO: AGENCY DISTRIBUTION LIST

**REQUEST FOR AGENCY COMMENTS ON THE FINAL STAFF ASSESSMENT FOR THE PROPOSED IVANPAH SOLAR ELECTRIC GENERATING SYSTEM PROJECT (07-AFC-5)**

This notice is to inform you of the availability of the Final Staff Assessment and Draft Environmental Impact Statement (FSA/DEIS) for the Ivanpah Solar Electric Generating System (ISEGS) project (07-AFC-5). The FSA/DEIS contains the California Energy Commission staff's and U.S. Bureau of Land Management's (BLM's) environmental, public health and engineering evaluation of the proposed ISEGS project. The FSA/DEIS also contains a proposed BLM land use plan amendment to the California Desert Conservation Area Plan. The FSA/DEIS was published by the Energy Commission on November 4, 2009.

The FSA/DEIS will serve as the Energy Commission staff's testimony during the Commission's evidentiary hearings. The Energy Commission Committee assigned to the ISEGS proceedings will consider and weigh the testimony or comments or recommendations of all interested parties, including Energy Commission staff, the applicant, intervenors, public, and other local, state, and federal agencies, before issuing the Presiding Member's Proposed Decision (PMPD) for consideration by the full Energy Commission. The public, intervenors, local, state and federal agencies are encouraged to participate in these hearings. BLM will participate with the Energy Commission's ISEGS Committee and staff in the hearings. The Energy Commission will issue notices at least ten days prior to any scheduled hearings.

**Energy Commission Licensing Authority**

The Energy Commission is responsible for reviewing and ultimately approving or denying all applications for construction and operation of thermal electric power plants, 50 MW and greater, proposed for construction in California. The Energy Commission's facility certification process carefully examines public health and safety, environmental impacts and engineering aspects of proposed power plants, and all related facilities such as electric transmission lines and natural gas and water pipelines. The Energy Commission is the lead agency under the California Environmental Quality Act (CEQA), and produces several environmental and decision documents rather than an Environmental Impact Report.

**Summary of the Energy Commission Staff's Conclusions and BLM's Analysis**

The ISEGS facility would help meet California's goals of reducing greenhouse gas emissions and producing 33 percent of its electricity from renewable resources by 2020. The project would achieve maximum water conservation, using an air-cooled condenser

that reduces water use to less than a tenth of the water that would be consumed with an evaporative cooling system as is associated with some other power plants. In addition, project air emissions would be minimal as associated primarily with the auxiliary boilers that would augment solar energy and result in less than 5% of the total power production. The auxiliary boilers would be used in the early morning and late afternoon when the sun's position on the horizon would be less favorable for producing solar electric energy.

While acknowledging the benefit of developing renewable energy to curb climate change and achieve state/federal goals, the FSA/DEIS states that the proposed project would result in significant and unavoidable environmental effects. The project would have direct impacts on biological and visual resources, and cumulative impacts on biological resources, land use, traffic and transportation and visual resources; however, mitigation measures have been identified to avoid or lessen project impacts to the extent possible.

The project proposed by BrightSource Energy, at a site situated in the Ivanpah Valley in proximity to Interstate 15 and various types of commercial development, would develop approximately 4,073 acres of occupied desert tortoise habitat. A minimum of 25 desert tortoises, a state and federal-listed endangered species, would need to be relocated. Loss of habitat would be compensated by acquiring, improving conditions for, and preserving other existing habitat to increase the carrying capacity for desert tortoise to offset the loss. The project site also supports a diverse flora including numerous special-status plant species. While recommended mitigation measures would help avoid and minimize impacts to special-status plants, not all effects would be fully mitigated.

Impacts of the ISEGS project combined with the potential impacts of reasonably foreseeable projects in the Ivanpah Valley and southern California Mojave desert would result in significant and unavoidable cumulative impacts related to land used currently for multiple purposes such as recreation, wildlife habitat, livestock grazing, and open space. The project also would not conform to some of the applicable goals and policies of the San Bernardino General Plan Conservation and Open Space Elements of their General Plan calling for preservation of scenic vistas and for maintaining and enhancing the visual character of scenic routes along Interstate 15.

The proposed project would result in a substantial impact that could not be mitigated as it would alter existing scenic resource values as seen from several vantage points in the Ivanpah Valley and Clark Mountains, and from a cumulative perspective within the southern California Mojave Desert. Vehicle trips by construction and operations personnel would also exacerbate traffic congestion on Interstate 15 on Friday afternoons and evenings; the direct impacts would be reduced by various measures such as ride sharing.

Mitigation measures have been proposed to address the potential glare from the project's heliostats to be used to reflect the sun's energy using mirrors tracking the sun, and the solar power tower receiver to collect the solar energy at the top portion of each 459-foot tower.

## AGENCY PARTICIPATION

The California Energy Commission encourages public agency participation in the review of the ISEGS Application for Certification and the FSA/DEIS. We request that you review the enclosed FSA/DEIS for the areas which your agency would normally be responsible except for the Energy Commission's in lieu permitting authority. Written comments on the FSA/DEIS which an agency would like to have entered into the record before the Energy Commission's Evidentiary Hearing, should be provided to John Kessler, Energy Commission Project Manager, no later than 5:00 p.m., December 7, 2009 at the address on this letterhead or by email to [jkessler@energy.state.ca.us](mailto:jkessler@energy.state.ca.us).

BLM will also be conducting a 90-day comment period in association with BLM's EIS process, which will be noticed separately. Following completion of BLM's comment period scheduled to end February 11, 2010, Energy Commission staff and BLM will prepare a Final Environmental Impact Statement (FEIS). The FEIS will respond to public comments and will incorporate any changes deemed necessary to update the analysis of project impacts.

Technical or project schedule questions should also be directed to John Kessler at (916) 654-4679 or by email at [jkessler@energy.state.ca.us](mailto:jkessler@energy.state.ca.us). The status of the project, an electronic copy of the AFC, the copies of notices, and other relevant documents are also available on the Energy Commission's web site at <http://www.energy.ca.gov/sitingcases/sentinel/index.html>.

Sincerely,

Date: \_\_\_\_\_

\_\_\_\_\_  
EILEEN ALLEN, Office Manager  
Siting, Transmission and Environmental  
Protection Division

Enclosure  
Mailed to lists:  
7257 - Agency



**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)

**APPLICANT**

Solar Partners, LLC  
John Woolard,  
Chief Executive Officer  
1999 Harrison Street, Suite #500  
Oakland, CA 94612

Todd A. Stewart, Project Manager  
Ivanpah SEGS  
[sdeyoung@brightsourceenergy.com](mailto:sdeyoung@brightsourceenergy.com)

**E-mail Preferred**

Steve De Young, Project Manager  
Ivanpah SEGS.  
1999 Harrison Street, Ste. 2150  
Oakland, CA 94612  
[tstewart@brightsourceenergy.com](mailto:tstewart@brightsourceenergy.com)

**APPLICANT'S CONSULTANTS**

John L. Carrier, J. D.  
2485 Natomas Park Dr. #600  
Sacramento, CA 95833-2937  
[jcarrier@ch2m.com](mailto:jcarrier@ch2m.com)

**COUNSEL FOR APPLICANT**

Jeffery D. Harris  
Ellison, Schneider  
& Harris L.L.P.  
2600 Capitol Avenue, Ste. 400  
Sacramento, CA 95816-5905  
[jdh@eslawfirm.com](mailto:jdh@eslawfirm.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

Tom Hurshman,  
Project Manager  
Bureau of Land Management  
2465 South Townsend Ave.  
Montrose, CO 81401  
[tom\\_hurshman@blm.gov](mailto:tom_hurshman@blm.gov)

\*Raymond C. Lee, Field Manager  
Bureau of Land Management  
1303 South U.S. Highway 95  
Needles, CA 92363  
[Raymond\\_Lee@ca.blm.gov](mailto:Raymond_Lee@ca.blm.gov)

Becky Jones  
California Department of  
Fish & Game  
36431 41st Street East  
Palmdale, CA 93552  
[dfgpalm@adelphia.net](mailto:dfgpalm@adelphia.net)

**INTERVENORS**

California Unions for Reliable Energy ("CURE")  
Tanya A. Gulesserian  
Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Ste 1000  
South San Francisco, CA 94080  
[tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)

Western Watersheds Project  
Michael J. Connor, Ph.D.  
P.O. Box 2364  
Reseda, CA 91337-2364  
[mjconnor@westernwatersheds.org](mailto:mjconnor@westernwatersheds.org)

Gloria Smith, Joanne Spalding  
Sidney Silliman, Sierra Club  
85 Second Street, 2<sup>nd</sup> Fl.  
San Francisco, CA 94105  
**E-mail Service Preferred**  
[gloria.smith@sierraclub.org](mailto:gloria.smith@sierraclub.org)  
[joanne.spalding@sierraclub.org](mailto:joanne.spalding@sierraclub.org)  
[gssilliman@csupomona.edu](mailto:gssilliman@csupomona.edu)

## INTERVENORS CONT.

Joshua Basofin, CA Rep.  
Defenders of Wildlife  
1303 J Street, Ste. 270  
Sacramento, CA 95814

**E-mail Service Preferred**  
[jbasofin@defenders.org](mailto:jbasofin@defenders.org)

Basin and Range Watch  
Laura Cunningham  
Kevin Emmerich  
P.O. Box 70  
Beatty, NV 89003  
[atomicloadranch@netzero.net](mailto:atomicloadranch@netzero.net)

Center for Biological Diversity  
Lisa T. Belenky, Sr. Attorney  
Ileene Anderson, Public Lands Desert Director  
351 California Street, Ste. 600  
San Francisco, CA 94104  
**E-mail Service Preferred**  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)  
[ianderson@biologicaldiversity.org](mailto:ianderson@biologicaldiversity.org)

California Native Plant Society  
Greg Suba, Tara Hansen & Jim Andre  
2707 K Street, Suite 1  
Sacramento, California, 95816-5113  
**E-mail Service Preferred**  
[gsuba@cnps.org](mailto:gsuba@cnps.org)  
[thansen@cnps.org](mailto:thansen@cnps.org)  
[granite@telis.org](mailto:granite@telis.org)

## ENERGY COMMISSION

JEFFREY D. BYRON  
Commissioner and Presiding Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

JAMES D. BOYD  
Vice Chairman and  
Associate Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

Paul Kramer  
Hearing Officer  
[pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

John Kessler  
Project Manager  
[jkessler@energy.state.ca.us](mailto:jkessler@energy.state.ca.us)

Dick Ratliff  
Staff Counsel  
[dratliff@energy.state.ca.us](mailto:dratliff@energy.state.ca.us)

Elena Miller  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

DECLARATION OF SERVICE

I, Maria Santourdian, declare that on November 16, 2009, I served and filed copies of the attached Request for the Agency Comments on the FSA for the Ivanpah Solar Electric Generating System (07-AFC-5, dated November 10, 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**

Attn: Docket No. 07-AFC-5  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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

Original Signature in Dockets  
**Maria Santourdjian**