

# Memorandum

Date: April 26, 2010  
Telephone: (916) 651-0966

To: James D. Boyd, Vice Chair and Presiding Member  
Anthony Eggert, Commissioner and Associate Member

From: **California Energy Commission** – Eric K. Solorio, Project Manager  
1516 Ninth Street  
Sacramento, CA 95814-5512

<b>DOCKET</b>	
<b>09-AFC-9</b>	
DATE	APR 26 2010
REC'D	APR 26 2010

Subject: **Staff's Status Report #2 for the Ridgecrest Solar Power Project (09-AFC-9)**

Staff respectfully submits this Status Report #2 and the attached proposed schedule for consideration by the Committee.

## Staff Workshops

On April 22 and April 23, 2010, staff conducted workshops in Ridgecrest, California to discuss air quality, cultural resources, land use, soil and water resources, traffic & transportation, visual resources, worker safety & fire protection, and streambed alteration design goals. Staff was able to resolve most of the outstanding items and expects resolution of the remaining items to occur during the next two weeks. Staff plans to hold additional workshops in Ridgecrest on May 3 and 4, 2010. The sole topic of the workshops will be biological resources.

## Recent Developments

Earlier this month, Energy Commission staff and the U.S. Bureau of Land Management (BLM) decided to bifurcate the joint environmental review process by drafting and publishing separate environmental documents for the Ridgecrest Solar Power Project (09-AFC-9). The BLM will publish a Final Environmental Impact Statement (FEIS) and the Energy Commission will publish a revised Staff Assessment. As a result, staff is proposing that the Committee adopt the attached revised schedule.

## Environmental Review and Hearing Schedule

Staff believes the attached schedule will meet the needs and objectives of the Energy Commission while continuing to allow for a separate but concurrent environmental review by the BLM. In the attached schedule, staff has highlighted the major milestone dates in the Commission's hearing process.

The Committee's previously ordered decision dates are incorporated into staff's proposed schedule. The schedule reflects hearing dates that are based upon a single round of rebuttal testimony after staff files a Supplement. Also, please note that the schedule is predicated on a "protest" being filed in the BLM's process and a Revised PMPD being published by the Committee. If neither of these events takes place then the decision dates for BLM and CEC, respectively, can be moved up 30-days, as compared to what is currently reflected on staff's proposed schedule.

Attachments (1): Staff's Proposed Revised Schedule

PROOF OF SERVICE (REVISED 04/12/10) FILED WITH  
CD COPIES MAILED FROM SACRAMENTO ON 04/26/10

AA

**RIDGECREST SOLAR POWER PROJECT (09-AFC-9)**  
**STAFF'S PROPOSED REVISED SCHEDULE**

ACTIVITY	STAFF'S PROPOSED MILESTONE DATES
Applicant files Application for Certification (AFC)	9/01/09
<b>Commission's determination that AFC is complete</b>	<b>11/18/10</b>
Staff files Issues Identification Report	12/28/09
Informational Hearing and Site Visit	1/05/10
Data response and issue resolution workshop	12/15/09, 1/05/10, 1/06/10
Local, state and federal agency draft determinations AQMD files PDOC	2/18/10
Administrative Draft (SA/DEIS) circulated for CEC, BLM and Department of Energy (DOE) review and comment	3/01/10-3/12/10
<b>Final edits, formatting, reproduction, CEC publication and filing of SA/DEIS</b>	<b>3/26/10</b>
EPA review SA/DEIS	4/02/10
<b>EPA publishes Notice of Availability (NOA) for SA/DEIS in Federal Register (90-day comment period begins)</b>	<b>4/9/10</b>
AQMD files Final Determination of Compliance (FDOC)	4/15/10
BLM submits Biological Assessment (BA) to FWS	4/21/10
Staff Assessment Workshop – air quality, cultural resources, land use, soil and water, traffic & transportation, visual resources, worker safety & fire protection, and streambed alteration design goals.	4/22/10 and 4/23/10
Status Conference	4/27/10
Staff Assessment Workshop – biological resources	5/03/10 and 5/04/10
Applicant files outstanding info (evaporation ponds, cultural, bio survey, misc.)	5/07/10
<b>Discovery Period Ends</b>	<b>5/17/10</b>
Revised Staff Assessment (RSA) submitted for management review (PM, Legal, Compliance, OM)	5/21/10
Return RSA to staff for final edits	5/28/10
Formatting and reproduction of RSA	6/04/10
<b>Publication of FSA and Notice(s) of Availability</b>	<b>6/11/10</b>
All Parties file opening testimony	6/14/10
All Parties file Pre-hearing Conference Statements	6/17/10
Pre-hearing Conference held	6/21/10
CAISO Generates Phase II Study	6/30/10
Staff files Supplement to RSA (Transmission System Engineering revised per Phase II)	7/15/10
All Parties file Rebuttal Testimony	7/21/10
<b>Proposed Evidentiary Hearings<sup>1</sup></b>	<b>7/27/10, 7/28/10 and 7/30/10</b>
SHPO and BLM complete "Programmatic Agreement" (BLM requirement)	7/30/10
<b>BLM through EPA publishes Notice of Availability (NOA) for FEIS in Federal Register</b>	<b>8/20/10</b>
USFWS issues Biological Opinion (BO); and Incidental Take Statement <sup>2</sup>	8/22/10
<b>CEC Committee files Presiding Member's Proposed Decision (PMPD) (30-day public comment period begins)</b>	<b>9/03/10</b>
Expedited Governor's review period ends	9/20/10
BLM Plan Amendment protest period ends	9/20/10
Close of public comment period on PMPD	10/04/10
<b>CEC Hearing on PMPD</b>	<b>10/08/10</b>
<b>CEC Committee files Revised PMPD (15-day public comment period begins)</b>	<b>10/11/10</b>
BLM resolution period ends (assuming protest filed...if no protest is filed then the Revised PMPD becomes the critical path item...if neither are filed then schedule accelerates 30-days)	10/20/10
Close of public comment period on <b>Revised</b> PMPD	10/25/10
<b>CEC Decision on Application for Certification (09-AFC-09)</b>	<b>11/05/10</b>
<b>BLM Record of Decision (ROD) / right-of-way (ROW) grant issued</b>	<b>11/05/10</b>
<b>Notice to Proceed Issued<sup>3</sup></b>	<b>11/12/10</b>

<sup>1</sup> The 7/27/10 and 7/28/10 hearings will take place in Ridgecrest for disputed matters. The 7/30/10 hearing will take place in Sacramento for undisputed matters.

<sup>2</sup> The Biological Opinion is desired but not necessary to have before publication of the FEIS.

<sup>3</sup> There is a 30-day appeal period following issuance of the ROD. The project may proceed during an appeal unless a "stay" is granted.



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](http://WWW.ENERGY.CA.GOV)

**APPLICATION FOR CERTIFICATION**  
**For the *RIDGECREST SOLAR***  
***POWER PROJECT***

**Docket No. 09-AFC-9**  
**PROOF OF SERVICE**  
**(Revised 4/12/2010)**

**APPLICANT**

Billy Owens  
Director, Project Development  
Solar Millenium  
1625 Shattuck Avenue, Suite 270  
Berkeley, CA 94709-1161  
[owens@solarmillennium.com](mailto:owens@solarmillennium.com)

Alice Harron  
Senior Director, Project  
Development  
1625 Shattuck Avenue, Suite 270  
Berkeley, CA 94709-1161  
[harron@solarmillennium.com](mailto:harron@solarmillennium.com)

Elizabeth Copley  
AECOM Project Manager  
2101 Webster Street, Suite 1900  
Oakland, CA 94612  
[elizabeth.copley@aecom.com](mailto:elizabeth.copley@aecom.com)

Scott Galati  
Galati/Blek, LLP  
455 Capitol Mall, Suite 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)

Peter Weiner  
Matthew Sanders  
Paul, Hastings, Janofsky & Walker  
LLP  
55 2<sup>nd</sup> Street, Suite 2400-3441  
San Francisco, CA 94105  
[peterweiner@paulhastings.com](mailto:peterweiner@paulhastings.com)  
[matthewsanders@paulhastings.com](mailto:matthewsanders@paulhastings.com)

**INTERVENORS**

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

Desert Tortoise Council  
Sidney Silliman  
1225 Adriana Way  
Upland, CA 91784  
[gssilliman@csupomona.edu](mailto:gssilliman@csupomona.edu)

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

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

\*Terri Middlemiss  
Dan Burnett  
P.O. Box 984  
Ridgecrest, CA 93556  
[catbird4@earthlink.net](mailto:catbird4@earthlink.net)  
[imdandburnett@verizon.net](mailto:imdandburnett@verizon.net)

**INTERESTED AGENCIES**

California ISO  
*E-mail Preferred*  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)  
Janet Eubanks, Project Manager,  
U.S. Department of the Interior  
Bureau of Land Management  
California Desert District  
22835 Calle San Juan de los Lagos  
Moreno Valley, California 92553  
[Janet\\_Eubanks@ca.blm.gov](mailto:Janet_Eubanks@ca.blm.gov)

**ENERGY COMMISSION**

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

ANTHONY EGGERT  
Commissioner and Associate Member  
[aeggert@energy.state.ca.us](mailto:aeggert@energy.state.ca.us)

Kourtney Vaccaro  
Hearing Officer  
[kvaccaro@energy.state.ca.us](mailto:kvaccaro@energy.state.ca.us)

Eric Solorio  
Project Manager  
[esolorio@energy.state.ca.us](mailto:esolorio@energy.state.ca.us)

Tim Olson  
Advisor to Commissioner Boyd  
[tolson@energy.state.ca.us](mailto:tolson@energy.state.ca.us)

Jared Babula  
Staff Counsel  
[jbabula@energy.state.ca.us](mailto:jbabula@energy.state.ca.us)

Jennifer Jennings  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

DECLARATION OF SERVICE

I, April Albright, declare that on, April 26, 2010, I served and filed copies of the attached, Energy Commission Staff's Status Report #2. 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: [[http://www.energy.ca.gov/sitingcases/solar\\_millennium\\_ridgecrest](http://www.energy.ca.gov/sitingcases/solar_millennium_ridgecrest)].

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;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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:

**CALIFORNIA ENERGY COMMISSION**  
Attn: Docket No. 09-AFC-9  
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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original signed by: \_\_\_\_\_  
**April Albright**