

PATRICK C. JACKSON
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SAN DIMAS, CALIFORNIA 91773

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DOCKET
08-AFC-13
DATE <u>MAR 13 2010</u>
RECD. <u>MAR 15 2010</u>

March 13, 2010

California Energy Commission
Attn: Docket No. 08-AFC-13
1516 Ninth Street, MS-14
Sacramento, California 95814-5512
docket@energy.state.ca.us

[US Mail & e-mail]

Re: Docket No. 08-AFC-13, Application for Certification for the
Calico Solar Project (Formerly SES Solar One)

Dear Docket Clerk:

In keeping with the California Energy Commission's Revised Committee Schedule dated February 2, 2010, I hereby submit Patrick C. Jackson Status Report No. 5.

I certify under penalty of perjury that the statements contained in the status report are true, correct and complete to the best of my knowledge and belief.

Respectfully submitted,

Original Signed By

Patrick C. Jackson, Intervenor

Enclosures

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:

Application for Certification
for the Calico Solar Project
(Formerly SES Solar One)

Docket No. 08-AFC-13

PATRICK C. JACKSON STATUS REPORT NO. 5

March 13, 2010

Patrick C. Jackson
600 N. Darwood Avenue
San Dimas, California 91773
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(909) 599-9914 Facsimile
ochsjack@earthlink.net

INTRODUCTION

I, Patrick C. Jackson, was granted permission to intervene on July 14, 2009, and submitted four previous status reports.

DISCUSSION

I. REQUEST FOR NON-BINDING DETERMINATION – HECTOR ROAD

On October 25, 2009, I submitted a second request to the Bureau of Land Management (BLM) for the BLM to make an administrative determination Hector Road is a valid Revised Statute 2477 right-of-way where it crosses public lands administered by the BLM. The request was made in keeping with the Unlawful Inclosures of Public Lands Act of 1885, the Federal Land Policy and Management Act of 1976 (FLPMA) and the California Desert Conservation Area (CDCA) Plan 1980 as amended. The BLM declined to make a non-binding determination on November 5, 2009. This issue has not been resolved.

II. RECORDS REQUEST UNDER THE FREEDOM OF INFORMATION ACT – HECTOR ROAD

On December 13, 2009, I requested all records the BLM has on Hector Road under the Freedom of Information Act (FOIA). I have not received all of the records and this issue has not been resolved.

III. RECORDS REQUEST UNDER THE FREEDOM OF INFORMATION ACT – WATER WELL TESTS

On December 13, 2009, I also requested records the BLM has on water well testing in Barstow NEPA Documents for Projects DOI-BLM-CA-680-2009-0003 and CA-680-08-47 under the Freedom of Information Act. I have not received the requested records. This issue has not been resolved.

IV. RECENT SUBMISSIONS BY THE APPLICANT

On February 12, 2010, the Applicant submitted a Calico Construction Milestone Schedule and Figure 1, Project Layout Calico Solar Project. In another submission on February 12, 2010, the Applicant submitted Figure 1, Drainage Layout Figure Calico Solar Project. Both of these figures show the proposed Calico Solar Project will block Hector Road landlocking the private properties in Sections 1 and 36.

On March 8, 2010, the Applicant submitted two additional figures: Figure 1, Existing Project Vicinity Access Routes Calico Solar Project and Figure 2, Proposed Post Project Development Access Routes Calico Solar Project. These figures show the Applicant intends to permanently block Hector Road.

A. Hector Road

The Applicant's March 8, 2010, letter to Mr. Christopher Meyer and Mr. Jim Stobaugh states, "The Applicant understands that references were mistakenly made to Hector Road throughout the permitting process." The Applicant's "references" to Hector Road at the beginning of the permitting process are given on page 5.7-131 of the Application for Certification (AFC). A copy of page 5.7-131 of the AFC is included as Exhibit A.

The Applicant's March 8, 2010, letter to Mr. Meyer and Mr. Stobaugh states, "The publicly-designated Hector Road ends soon after the exit off of Interstate 40, where the road becomes segmented into a BLM-designated open or unspecified area." This statement is not true. Hector Road does not end "soon after the exit off of Interstate 40" only maintenance of the road by the County of San Bernardino ends.

Hector Road extends from National Trails Highway (U.S. Route 66) north under Interstate 40 to the Burlington Northern Santa Fe (BNSF) railroad right of way and then three miles north into the Cady Mountains. The County of San Bernardino (County) Department of Public Works maintains the asphalt-paved portion of Hector Road 0.31 miles north of National Trails Highway. The County terminated road maintenance on the unpaved portion of the County

road from the paved portion 0.81 miles towards the BNSF right of way.¹

The attached exhibits show Hector Road is a historic right of way, a County road and an open route pursuant to the West Mojave Plan amendment to the California Desert Conservation Area (CDCA) Plan of 1980 as amended. The following exhibits are:

Exhibit B, Automobile Club of Southern California, Map of San Bernardino County, shows Hector Road has been a right of way since 1943.

Exhibit C, United States Department of the Interior Geological Survey, Cady Mountains Quadrangle, California - San Bernardino Co., 15 Minute Series (Topographic), 1955, shows Hector Road extended across the Atchison, Topeka and Santa Fe (now BNSF) railroad tracks and was a recognized right of way in the Hector area in 1955.

Exhibits D and E, Thomas Bros. Maps, *Popular Street Atlas San Bernardino County*, 1964 and 1974, show Hector Road was an existing right of way prior to the passage of the Federal Land Policy and Management Act of 1976 (FLPMA) and is therefore a valid Revised Statute 2477 (R.S. 2477) right of way.

R.S. 2477 rights-of-way protect the rights of States, local governments and the public to access to and across Federal lands; and the BLM has “the responsibility for, and a deep commitment to, the common good, which is better served by communication and cooperation than by unilateral action.”²

Exhibit F, Bureau of Land Management, California Desert Conservation Area (CDCA) Plan 1980 as Amended, West Mojave Plan, Map 55 - Hector, Sleeping Beauty, West Mojave Route Designation Program, shows Hector Road is a designated open route.

1. Resolution No. 2004-266, Resolution of the Board of Supervisors of the County of San Bernardino to Terminate Road Maintenance from the County Maintained Road System, Hector Road - Newberry Springs Area, Board of Supervisors August 10, 2004 Meeting.

2. *Southern Utah Wilderness Alliance v. Bureau of Land Management*, 425 F.3d 735 (10th Cir. 2005). This Supreme Court case holds that the BLM not only has the authority but the responsibility to uphold access to and across Federal lands.

In the West Mojave Plan amendment to the California Desert Conservation Plan, the BLM identified motorized vehicle access needs and designated open routes to provide for a variety of activities. The activities identified in the plan include access to private land. Mr. Patrick Jackson may use designated open routes as long as his use does not exceed a level defined as casual use. ‘*Casual use* means activities ordinarily resulting in no or negligible disturbance of the public lands, resources, or improvements.’ (43CFR2801.5)³

The Applicant can not deprive others of their right to use Hector Road, a designated open route under the West Mojave Plan amendment to the California Desert Conservation Area (CDCA) Plan. The CDCA states,

The need for access across public lands to permit utilization of State and privately owned lands and to permit authorized developments on public lands, including mining claims, is recognized.

Exhibits G through J and O show Hector Road is a recognized right of way and has been continuously used as a right of way since 1955.

Exhibits K through N are San Bernardino County Assessor Maps and show Hector Road is a County road.

Exhibit P, Stirling Energy Systems (SES), Boundary Map Solar One, Three and Six, July 11, 2008, shows the Applicant recognized and asserted Hector Road is an existing road.

Exhibits Q and R are maps from third party sources and show Hector Road is a County road. These maps show Hector Road as “Hector Road” south of the BNSF railroad right of way and as “County 20795” north of the right of way.

Exhibit S shows Hector Road is a County road according to San Bernardino Associated Governments (SANBAG), the council of governments and transportation planning agency for San Bernardino County.

All of these exhibits clearly show Hector Road is a historic right of way, a County road

3. Roxie C. Trost February 25, 2010 letter to Shawn R. Jackson, Esq.

and a designated open route under the California Desert Conservation Act.

B. Burlington Northern Santa Fe Railway Crossing at Hector Road

In May 2008, SES Solar One, LLC, the original Applicant, entered into an Agreement for Private Crossing (Agreement) with BNSF (Burlington Northern Santa Fe) Railway Company and added gates and barricades at the railway crossing at Hector Road. According to the Agreement, the Applicant paid over \$93,000 to construct the gates and add barricades.

The Agreement, gates and barricades deprive others of their right to use Hector Road.

The Applicant, the BLM and BNSF maintain, “it is up to the railroads discretion on how the railroad ROW is maintained or accessed.”⁴ The BLM contends, “The right of way, currently held by BNSF, was granted through act of Congress 14 Stat. 292, July 27, 1866. The area gated by BNSF is within the parameters of the right of way granted.”⁵

The Applicant and BNSF do not have the right to block Hector Road for several reasons.

First, Section 5 of the *Act granting lands to aid in the Construction of a Railroad and Telegraph Line from the States of Missouri and Arkansas to the Pacific Coast* requires the Atlantic and Pacific Railroad Company, its successors and assigns, and the Southern Pacific Railroad (BNSF’s predecessor) to construct and have crossings.

Second, the lands granted to the Atlantic and Pacific Railroad Company by the Act of July 27, 1866, 14 Stat. 292, c. 278, and by grant to the Southern Pacific Railroad Company by the Act of March 3, 1871, 16 Stat. 573, c. 122, were grants *in praesenti* and covered only the public lands grantable by Congress at that time. These Acts do not authorize either railroad company, or its successors, the right to other lands not granted at that time or the right to block access to public lands.⁶

4. Felicia L. Bellows March 8, 2010 letter to Mr. Christopher Meyer and Mr. Jim Stobaugh.
5. Roxie C. Trost February 25, 2010 letter to Shawn R. Jackson, Esq.
6. United States v. Southern Pacific Railway Company, 146 US 570 (1892).

Third, the gated crossing is a violation of the Unlawful Inclosures of Public Lands Act of 1885, which regulates the fencing off of public lands (including fences and gates on private lands) and prohibits the obstruction of “free passage or transit over or through the public lands.”⁷ Section 1063 of the Unlawful Inclosures of Public Lands Act of 1885 states:

No person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct, or shall combine and confederate with others to prevent or obstruct, any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands.

The Unlawful Inclosures of Public Lands Act mandates the BLM not only has the authority but the responsibility to abate all fences, gates and other obstructions that prevent or obstruct access to public lands.

Fourth, BNSF’s predecessor, Southern Pacific Land Company, conveyed an easement across its right of way at Hector Road when it conveyed title to Sections 5, 9, 17, 21 and 33, Township 9 North, Range 5 East, to a private individual in 1958.^{8 9}

Fifth, BNSF’s predecessor, Southern Pacific Land Company, conveyed an easement across its right of way at Hector Road when it conveyed title to Section 1, Township 8 North, Range 5 East, to the same private individual in 1958.^{10 11}

Sixth, BNSF’s predecessor, SF Pacific Properties Inc., a Delaware Corporation, conveyed an easement across its right of way at Hector Road when it conveyed title to Sections 13 and 25, Township 9 North, Range 5 East, to the United States of America in 2002.^{12 13}

7. 43 U.S.C. §§ 1061, 1063 and *Camfield v. United States*, 167 U.S. 518 (1897).

8. Deed, Southern Pacific Land Company to W. W. Boswell, Jr., recorded October 27, 1958, in Book 4639, Pages 230 & 231.

9. Cal. Civil Code 1104.

10. Deed, Southern Pacific Land Company to W. W. Boswell, Jr., recorded November 24, 1958, in Book 4662, Pages 165 & 166.

11. Cal. Civil Code 1104.

12. Grant Deed, SF Pacific Properties, Inc., a Delaware Corporation, to the United States of America, recorded August 28, 2002 as Document 2002-0333071.

13. Cal. Civil Code 1104.

Seventh, Hector Road is an easement by implication and an easement by necessity for the private properties in the Hector area.

C. Proposed Post Project Development Access Route

On March 8, 2010, the Applicant submitted a Proposed Post Project Development Access Routes Calico Solar Project (Proposed Route). The Proposed Route can not be constructed as proposed or used by the private property owners to access their properties.

First, the Proposed Route does not extend or connect to a County road.

Second, the validity of the route for access from Pisgah Crater Road to the southeast end of Proposed Route has not been determined.

Third, the public and private property owners will not be able to access the southwest end of the Proposed Route from the Proposed Bridge.

Fourth, portions of the easterly sections of the Proposed Route are within donated lands; and development on donated lands will be prohibited under the California Desert Protection Act of 2010 introduced by U.S. Senator Dianne Feinstein in December 2009.

Fifth, the northeast portion of the Proposed Route is within Bighorn Sheep habitat and movement corridor.¹⁴

Sixth, the Proposed Route, being outside the Project fence line, could endanger desert tortoises at the perimeter of the Project Site. The impact the Proposed Route will have on federally threatened desert tortoise has not been determined.

Seventh, the Proposed Route would require the removal of all vegetation within the route.

14. Biological Resources Technical Report for the Solar One Solar Power generating Facility, San Bernardino County, California, Figure 9, Bighorn Sheep Habitat & Movement Corridors Solar One Project, Revised December 21, 2009.

Eighth, the northerly sections of the Proposed Route will be between the north detention and debris basins and the Project fence line. The impact the Proposed Route will have on drainage has not been addressed.

CLOSING STATEMENTS

People have been using Hector Road to access the public and private lands in the Hector area for over fifty years. The Applicant does not have the right to block Hector Road for the Applicant's exclusive use or deprive others of their right to use the roadway. The Applicant must remove the locked gates at the BNSF crossing in order for the Project to comply with applicable laws, ordinances, regulations and standards. If the applicant and BNSF have safety concerns, the Applicant and BNSF can install an active warning system at the crossing with crossing gate arms and flashing lights.

I intend to participate in all future hearings and workshops.

The Declaration of Service and the Proof of Service are attached.

March 13, 2010

Date

Original Signed By

Patrick C. Jackson

LIST OF EXHIBITS

- Exhibit A SES Solar One, Application for Certification, Page 5.7-131, December 2008.
- Exhibit B Automobile Club of Southern California, Map of San Bernardino County, 1943.
- Exhibit C United States Department of the Interior Geological Survey, Cady Mountains Quadrangle, California - San Bernardino Co., 15 Minute Series (Topographic), 1955.
- Exhibit D Thomas Bros. Maps, *Popular Street Atlas San Bernardino County*, First Edition, 1964.
- Exhibit E Thomas Bros. Maps, *Popular Street Atlas, San Bernardino County*, 1974.
- Exhibit F Bureau of Land Management, California Desert Conservation Area (CDCA) Plan 1980 as Amended, West Mojave Plan, Map 55 - Hector, Sleeping Beauty, West Mojave Route Designation Program.
- Exhibit G United States Department of the Interior Geological Survey, Hector Quadrangle, California - San Bernardino Co. 7.5 Minute Series (Topographic), Provisional Edition, 1982.
- Exhibit H Automobile Club of Southern California, Map of San Bernardino County, 1998
- Exhibit I U. S. Department of the Interior Bureau of Land Management, Surface Management Status Desert Access Guide, California Desert District, Newberry Springs, BLM Special Edition 1998.
- Exhibit J Benchmark Maps, *California Road & Recreation Atlas, Third Edition*, Revised 2004.
- Exhibit K San Bernardino County Assessor's Map, Book 0529 Page 20, July 2005.
- Exhibit L San Bernardino County Assessor's Map, Book 0530 Index Map, June 2005.
- Exhibit M San Bernardino County Assessor's Map, Book 0530 Page 23, June 2005.
- Exhibit N San Bernardino County Assessor's Map, Book 0530 Page 24, June 2005.
- Exhibit O Rand McNally, The Thomas Guide, *San Bernardino County Street Guide, 2007*.
- Exhibit P Stirling Energy Systems (SES), Boundary Map Solar One, Three and Six, July 11, 2008.
- Exhibit Q USGS, The National Map Viewer, <http://nmviewogc.cr.usgs/viewer/htm>, accessed February 20, 2010.
- Exhibit R Microsoft Streets & Trips, 2010, DVD.
- Exhibit S San Bernardino Associated Governments (SANBAG), coroads_march08.dbf, March 2008, accessed March 12, 2010.

Exhibit A

SES Solar One
Application for Certification
Page 5.7-131
December 2008

Hector Road

Hector Road currently is an I-40 interchange, which provides access to the project area. Hector Road extends for a short distance south of I-40 to U.S. Route 66. North of I-40, Hector Road has been realigned since its original construction, and much of the historic segment of the road between I-40 and the BNSF Railroad is not within the Solar One Project area.

The road in the vicinity of the I-40 interchange is a two-lane paved roadway. North of the I-40 interchange, Hector Road is reduced to a one-lane, graded, dirt roadway. An improved railroad crossing has been constructed at Hector Road, which remains locked with a gate and padlock and is only used by local traffic with access permissions. The improved crossing includes slightly sloped asphalt ramps that bring the road up to railroad grade and back down to road grade level and crossing arms.

From the BNSF Railroad, Hector Road continues northward about one mile to the northwest corner of Section 3, Township 8 North, Range 6 East, and then continues eastward along the section line for three miles. At the northeast corner of Section 1, Township 8 North, Range 6 East, Hector Road turns to the southeast and continues across sections 6 and 8 until its junction with the SCE 220kV transmission line road. This segment of the road is a one-lane, graded dirt road that appears to be maintained and frequently used. The route of Hector Road from the railroad to the transmission line road has not been modified since its original construction in the late 1930s or early 1950s. Sometime after 1955, Hector Road was extended about 0.5 mile southeast to the road that leads to the Black Butte manganese mine.

Based on site Surveys and historic research, Hector Road is recommended ineligible for listing in the NRHP and CRHR. Hector Road likely was constructed to provide access to mines in the project vicinity. The road also could have been used to transport construction materials to the SCE 220kV transmission line and the Pisgah Substation from the railroad. Hector Road is a modest example of a typical one-lane dirt graded rural road. It is not associated with any distinctive or significant events, persons, design/construction, or has the potential to yield important information about the past. The road is representative of typical construction, which has been well-documented in California and the West.

Phase II Area

The intensive survey identified four previously unrecorded historic-age properties within the Solar One Phase II Project area (Table 5.7-9). These properties are Hector Road, the Pacific Gas and Electric Pipeline, the Mojave Pipeline, and the newly discovered discontinuous segment of Old National Trails Highway. Of the four previously unrecorded historic-age properties identified in this area, one is recommended eligible for the NRHP and CRHR as a historical resource for the purposes of CEQA. The two natural gas pipelines and Hector Road do not appear to be individually eligible. The following is a summary of the historic-period properties that have been recorded and evaluated on the appropriate DPR 523 series forms (refer to Appendix Z –Confidential Appendix E). Hector Road also is located in Solar One Phase I and was discussed in the previous section; therefore, discussion of this resource is not repeated here.

Exhibit B

Automobile Club of Southern California
Map of San Bernardino County
1943
[Pertinent part, arrow added]

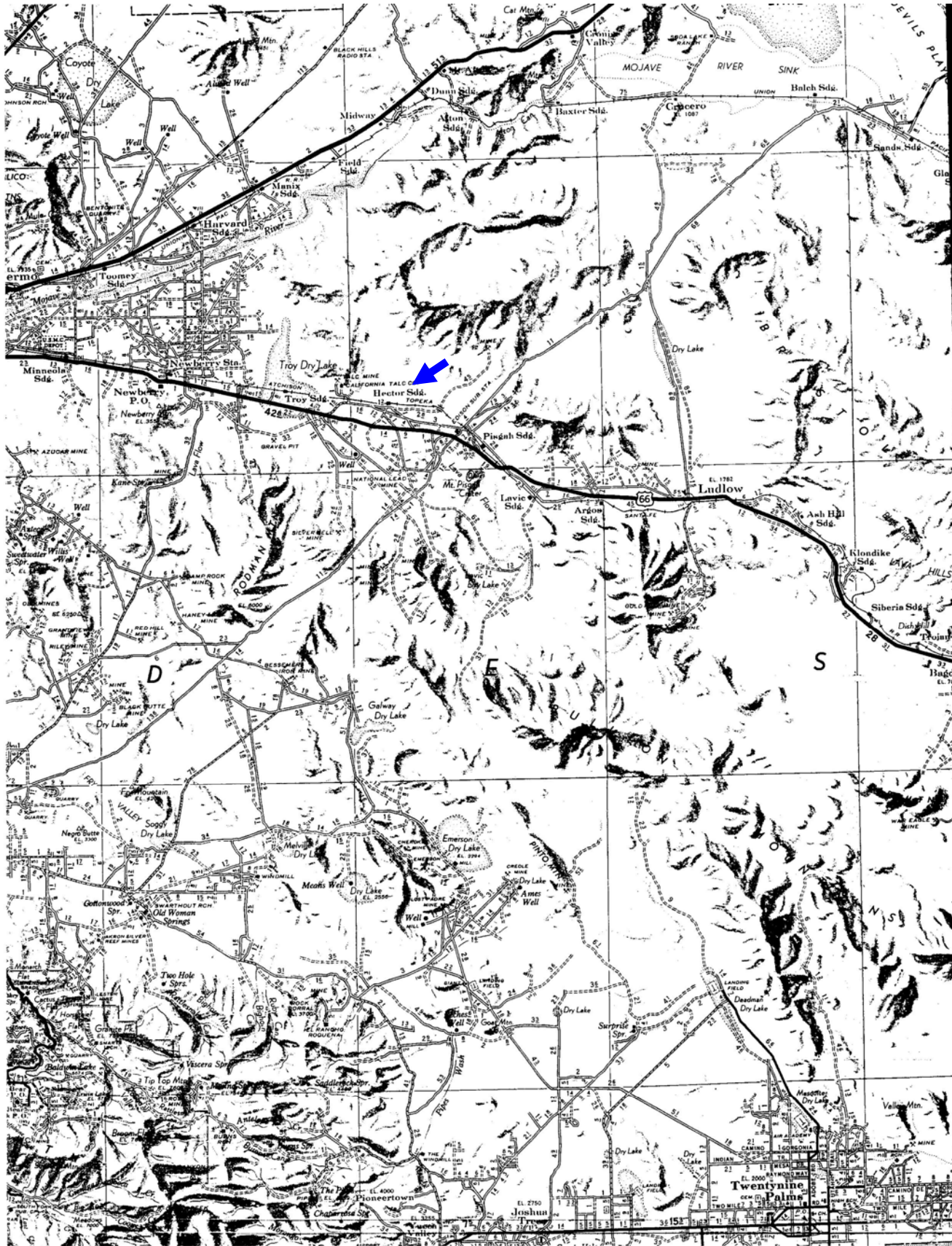
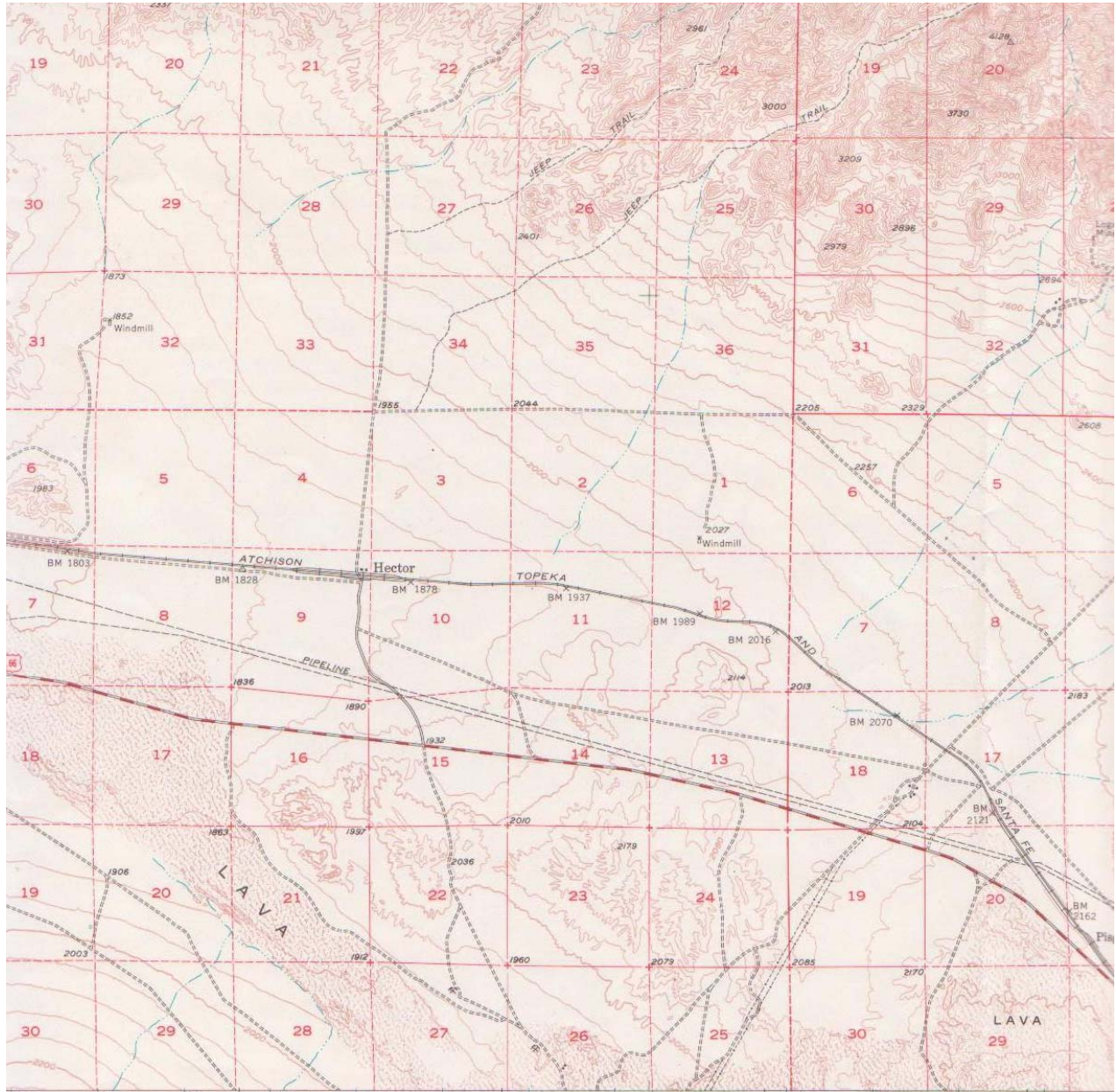


Exhibit C

United States Department of the Interior Geological Survey
Cady Mountains Quadrangle
California - San Bernardino Co.
15 Minute Series (Topographic)
1955
[Pertinent part]



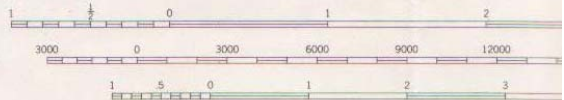
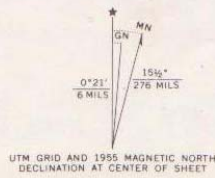
Compiled, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography from aerial photographs by photogrammetric methods
 Aerial photographs taken 1952. Field check 1955

Projection: UTM, 1927 North American datum
 600,000-foot grid based on California coordinate system, zone 5
 100-meter Universal Transverse Mercator grid ticks,
 except 11, shown in blue

Red dashed lines indicate approximate locations



SCALE 1:62500
 CONTOUR INTERVAL 40 FEET
 DATUM IS MEAN SEA LEVEL

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225 (1:62,500)
 A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE

Exhibit D

Thomas Bros. Maps
Popular Street Atlas San Bernardino County, First Edition
1964
[Arrow added]

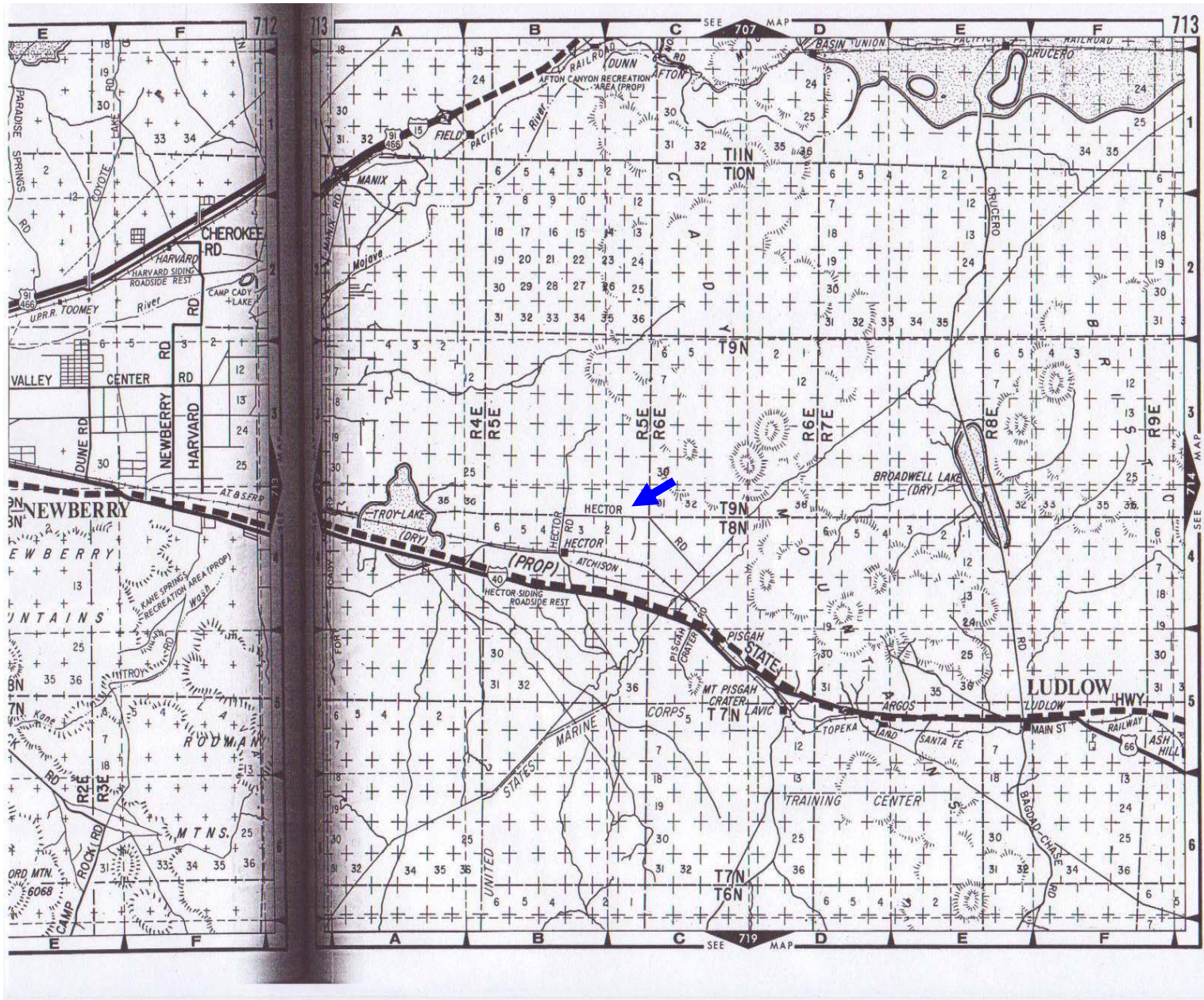


Exhibit E

Thomas Bros. Maps
Popular Street Atlas, San Bernardino County
1974
[Arrow added]

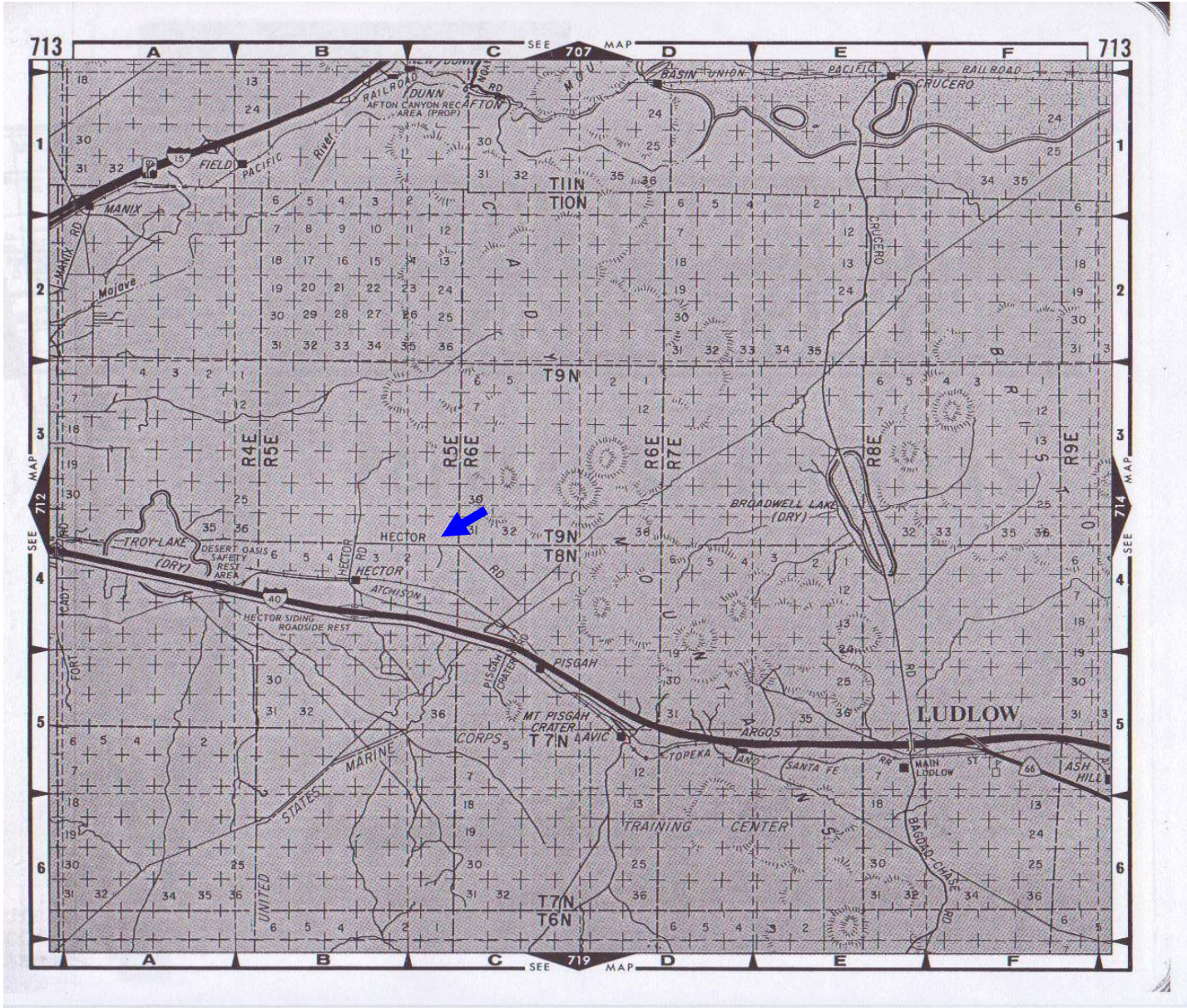
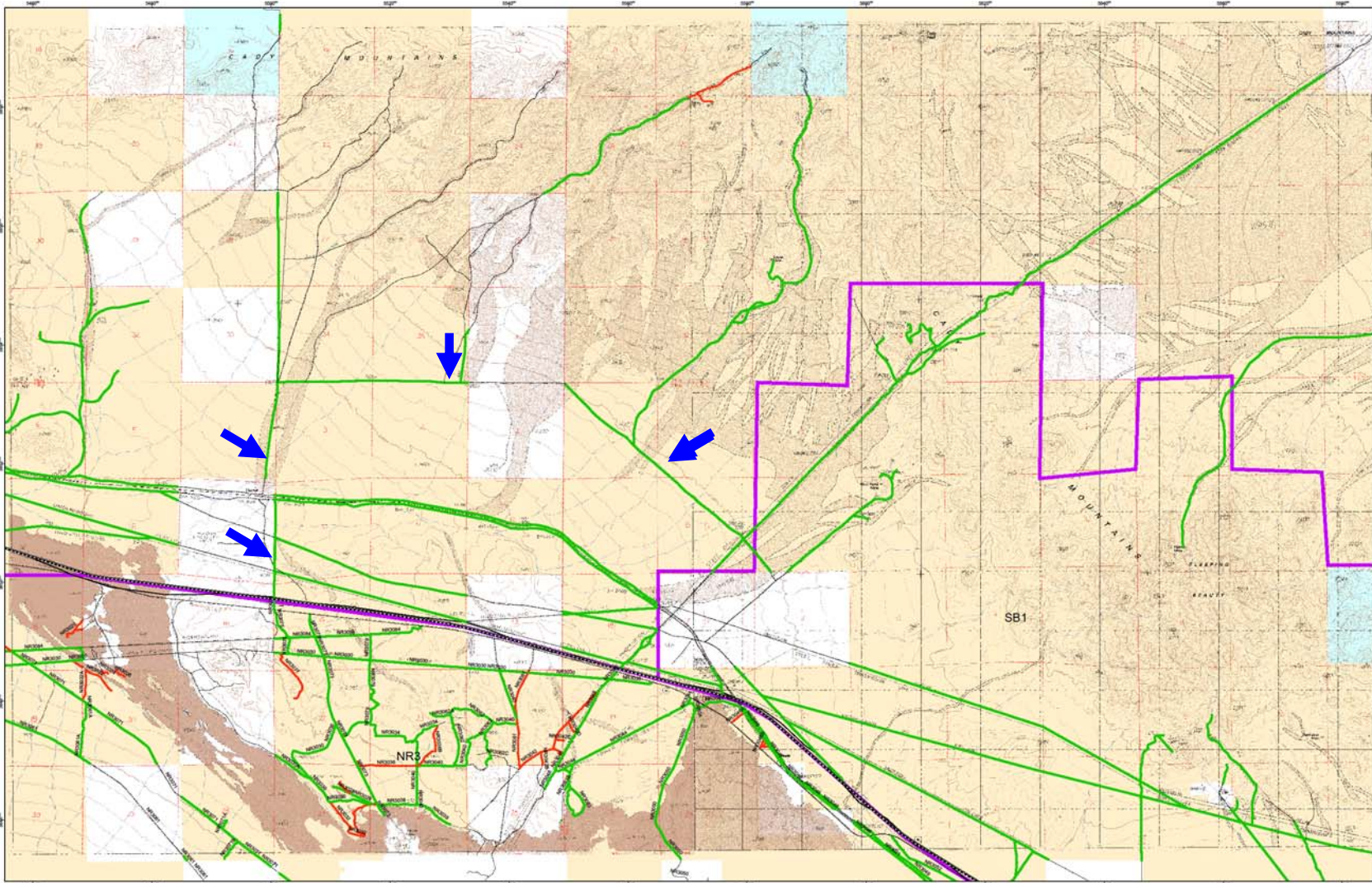


Exhibit F

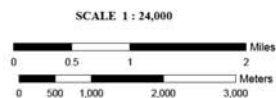
Bureau of Land Management
California Desert Conservation Area (CDCA) Plan 1980 as Amended
West Mojave Plan
Map 55 – Hector, Sleeping Beauty
West Mojave Route Designation Program
[Arrows added]

Proposed Action - West Mojave Route Designation Program

Map 55 - Hector, Sleeping Beauty



Designations apply to BLM lands only
 Coordinates UTM NAD83, Zone 11
 Cartography N. Pratin, M. Aspell
 Date Feb 25, 2003



Legend		Proposed Designations	Land Ownership
—	Highway	Open	BLM
—	Major Road	Limited	National Park Service
—	MAZ Boundary	Closed	Military
—	SB1 Area Boundary	Public Road	State Lands
—	BLM Resource	Undesignated or Unknown	County/Regional Private
—	ACECA		
—	Open Areas		

Exhibit G

United States Department of the Interior Geological Survey
Hector Quadrangle
California - San Bernardino Co.
7.5 Minute Series (Topographic)
Provisional Edition 1982
[Pertinent part, arrows added]

Exhibit H

Automobile Club of Southern California
Map of San Bernardino County
1998
[Pertinent part, arrow added]

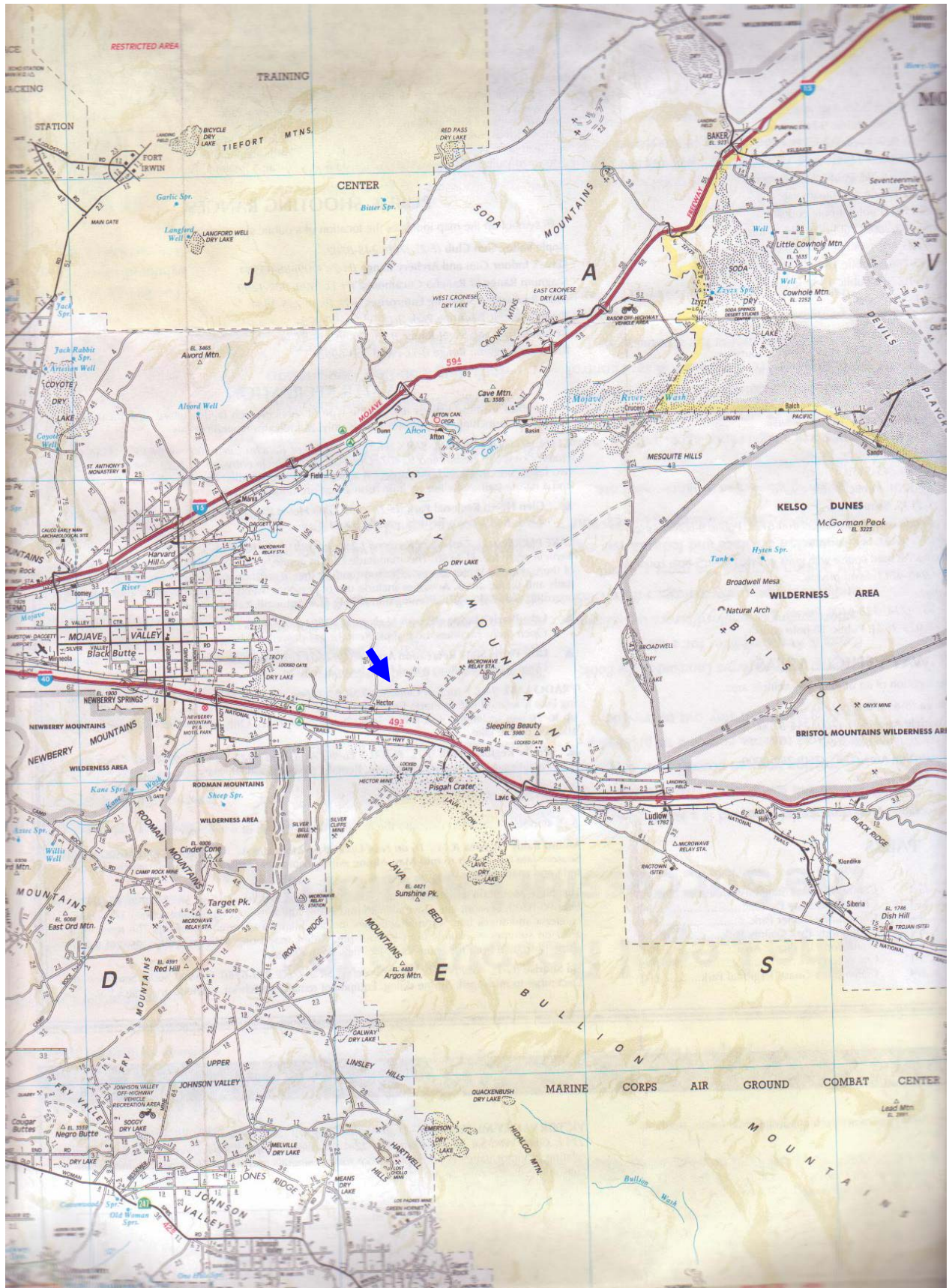


Exhibit I

U. S. Department of the Interior Bureau of Land Management
Surface Management Status Desert Access Guide
California Desert District, Newberry Springs
BLM Special Edition 1998
[Pertinent part, arrows added]

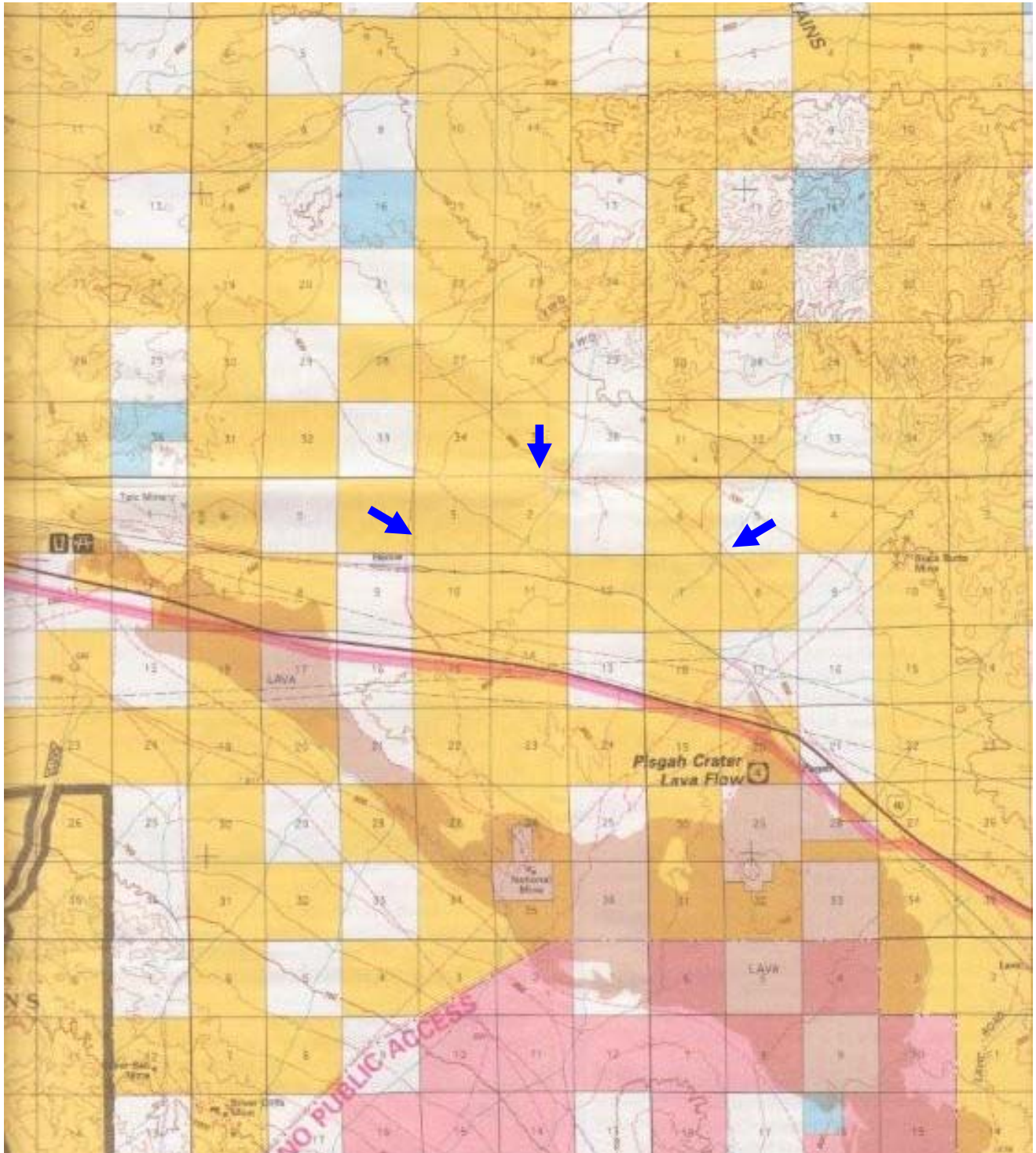


Exhibit J

Benchmark Maps
California Road & Recreation Atlas
Third Edition
Revised 2004
[Pertinent part, arrow added]



Exhibit K

San Bernardino County Assessor's Map
Book 0529 Page 20
July 2005
[Arrows added]

THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.



SHEET 1 OF 1 SHEETS

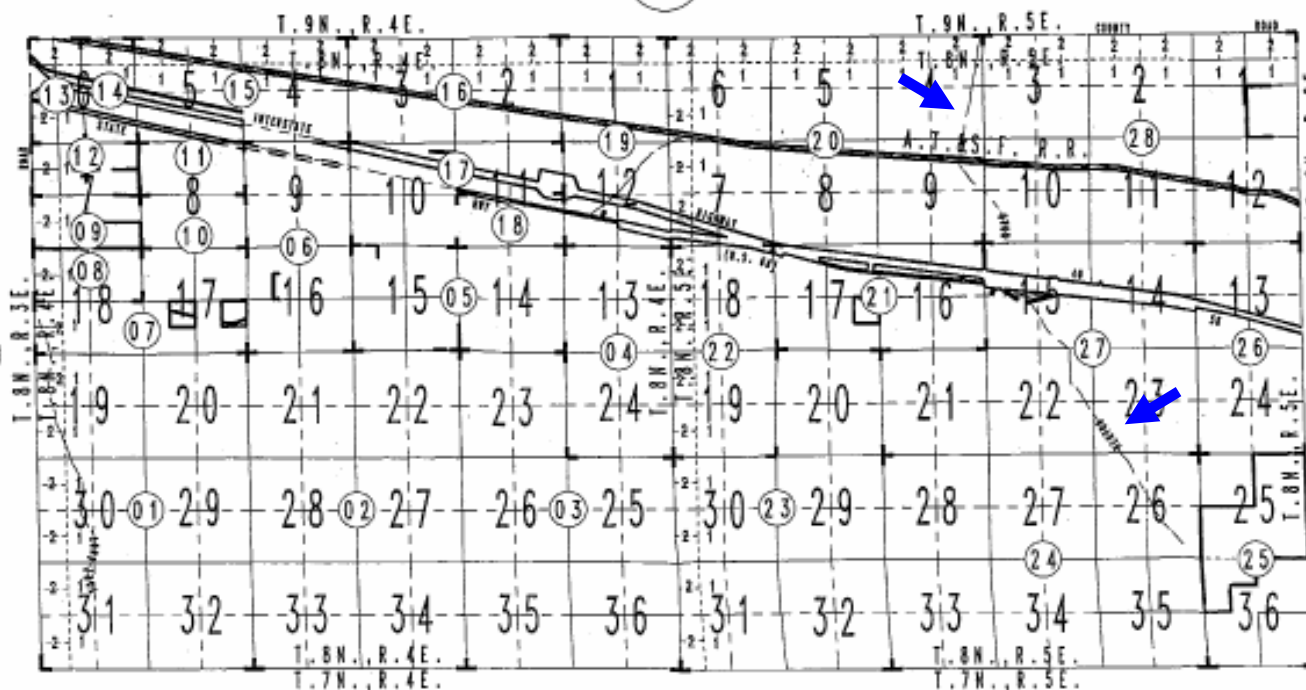
INDEX MAP BOOK 0529 SILVER VALLEY UNIFIED



BK.
0530

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0528

BK.
0552



BK.
0527

SEP 07 2005

REVISED

July 2005

Assessor's Index Map
Book 0529
San Bernardino County

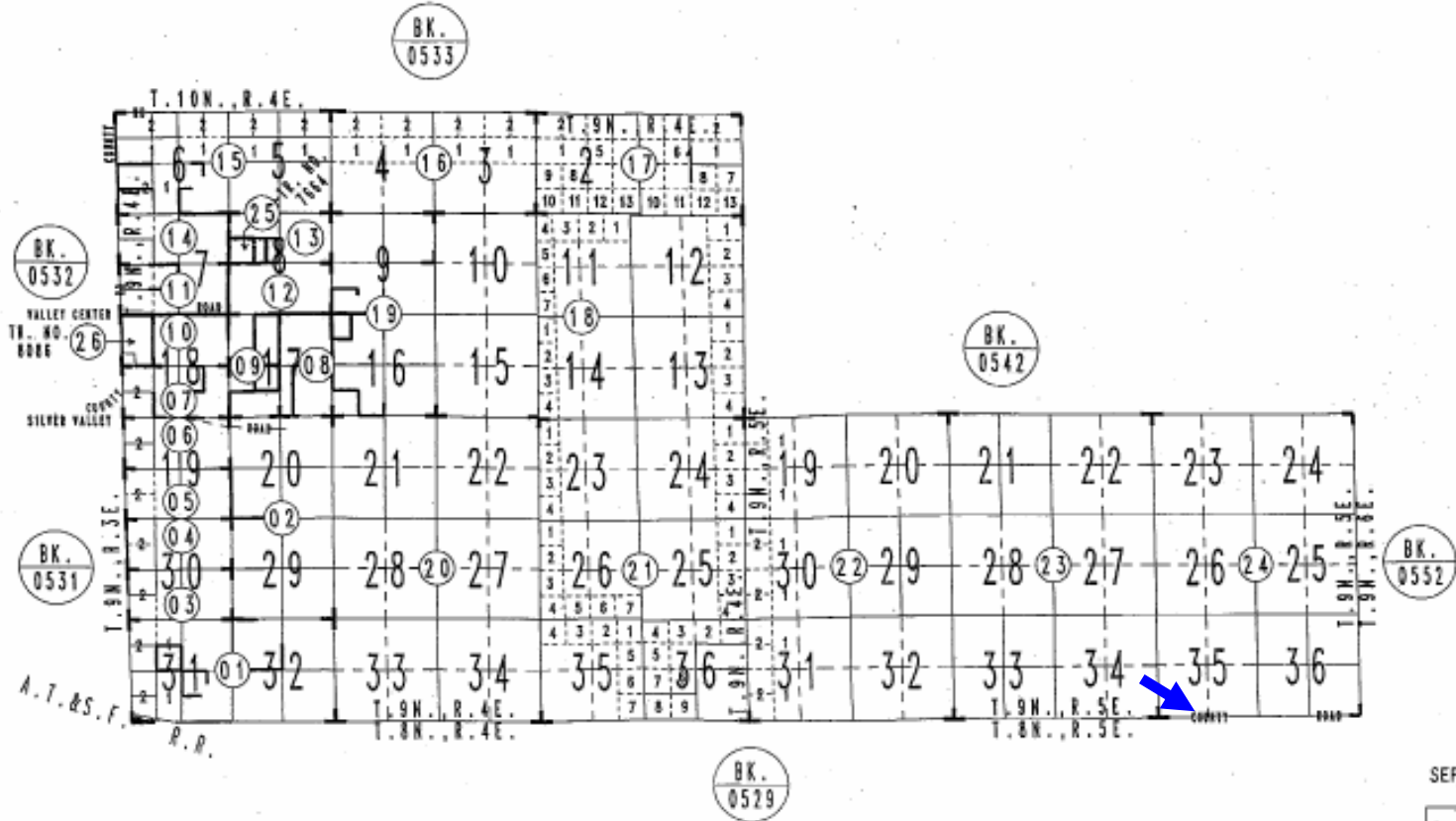
Exhibit L

San Bernardino County Assessor's Map
Book 0530 Index Map
June 2005
[Arrow added]

THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.



INDEX MAP BOOK 0530 SILVER VALLEY UNIFIED



June 2005

SEP 07 2005

REVISED

Assessor's Index Map
Book 0530
San Bernardino County

Exhibit M

San Bernardino County Assessor's Map
Book 0530 Page 23
June 2005
[Arrows added]

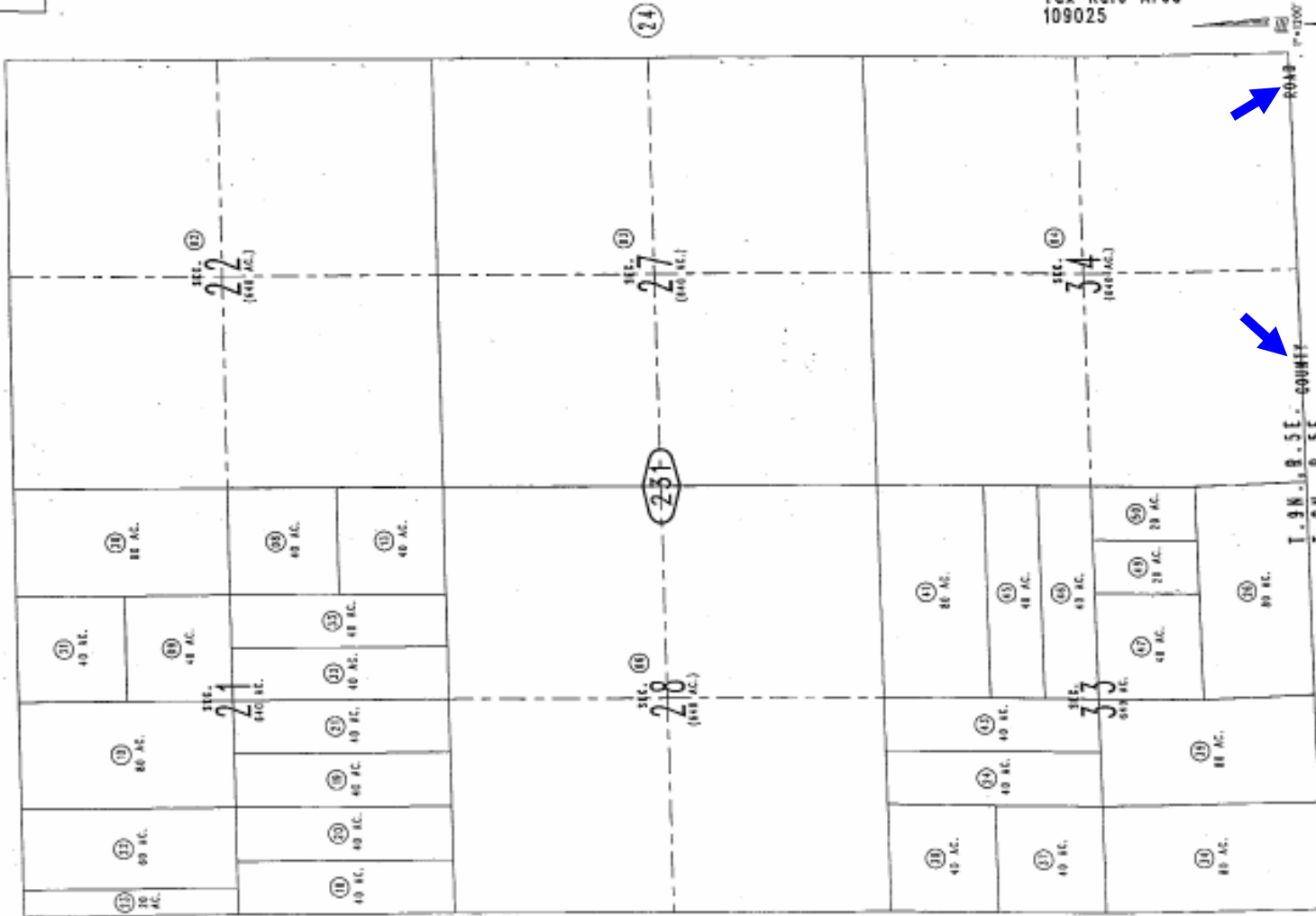
THIS MAP IS FOR THE PURPOSE
OF AD VALOREM TAXATION ONLY.

Sec.21,22,27,28,33&34, T.9N.,R.5E., S.B.B.&M.

Silver Valley Unified 0530-23
Tax Rate Area
109025



0542
04



0529
28

0529
20

SEP 07 2005

REVISED

Assessor's Map
Book 0530 Page 23
San Bernardino County

June 2005

Exhibit N

San Bernardino County Assessor's Map
Book 0530 Page 24
June 2005
[Arrows added]

THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.

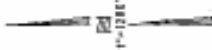
Sec. 23, 24, 25, 26, 35 & 36, T. 9N., R. 5E., S.B.B.&M.

0552
04

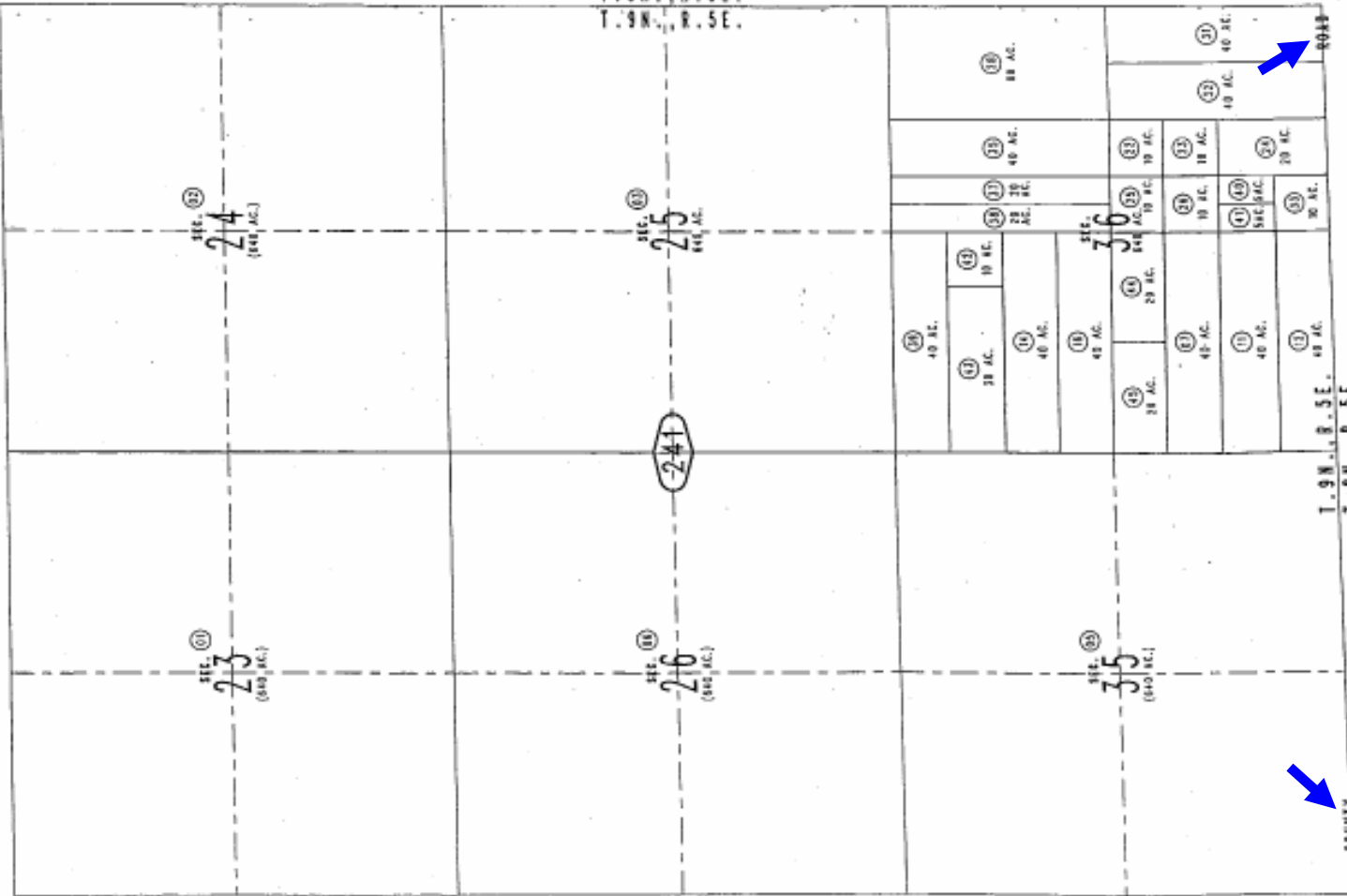
Silver Valley Unified 0530-24
Tax Rate Area
109025



T. 9N., R. 6E.
T. 9N., R. 5E.



0542
03



T. 9N., R. 5E.
T. 8N., R. 5E.

0529
28

COUNTY

SEP 07 2005

REVISED

June 2005

Assessor's Map
Book 0530 Page 24
San Bernardino County

23

Exhibit O

Rand McNally
The Thomas Guide
San Bernardino County Street Guide
2007
[Arrow added]



350

SEE 330 MAP

BAKER 2971

SAN BERNARDINO

SEE 349 MAP

© 2006 Rand McNally & Company

SEE 361 MAP

SEE 370 MAP

0 2.5 5 7.5 10 miles 1 in. = 5 mi.

Exhibit P

Stirling Energy Systems (SES)
Boundary Map Solar One, Three and Six
July 11, 2008

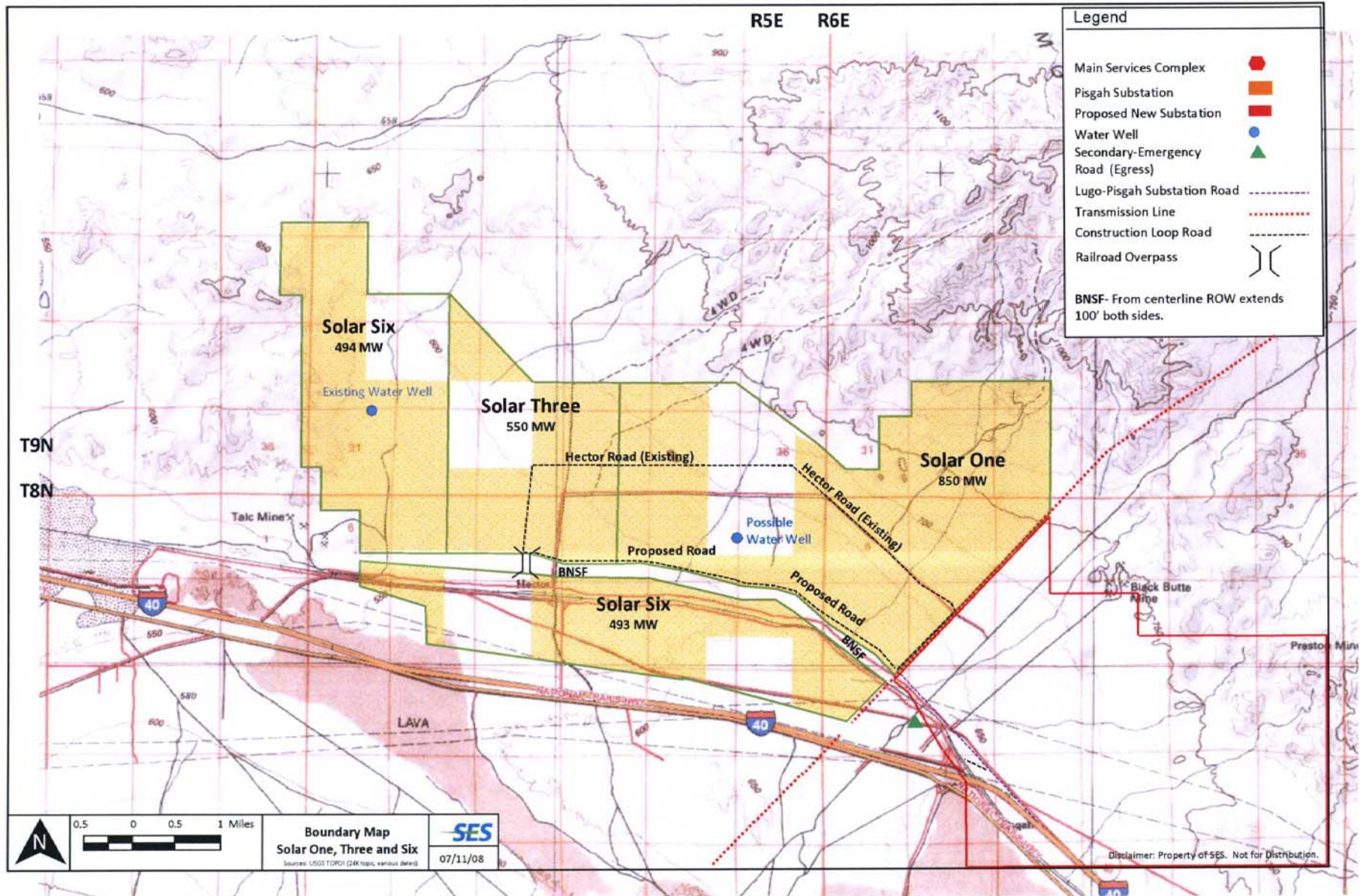
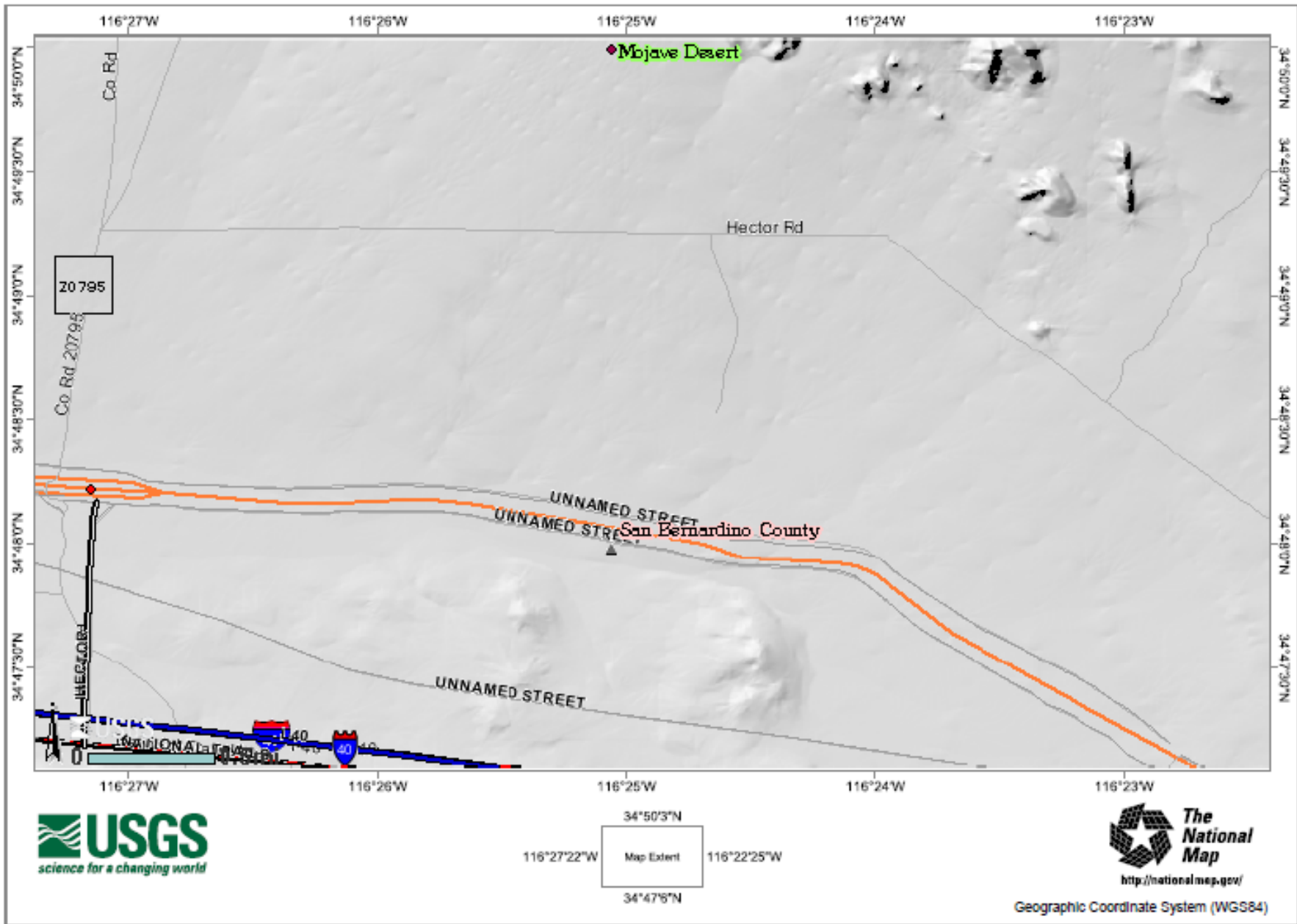


Exhibit Q

USGS
The National Map Viewer
<http://nmviewogc.cr.usgs/viewer/htm>
[Accessed February 20, 2010]



USGS
 science for a changing world

34°50'3"N
 116°27'22"W Map Extent 116°22'25"W
 34°47'6"N

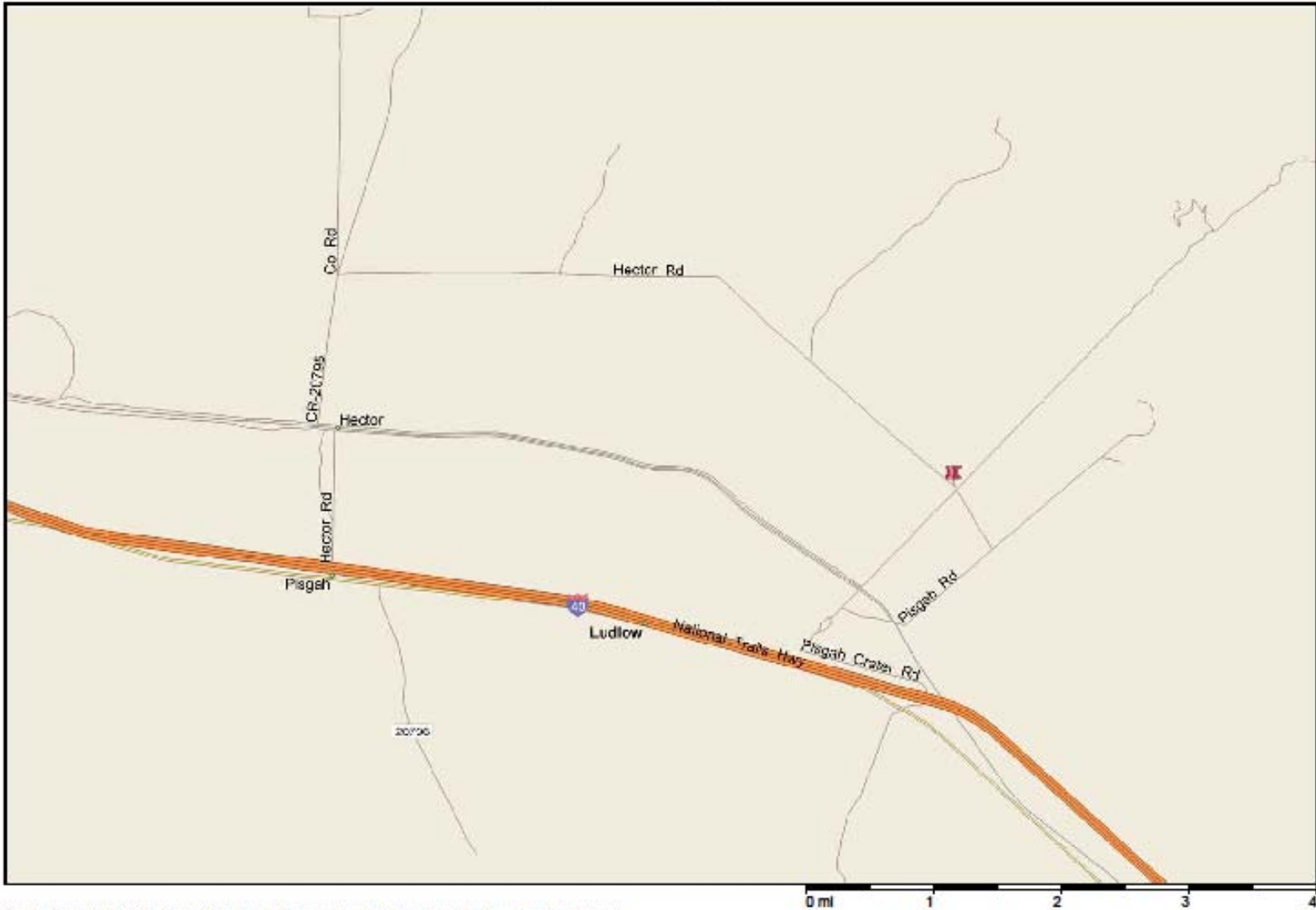

The National Map
<http://nationalmap.gov/>

Geographic Coordinate System (WGS84)

Exhibit R

Microsoft Streets & Trips, 2010
DVD

California, United States, North America



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Exhibit S

San Bernardino Associated Governments (SANBAG)
coroads_march08.dbf
March 2008
[Pertinent part]

L_ADD_FR	L_ADD_TO	R_ADD_FR	R_ADD_TO	P	STREET_NAM	STREET	DATE_MODIF	L_ZIPCODE	R_ZIPCODE	
30400	31298	30401	31299	COUNTY	20795	RD		940309	92365	92338
59350	59698	59351	59699	COUNTY	20795	RD		890106	92338	92338
57600	58398	57601	58399	COUNTY	20795	RD		930622	92338	92338
29400	29428	29401	29429	HECTOR		RD		881125	92365	92365
29350	29398	29351	29399	HECTOR		RD		881125	92365	92338
29430	29458	29431	29459	HECTOR		RD		881125	92365	92338
29460	29498	29461	29499	HECTOR		RD		881125	92365	92365
30300	30398	30301	30399	HECTOR		RD		890106	92338	92365

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:

Application for Certification
for the Calico Solar Project
(Formerly SES Solar One)

Docket No. 08-AFC-13

DECLARATION OF SERVICE

I, **Patrick C. Jackson**, declare that on **March 13, 2010**, I served and filed copies of the attached **Patrick C. Jackson Status Report No. 5**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent *Proof of Service* located on the web page for this project at:

<http://www.energy.ca.gov/sitingcases/calicosolar/>

The document has been sent to the Commission, as well as all parties in this proceeding as shown on the *Proof of Service*, in the following manner:

FOR SERVICE TO THE APPLICANT AND ALL OTHER PARTIES:

- XX sent electronically to all e-mail addresses on the Proof of Service list and
XX by depositing in the United States mail at **San Dimas, California**, with first-class postage thereon fully prepaid and addressed as provided on the attached *Proof of Service* to the mailing addresses shown on the Proof of Service NOT marked "E-mail Service Preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

- XX sending the original signed document and one electronic copy, mailed and e-mailed respectively, to the address below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. **08-AFC-13**
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.

March 13, 2010

Date

Original Signed By

Patrick C. Jackson



**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 CALICO SOLAR (Formerly SES Solar One)**

Docket No. 08-AFC-13

PROOF OF SERVICE

(Revised 2/8/10)

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