

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



<b>DOCKET</b>	
<b>08-AFC-13</b>	
DATE	MAY 05 2010
REC'D	MAY 05 2010

May 5, 2010

TO: AGENCY DISTRIBUTION LIST

**REQUEST FOR AGENCY COMMENTS ON THE STAFF ASSESSMENT FOR THE PROPOSED CALICO SOLAR (FORMERLY STIRLING ENERGY SYSTEMS SOLAR ONE) PROJECT (08-AFC-13)**

This notice is to inform you of the availability of the Staff Assessment and Draft Environmental Impact Statement (SA/DEIS) for the Calico Solar Project (08-AFC-13). The SA/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 Calico Solar Project. The SA/DEIS also contains a proposed BLM land use plan amendment to the California Desert Conservation Area Plan. The SA/DEIS was published by the Energy Commission on March 30, 2010.

The SA/DEIS serves as the DEIS for an amendment to the California Desert Conservation Area (CDCA) plan that will allow for the development of the renewable energy project should the BLM grant a Right-of-Way for the project. The BLM is required to issue a Final Environmental Impact Statement (FEIS) that will meet the specific National Environmental Policy Act (NEPA) requirements to accomplish the Plan Amendment, and to complete the Right-of-Way process. Similarly, the Energy Commission staff will publish a Revised Staff Assessment which, with the SA/DEIS, will be the staff's testimony and will allow the Energy Commission to proceed with evidentiary hearings, take public comment and testimony from parties to the process, and allow the Committee of two Commissioners to proceed with developing the Presiding Member's Proposed Decision in a timeframe that will allow both Agencies' required permitting actions to be concluded in a coordinated manner.

**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 Calico Solar facility would help meet California's goals of reducing greenhouse gas emissions and producing 33 percent of its electricity retail sales from renewable resources by 2020. The project technology uses water primarily for the washing of mirrors and does not require water for steam production, reducing water use to fraction of the water that would be consumed with an evaporative cooling system as is associated with some other power plants.

PROOF OF SERVICE (REVISED 05/05/10) FILED WITH  
CD COPIES MAILED FROM SACRAMENTO ON 05/05/10

AA

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

The project proposed by Calico Solar, at a site situated in San Bernardino County in proximity to Interstate 40 and bisected by a Burlington Northern Santa Fe (BNSF) railroad mainline, would develop approximately 8,230 acres of occupied desert tortoise habitat. Approximately 100 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 this loss of habitat. 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.

The Calico Solar Project would have significant impacts/effects on a presently unknown subset of approximately 139 known prehistoric and historical surface archaeological resources and may have significant impacts/effects on an unknown number of buried archaeological deposits, many of which may be determined historically significant (i.e. eligible for the National Register of Historic Places and the California Register of Historical Resources) under the Programmatic Agreement currently under development as part of the Bureau of Land Management's National Historic Preservation Act Section 106 (Section 106) consultation process. The adoption and implementation of staff's proposed mitigation measures and Conditions of Certification would reduce the potential impacts of the proposed project on these cultural resources to less than significant under CEQA, would resolve effects under Section 106, and would further ensure that the proposed project would be in conformity with all applicable laws, ordinances, regulations and standards.

Impacts of the Calico Solar Project combined with the potential impacts of reasonably foreseeable projects in the project vicinity 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, and open space.

The proposed project would substantially degrade the existing visual character and quality of the site and its surroundings, including motorists on Interstate 40 and National Trails Highway/Route 66. With staff recommended Conditions of Certification, these impacts could be greatly reduced but would remain significant and unavoidable. In addition, the proposed project could result in a substantial impact that could not be mitigated as it would be altering existing scenic resource values as seen from several vantage points in the Rodman Mountains Wilderness Area, and from a cumulative perspective within the southern California Mojave Desert.

Mitigation measures have been proposed to address the potential glare from the project's SunCatchers on the adjacent Interstate 40, as well as to operators on the BNSF mainline.

May 5, 2010

Page 3

## AGENCY PARTICIPATION

The California Energy Commission encourages public agency participation in the review of the Calico Solar Application for Certification and the SA/DEIS. We request that you review the enclosed SA/DEIS for the areas which your agency would normally be responsible except for the Energy Commission's permitting authority. Written comments on the SA/DEIS which an agency would like to have entered into the record before the Energy Commission's Evidentiary Hearing, should be provided to Christopher Meyer, Energy Commission Project Manager, no later than 5:00 p.m., June 4, 2010 at the address on this letterhead or by email to [cmeyer@energy.state.ca.us](mailto:cmeyer@energy.state.ca.us).

The Energy Commission and the BLM have been jointly conducting the state and federal environmental review for the Calico Solar Project and released the enclosed joint SA/DEIS; however, the two agencies have now determined that it is necessary to produce separate, but coordinated, final environmental reviews and decision documents.

BLM is also conducting a 90-day comment period in association with BLM's EIS process, which was noticed separately. Following completion of BLM's comment period scheduled to end July 1, 2010, Energy Commission staff and BLM will coordinate on responses to comments, including those received outside the Energy Commission's noticed 30-day comment period. The BLM will prepare a Final Environmental Impact Statement (FEIS) that 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 be directed to Christopher Meyer at (916) 653-1639 or by email at [cmeyer@energy.state.ca.us](mailto:cmeyer@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/calicosolar/index.html>.

Sincerely,

Date: 5/5/10

Original signed by:  
ROGER JOHNSON, Office Manager  
Siting, Transmission and Environmental  
Protection Division

Enclosure  
Mailed to lists:  
7339 - 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 CALICO SOLAR (Formerly SES Solar One)**

**Docket No. 08-AFC-13**

**PROOF OF SERVICE  
(Revised 3/11/10)**

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DECLARATION OF SERVICE

I, April Albright declare that on May 5, 2010, I served and filed copies of the attached Notice of Availability of Staff Assessment/Draft Environmental Impact Statement; Request for Agency Comments on the Staff Assessment; and Document Handling for the Staff Assessment. 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: [\[www.energy.ca.gov/sitingcases/solarone\]](http://www.energy.ca.gov/sitingcases/solarone).

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:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by personal delivery 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. 08-AFC-13  
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, 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**