

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:) Docket No. 08-AFC-13
)
Application for Certification for the)
Calico Solar Project (formerly known as)
SES Solar 1), SES Solar Three, LLC and)
SES Solar Six, LLC)

Staff's Initial Comments on the Presiding Member's Proposed Decision

On September 25, 2010, the Committee issued the Presiding Member's Proposed Decision (PMPD) for the Calico Solar Project. Staff respectfully submits the following comments on the PMPD. For the convenience of the Committee, staff has attempted to show recommended changes to the text in the PMPD in underline and strikeout, but some comments refer more generally to other versions that are in the record for proposed conditions of certification. Comments are arranged by PMPD chapter.

INTRODUCTION

Introduction, p. 6:

\In the course of the review process, the Energy Commission and BLM have held additional joint Issue Resolution, alternatives identification, and data response workshops which were announced and made available to the public. These workshops were held on September 16, 2009 and April 16, 2010 in Barstow, California, and on December 22, 2009, August 24, 2010, and September 9, 2010 in Sacramento, California, and on August 12, 2010 via WebEx. The purposes of the workshops were to provide members of the community and governmental agencies opportunity to obtain project information, and to offer comments they may have had regarding any aspect of the proposed project.

Staff Comment: Three additional staff workshops were not mentioned and the September 9, 2010 staff workshop referenced on page 6 of the Introduction was repeated here to provide a complete list of the staff workshops.

PROJECT DESCRIPTION

Project Description, p. 7:

The post-development flow rates released from the project site are expected to be less than the pre-development flow rates, thus complying with BMPs. The expected flow reduction is based on the following factors.

- Except for the building sites, roads, and two evaporation ponds, the majority of the project site would remain pervious; only a negligible portion of the site would be affected by pavement and SunCatchers foundations.
- The increased runoff expected from the ~~building sites~~ Main Service Complex would be over-mitigated by capturing 100 percent of the runoff in a retention basin, where the storm runoff would be infiltrated and/or evaporated to the atmosphere.
- The proposed perforated risers to be constructed upstream of the roadway culverts would provide for additional detention. (Ex. 300, p. B.1-11.)

Staff Comment: The retention basin is located at the Main Service Complex and staff wishes to avoid confusion with any other areas where construction may occur.

GREENHOUSE GAS EMISSIONS

GHG, p. 1:

The generation of electricity using fossil fuels, even in a back-up generator at a thermal solar plant, produces ~~air-gaseous~~ emissions known as greenhouse gases in addition to the criteria air pollutants that have been traditionally regulated under the federal and state Clean Air Acts. California is actively pursuing policies to reduce GHG emissions that include adding non-GHG emitting renewable generation resources to the system.

Staff Comment: Minor correction.

GHG, p. 3:

Senate Bill (SB) 1368 of 2006, and regulations adopted by the Energy Commission and the Public Utilities Commission pursuant to the bill, prohibit utilities from entering into long-term commitments with any base load facilities that exceed an Emission Performance Standard (EPS) of 0.500 metric tonnes of CO₂ per megawatt-hour (this is the equivalent of 1100 pounds CO₂/MWh). (Pub. Util. Code, § 8340 et seq.; Cal. Code Regs., tit. 20, § 2900 et seq.; CPUC D0701039.) The Calico Solar Project, as a

renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368 (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]). However, even if it were not determined by rule to comply, the project would be operate at or below a 60 percent capacity factor. Currently, the EPS is the only LORS that has the effect of limiting power plant GHG emissions. As noted earlier, Calico Solar must comply with this requirement.

Staff Comment: The SB 1368 compliance finding for solar facilities, that do not include any fossil fuel based generation, is based on (Chapter 11, Greenhouse Gases Emission Performance Standard, Article 1, Section 2903 [b][1]). The capacity factor applicability standard would also show most solar facilities, those without power storage, to be exempt; however, the fact that the facility is solely a renewable energy facility provides an initial and overriding determination of compliance with SB 1368.

GHG, p. 4:

3. GHG Emissions During Construction of the Facility

Construction of industrial facilities such as power plants requires coordination of numerous equipment and personnel. The concentrated on-site activities result in short-term, unavoidable increases in vehicle and equipment emissions that include greenhouse gases. Construction of the proposed project is expected to occur over a period of several years. ~~has two phases. There will be approximately 12 month-overlapping period between each phase, which would result in four years of continuous construction.~~ The Applicant provided a construction emissions estimate that Staff used to calculate greenhouse gas emissions for the entirety of the construction activities. The greenhouse gas emissions estimate is presented below in **Greenhouse Gas Table 1**, where the GHG emissions were converted by staff into MTCO₂E and totaled.

Staff Comment: Changes suggested to more accurately describe construction schedule.

GHG, pp. 4-5:

There is no adopted, enforceable federal or state LORS applicable to Calico construction emissions of GHG. ~~Nor is there a quantitative threshold over which GHG emissions are considered "significant" under CEQA.~~ Nevertheless, there is guidance from regulatory agencies on how the significance of such emissions should be assessed. For example, the most recent guidance from CARB staff recommends a "best practices" threshold for construction emissions. [CARB, Preliminary Draft Staff Proposal, Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act (Oct. 24, 2008), p. 9]. Such an approach is also recommended on an interim basis, or proposed, by major local air districts.

Staff Comment: The ARB method discussed above includes a quantitative threshold, where project life amortized construction emissions is added to the operation emissions and compared to an annual emission threshold. However, this draft interim guideline is not specifically applicable to power plants as ARB defers significance criteria to the Energy Commission, but nonetheless this is a quantitative threshold. Additionally, other local entities such as SCAQMD have similar quantitative thresholds and methods to add construction to operation emissions, so the statement that indicates that there are no quantitative thresholds is not accurate.

GHG, p. 12:

Net GHG emissions for the integrated electric system will decline when new renewable power plants are added to: 1) move renewable generation towards the 33 percent target; 2) improve the overall efficiency, or GHG emission rate, of the electric system; or 3) serve load growth or capacity needs more efficiently, or with fewer GHG emissions. We find that the Calico Solar Project furthers the state's progress toward achieving these important goals and is consistent with the state policies we discussed in Section 12 of this chapter.

Staff Comment: Section numbering jumps from "1" on page 2 to "3" on page 4, which should be fixed, and the reference noted above is incorrect.

GHG, pp. 13-14

1. The GHG emissions from the Calico Solar Project construction are likely to be less than 41,571.01 MTCO₂ equivalent ("MTCO₂E") during the entire 41-month construction period.
- ~~2. There is no numerical threshold of significance under CEQA for construction-related GHG emissions.~~
- ~~78. The maximum annual CO₂ emissions from Calico Solar operation will be less than 3,488.22 MTCO_{2e2e}, which constitutes an emissions performance factor of approximately 0.00190 MTCO_{2e2e} / MWh.~~
- ~~89. The Calico Solar Project, as a renewable energy generation facility, is determined by rule to comply with the Greenhouse Gas Emission Performance Standard requirements of SB 1368. The SB 1368-EPS is applicable to the Calico Solar Project GHG emissions.~~

Staff Comment: Suggest revising findings to better reflect the revised 663.5 MW proposed project (Findings 1 and 7). Suggest deleting the statement regarding numerical CEQA GHG emission thresholds for the reasons explained above, and revising the SB 1368 compliance statement. Other findings need to be renumbered appropriately.

GHG, p. 15

2. The GHG emissions of any power plant must be assessed within the context of the operation of the entire electricity system on a case-by-case basis. from a power plant's operation should be assessed in the context of the operation of the entire electricity system of which the plant is an integrated part.

34. Calico Solar Project as a solar energy facility complies with the Greenhouse Gas Emission Performance Standard requirements of SB 1368. The SB 1368 EPS applies to the Calico Solar Project. Calico Solar has an estimated GHG emission rate of 0.00190 MTCO₂E/MWh, well below the Greenhouse Gas Emission Performance Standard of 0.500 MTCO₂/MWh.

78. The GHG emissions of any power plant must be assessed within the system on a case-by-case basis to ensure that the project will be consistent with the goals and policies enunciated above. The Calico Solar Project will be consistent with the goals and policies enunciated above.

89. Any new power plant that we certify must: The Calico Solar Project will:
...

Staff Comment: Suggest revising and consolidating the partially redundant conclusions numbered 2 and 8, and revising 8 per the revision noted in the Genesis Solar Energy Project PMPD Errata to provide a project specific conclusion. Suggest revising conclusion 4 to be consistent with the SB 1368 requirements. Suggest revising conclusion 9 to make a project specific conclusion in the same manner as provided in the PMPD Errata for the Genesis Solar Energy Project Decision.

AIR QUALITY

AQ, p. 4:

**Air Quality Table 2
Federal and State Attainment Status
San Bernardino County**

...

Source: Ex. 300, p. C.1-10

^a Attainment = Attainment or Unclassified.

^b Nitrogen dioxide attainment status for the new federal 1-hour NO₂ standard is scheduled to be determined by January 2012.

Staff Comment: Suggest adding the exhibit source for Air Quality Table 2.

AQ, p.4:

12. Construction Impacts and Mitigation

The proposed project will be located on approximately 4,6136,215 acres, and will include the installation of 26,54034,000 SunCatchers, operation of Solar Stirling Engine Power Conversion Units (PCUs), administration building, the maintenance building, and the substation building. The proposed project also includes the construction of a project substation, water treatment infrastructure, and onsite road construction. The project owner will use well water from the Lavic Groundwater Basin for construction and operation of the project. Water will be transported by a 0.51 mile long underground pipeline. (Ex. 300, pp. C.1-14 and C.1-16.)

Staff Comment: Suggest revision to current 663.5 MW project proposal acre and Suncatcher specifications. Also, "Existing Air Quality" and Construction Impacts and Mitigation are both given the heading number "1." on Page 4 of the PMPD, so the heading numbering needs to be fixed up through number "5." on Page 11 of the PMPD.

AQ, p. 6:

23. Operation Impacts and Mitigation

The ~~results of the Applicant's modeling analysis~~ of maximum annual operation emissions estimates are well below the General Conformity Rule applicability thresholds for PM10 (100) and ozone precursors (NO_x [100 tons] and VOC [100 tons]). **Air Quality Table 5** presents these estimates. (Ex. 300, p. C.1-20.)

Staff Comment: Suggest clarification of text so there is no confusion between the operation emission estimate calculations and the operation emissions air dispersion modeling analysis discussed just below in the PMPD.

AQ, p. 8:

34. Construction and Operation Overlap Impacts and Mitigation

For a period of time, the construction and operation of the facilities will overlap due to the staged construction and operation of the two phases. As discussed above, the record discloses Applicant's performance of various ~~emission modeling~~ analyses for worst-case emissions. These analyses include estimation of modeling for the worst-case onsite emissions associated with overlap between operation of Phase I and construction of Phase II. **Air Quality Table 7** presents the maximum annual construction/operation overlapping emissions. (Ex. 300, p. C.1-18.)

Staff Comment: Suggest clarification of text so there is no confusion about whether air quality dispersion modeling was performed, it wasn't, for the construction/operation overlapping period.

AQ, p. 11:

5. Compliance with LORS

The ~~MDAQMD~~MDAQCD issued a Preliminary Determination of Compliance (PDOC) for the Calico Solar Project on June 4, 2009, and a Final Determination of Compliance on January 27, 2010, (MDAQMD 2010a). Compliance with all District rules and regulations was demonstrated to the District's satisfaction in the FDOC. The District's FDOC conditions are presented in the Conditions of Certification (**AQ-1 to AQ-15**). (Ex. 300, p. C.1-45.)

...

In addition, Staff recommend several other Conditions of Certification designed to reduce the project's air quality impacts to below the level of significance. We hereby adopt all of Staff's recommended Conditions of Certification, **AQ-SC1** through **AQ-SC9**~~AQ-SC15~~. (Id.)

Staff Comment: Corrects typographical error and condition numbering error.

AQ, p. 12:

Staff conditions ~~AQ-SC1~~ through ~~AQ-SC4~~ and ~~AQ-SC7~~ are both CEQA and NEPA mitigation conditions. Staff Conditions ~~AQ-SC5~~, ~~AQ-SC6~~, and ~~AQ-SC8~~ are CEQA-only conditions. Note that the term "CPM" refers to the Energy Commission's Compliance Project Manager

Staff Comment: The BLM's FEIS has incorporated all of the conditions in the Draft SA/DEIS, both staff and District conditions, and the BLM will make the final determination regarding what conditions are included in the project's Record of Decision (ROD), so we recommend deletion of first sentence.

AQ, pp. 13 and 14-15:

AQ-SC3 Construction Fugitive Dust Control: The AQCMM shall submit documentation to the CPM in each Monthly Compliance Report that demonstrates compliance with the Air Quality Construction Mitigation Plan (AQCMP) mitigation measures for the purposes of minimizing fugitive dust emission creation from construction activities and preventing all fugitive dust plumes that would not comply with the performance standards identified in AQ-SC4 from leaving the project site. The following fugitive dust mitigation measures shall be included in the Air Quality Construction Mitigation Plan (AQCMP) required by **AQ-SC2**, and any deviation from the AQCMP mitigation measures shall require prior CPM notification and approval.

...

_____ B. All unpaved construction roads and unpaved operation and maintenance site roads, as they are being constructed, shall be stabilized with a nontoxic soil

stabilizer or soil weighting agent that can be determined to be both as efficient or more efficient for fugitive dust control as ARB approved soil stabilizers, and shall not increase any other environmental impacts including loss of vegetation to areas beyond where the soil stabilizers are being applied for dust control. All other disturbed areas in the project and linear construction sites shall be watered as frequently as necessary during grading (consistent with Biology Conditions of Certification that address the minimization of standing water ~~BIO-7~~); and after active construction activities shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative approved soil stabilizing methods, in order to comply with the dust mitigation objectives of Condition of Certification **AQ-SC4**. The frequency of watering can be reduced or eliminated during periods of precipitation.

...

Verification: The AQCMM shall provide the CPM a Monthly Compliance Report to include the following to demonstrate control of fugitive dust emissions:

- A. A summary of all actions taken to maintain compliance with this Condition;
- B. Copies of any complaints filed with the District in relation to project construction; and
- C. Any other documentation deemed necessary by the, CPM or AQCMM to verify compliance with this Condition. Such information may be provided via electronic format or disk at the project owner's discretion.

*Staff Comment: The recommended changes to the first paragraph of AQ-SC3 updates the condition to the latest version provided in the July Supplemental Staff Assessment. The recommended change to **AQ-SC3** subpart b. is needed to ensure that incorrect citations between sections do not occur. The recommended change to the verification removes a stray comma.*

AQ, p. 16:

AQ-SC4

...

Verification: The AQCMM shall provide the CPM a Monthly Compliance Report to include:

- A. a summary of all actions taken to maintain compliance with this Condition;
- B. copies of any complaints filed with the District in relation to project construction; and
- C. any other documentation deemed necessary by the CPM or ~~and~~ AQCMM to verify compliance with this Condition. Such information may be provided via electronic format or disk at the project owner's discretion.

Staff Comment: The recommended changes to the verification updates the condition to the latest version provided in the July Supplemental Staff Assessment.

AQ, p. 18:

AQ-SC6

The project owner, when obtaining dedicated on-road or off-road vehicles for mirror washing activities and other facility maintenance activities, shall only obtain vehicles that meet California on-road vehicle emission standards or appropriate U.S.EPA/California off-road engine emission standards for the latest model year available when obtained. . . .

Staff Comment: The recommended changes to the condition correct an apparent typographical error and make it consistent with the version provided in the July Supplemental Staff Assessment.

AQ, pp. 19-20:

AQ-SC8

The project owner shall provide the CPM copies of all District issued Authority-to-Construct (ATC) and Permit-to-Operate (PTO) documents for the facility.

The project owner shall submit to the CPM for review and approval any modification proposed by the project owner to any project federal air permit. The project owner shall submit to the CPM any modification to any federal permit proposed by the District or U.S. Environmental Protection Agency (U.S. EPA), and any revised federal permit issued by the District or U.S. EPA, for the project.

Verification: The project owner shall submit any ATC, PTO, and proposed federal air permit modifications to the CPM within five working days of its submittal either by 1) the project owner to an agency, or 2) receipt of proposed modifications from an agency. The project owner shall submit all modified ATC/PTO documents and all federal air permits to the CPM within 15 days of receipt.

Staff Comment: The recommended changes to the verification make it consistent with the version provided in the July Supplemental Staff Assessment.

AQ, p. 20:

AQ-SC9

The project owner shall only use Tier 3 or higher certified engine generators, totaling no more than 900 horsepower, to provide project site power prior to the installation of utility construction or permanent electric power lines to the project site. These engines shall be in the range of 50 to 750 hp each and will have NOx emissions that are certified under full load to be no more than 3.5 grams per brake horsepower for engines between 50 and 100 horsepower and no more than 3.0 grams per brake horsepower for engines

between 100 and 750 horsepower. This requirement does not include small engine generators that are solely dedicated to specific pieces of equipment, such as engine generators necessary for welders.

Verification: The project owner shall submit data on the site power generators at least 15 days prior to their use that demonstrates compliance with this condition.

*Staff Comment: The recommended staff condition **AQ-SC9** was omitted from the PMPD. This staff condition addresses a late change in the construction description and is necessary to ensure that the air quality impacts remain less than significant during construction. This condition, which was agreed to by the applicant, was provided as staff Exhibit 307 during the evidentiary hearings.*

WORKER SAFETY AND FIRE PROTECTION

Worker Safety, pp. 21-23

Staff recommends replacement of Worker Safety-7 and Worker Safety-8 in the PMPD with the following conditions, for reasons explained in the comment that follows. (A redline comparison to the PMPD was not prepared because the changes are extensive.)

WORKER SAFETY-7 The project owner shall do one of the following:

(1) Reach an agreement, either individually or in conjunction with a power generation industry association or group that negotiates on behalf of its members, with the San Bernardino County Fire Department (SBCFD) regarding funding of its project-related share of capital and operating costs to build and operate new fire protection/response infrastructure and provide appropriate equipment as mitigation of project-related impacts on fire protection services within the jurisdiction.

or

(2) Shall fund its share of the capital costs in the amount of \$1,187,000 and provide an annual payment of \$1,095,000 to the SBCFD for the support of new fire department staff and operations and maintenance commencing with the start of construction and continuing annually thereafter on the anniversary until the final date of power plant decommissioning.

or

(3) The Project Owner shall fund a Fire Needs Assessment and Risk Assessment conducted by an independent contractor who shall be selected and approved by the CEC Compliance Project Manager (CPM) and fulfill all mitigation identified in the independent fire needs assessment and a risk assessment. The Fire Needs Assessment would address emergency response and equipment/staffing/location needs while the Risk Assessment would be used to establish the risk (chances) of significant impacts occurring. In no event shall the Project Owner's cost responsibility under this option exceed that under option (2), above.

Should the applicant pursue option (3), above, the Fire Needs Assessment and Risk Assessment shall evaluate the following:

- (a) Potential for impacts on the SBCFD and the project allocated costs of new and/or enhanced fire protection/emergency response services (which shall include services for inspections, permitting, fire response, hazardous materials spill/leak response, rescue, and emergency medical services) necessary to mitigate such impacts;
- (b) The risk of impact on the local population that could result from potential unmitigated impacts on local fire protection and emergency services (i.e. "drawdown" of emergency response resources);
- (c) The extent that the project's exemption from local taxes will impact local fire protection and emergency response services; and
- (d) Recommendation of an amount of funding that should be provided to mitigate any identified significant impacts on local fire protection and emergency response services.

Compliance Protocols for the Fire Needs Assessment and Risk Assessment shall be as follows:

- (a) The Fire Needs Assessment and Risk Assessment shall be conducted by an independent consultant(s) selected and approved by the CPM;
- (b) The Fire Needs Assessment and Risk Assessment shall be fully funded by the project owner. The independent consultant(s) preparing the Fire Needs Assessment and Risk Assessment shall work directly for the Energy Commission;

(c) The project owner shall provide the protocols for conducting the independent fire needs assessment for review and comment by the SBCFD and review and approval by the CPM prior to the independent consultant's commencement of the fire needs assessment;

(d) The CPM shall be copied in any correspondence including emails or letters and included in any conversations between the project owner and consultant; and

(e) The CPM shall verify that the Fire Needs Assessment and Risk Assessment are prepared consistent with the approved fire needs assessment protocols and a risk assessment protocols.

No construction of permanent above ground structures shall occur until full funding of mitigation occurs either (i) pursuant to an agreement reached between the project owner (or a power generation industry association or group that includes the project owner) and the SBCFD, or (ii) after payment of the fees described above for capital improvements and the first annual payment, or (iii) pursuant to the independent Fire Needs and Risk Assessments conducted by an independent consultant approved by the CPM.

Verification: Prior to November 30, 2010, the project owner shall provide to the CPM:

(1) A copy of the individual agreement with the SBCFD or, if the owner joins a power generation industry association, a copy of the bylaws and group's agreement/contract with the SBCFD and evidence in each January Monthly Compliance Report that the project owner is in full compliance with the terms of such bylaws and/or agreement.

or

(2) In relation to Phase 1a, documentation that the amount of \$47,500 (250 acres x \$190 per acre) has been paid to the SBCFD and documentation that the prorated portion of the first annual payment, which is \$44,000 (250 acres x \$176 per acre), has been made.

a) At least thirty (30) days prior to the start of site mobilization for Phase 1b, the project owner shall provide to the CPM documentation that the amount of \$394,630 (2,077 acres x \$190 per acre) has been paid to the SBCFD.

b) At least thirty (30) days prior to the start of site mobilization for Phase 2, the project owner shall provide to the CPM documentation that the amount of \$738,720 (3,888 acres x \$190

per acre) has been paid to the SBCFD. Annually thereafter, the owner shall provide the CPM with evidence in each January Monthly Compliance Report during construction and the Annual Compliance Report during operation that subsequent annual payments have been made.

or

- (3) A protocol, scope and schedule of work for the independent Fire Needs Assessment and Risk Assessment and the qualifications of proposed contractor(s) for review and approval by the CPM; a copy of the completed Fire Needs Assessment and Risk Assessment showing the precise amount the project owner shall pay for mitigation; and documentation that the amount has been paid. Annually thereafter, the owner shall provide the CPM with verification of funding to the San Bernardino County Fire Department for required fire protection services mitigation pursuant to the agreement with the Fire Department or the CPM approved independent fire needs assessment.

WORKER SAFETY-8 In the event that no agreement with the San Bernardino County Fire Department is reached, the project owner shall pay to SBCFD

(a) \$91,750 (250 acres x \$367 per acre) prior to the start of construction for Phase 1a;

(b) \$762,259 (2,077 acres x \$367 per acre) prior to the start of construction for Phase 1b; and

(c) \$1,426,896 (3,888 acres x \$367 per acre) prior to the start of construction for Phase 2.

This funding shall off-set any initial funding required by **WORKER SAFETY-7** above until the funds are exhausted. This offset will be based on a full accounting by the SBCFD regarding the use of these funds.

Verification: For Phase 1a, prior to November 30, 2010 (and at least 10 days prior to the start of site mobilization for Phase 1b and Phase 2, respectively), the project owner shall provide to the CEC CPM either:

a. documentation that the payments described above has been made;

or

b. that payment has been made pursuant to a contractual agreement with the SBCFD.

The CEC CPM shall adjust any payments initially required by WORKER SAFETY-7 based upon the accounting provided by the SBCFD.

Staff comment: The two conditions set forth in the PMPD do not reflect the stipulated agreement between staff, the applicant, the county and the county fire department at the evidentiary hearings. (See Ex. 113 (Applicant's Submittal of Revised Conditions of Certification, August 26, 2010), pp. 189-192; Staff's Calico Brief (August 23, 2010), pp. 14-17 and Appendix A, pp. 3-7; Response to Committee Questions and Brief of Intervenor County of San Bernardino (August 23, 2010), pp. 6-11; August 25, 2010 RT 297-300 (Holmes/Gannon/Brierty).) The conditions in the PMPD have a number of substantive differences from the agreement between applicant and staff. If the present PMPD version is adopted, fire protection and emergency response would be severely restricted and limited during construction and the early phases of operation. The phased payments in the stipulated conditions were included at applicant's request, and are acceptable to staff.

BIOLOGICAL RESOURCES

Biology, p. 2

The Applicant's preferred reduced acreage scenario, Scenario 5.5 is proposed to generate 663.5 MW on 4,613 acres of land within the originally proposed project footprint. (EX. 317, p. B.1-2) With the exception of the project's water well site, and the BNSF right of way where the applicant would require an improved crossing, the land is managed by the BLM.

Staff Comment: The edits above reflect the requirement of the applicant to coordinate with the BNSF regarding the construction of an improved access road and overhead crossing of the BNSF railroad.

Biology, p. 3

Project site activities would impact ~~three~~ two vegetation communities: desert saltbush scrub, and Mojave creosote bush scrub. Under Scenario 5.5 areas mapped as and desert microphyll woodland would be avoided. In addition, there are 28 acres of developed land uses (e.g., roads, railroads, transmission lines, and underground gas pipelines) on the site.

Staff Comment: The recommended additions clarify that under Scenario 5.5 project areas mapped as microphyll woodland would be avoided.

Biology, p. 3

The majority of the project site (approximately 5,946 4,372 acres) is Mojave creosote bush scrub. The dominant shrub species are creosote bush (*Larrea tridentata*) and white bursage (*Ambrosia dumosa*). Other common shrubs include desert senna (*Senna armata*), Nevada ephedra (*Ephedra nevadensis*), encelia (*Encelia farinosa*, *E. actoni*, *E. frutescens*), and range ratany (*Krameria erecta*, *K. grayii*). Shrubs are typically widely spaced and support a diverse assemblage of annual and perennial herbs in years of adequate seasonal precipitation.

Staff Comment: The recommended change correctly identifies the total acreage of Mojave creosote bush scrub that occurs in the Scenario 5.5 project footprint.

Biology, p. 7

Biological Resources Table 1, below, lists special-status species that are known to occur or which could potentially occur in the project vicinity. Many of these special-status plants and animals are unlikely to occur at the CSP site due to lack of suitable habitat. However, quite a few were detected during the 2007/2008 through 2010 surveys or otherwise known to occur at or near the site; they are indicated by bold-face type.

Staff Comment: The recommended additions clarify that surveys of the project site have been conducted between 2007 and 2010.

Biology, p. 21

The population of bighorn sheep in the Cady Mountains just north of the project area is a native population (not reintroduced or augmented), and was estimated to contain approximately 25 to 50 individuals in 1995. By 2007, this population had grown to approximately 300 individuals. No Nelson's bighorn sheep were observed during the 2007 or 2008 Calico Solar Project surveys; however, surveys conducted by helicopter in March 2010 observed 62 bighorn sheep (12 rams, 38 ewes, and 12 lambs) within 10 miles of the project site. In addition, two bighorn sheep horns, two bighorn sheep skeletons and one occurrence of bighorn sheep scat were detected during surveys conducted for desert tortoises and botanical resources between April 5 and April 15, 2010. These occurrences were observed ~~north of the project detention basins~~ between the Cady Mountains and the proposed project. In addition, staff observed bighorn sheep scat on the top of one of the large volcanic rock outcroppings that occur adjacent to the formerly-proposed detention basin at the north of the project boundary of the project. It is likely that bighorn sheep use portions of the site for foraging and possibly inter-mountain movement to some degree. (Ex. 300, p. C.2-40.)

Staff Comment: The recommended changes and additions clarify that detention basins are not currently proposed on the northern boundary for Scenario 5.5. In addition, the location of the large basalt outcrop where staff observed Nelson's bighorn sheep scat is now located north of the Scenario 5.5 project footprint.

Biology, p. 34:

Biological resource Table 2; Mitigation Measure BIO-8 Mitigation/Impacts Column. These measures avoid injuries to sensitive species and ~~encouraging~~ discourage predators (ravens, etc.) ~~to~~ from visiting the area, thereby protecting tortoises.

*Staff Comment: Staff has provided the edits to clarify the intent of Condition of Certification **BIO-8**. The implementation of this condition would reduce impacts to sensitive wildlife including desert tortoise through site inspection, monitoring, and reducing potential raven subsidies such as standing water and trash that may attract predators to desert tortoise.*

Biology, p. 34:

Biological resource Table 2; Mitigation Measure BIO-11 Mitigation/Impacts Column. Provides for the ~~taming~~ control and eradication of invasive weeds to protect sensitive plants from invasive weeds.

*Staff Comment: Staff has provided the edits to clarify the intent of Condition of Certification **BIO-11**. The implementation of this condition is to control and manage populations of invasive plants that occur in the project area. The management of these infestations would reduce both direct and indirect impacts to sensitive plants and wildlife.*

Biology p. 35:

Biological resource Table 2; Mitigation Measure BIO-17 Mitigation/Impacts Column. Mitigates for the loss of tortoise habitat on the project site by purchasing and protecting suitable off site habitat lands estimated at ~~24,417~~ 10,302 acres

*Staff Comment: Staff has provided the edits to clarify the land acquisition requirements for Condition of Certification **BIO-17**. The implementation of this condition would require the applicant to obtain 10,302 acres of land as compensatory mitigation for desert tortoise.*

Biology, p. 57:

Incidental Take Permit: California Endangered Species Act (Fish and Game Code §§ 2050 et seq.) The California Endangered Species Act (CESA) prohibits the “take” (defined as “to hunt, pursue, catch, capture, or kill”) of state-listed species except as otherwise provided in state law. Construction and operation of the CSP project will result in the take of desert tortoise, listed as threatened under CESA. Condition BIO-17 specifies compensatory mitigation for desert tortoise habitat loss at 5:1, 3:1, and 1:1 ratios, based on the density of desert tortoise and their burrows, connectivity to adjacent habitats, maintenance of an adequate movement corridor, and general habitat quality,

with BLM “nesting” their 1:1 mitigation requirement within this framework. This funding and mitigation approach provides full mitigation for desert tortoise.

Staff Comment: Staff agrees that compensatory mitigation for desert tortoise habitat loss identified in condition of certification **BIO-17** at 5:1, 3:1, and 1:1 ratios would meet the full mitigation requirement under CESA. The revised text has been included to provide further clarification that staff considered a variety of factors in assessing mitigation requirements for desert tortoise. This included but was not limited to habitat fragmentation, historic and current disturbance on the project site, connectivity to existing populations, genetic connectivity in the region, population density, soils, and habitat type.

Biology, p. 57:

Lake and Streambed Alteration Agreement: California Fish and Game Code §§1600-1607. Pursuant to these sections, CDFG typically regulates all changes to the natural flow, bed, or bank, of any river, stream, or lake that supports fish or wildlife resources. Construction and operation of the CSP would result in direct or indirect impacts to up to 475 155.2 acres of waters of the state. Staff recommends Condition of Certification **BIO-19** 26 and **BIO-28**, which we adopt, to assure compliance.

Staff Comment: Staff has provided the edits to clarify the land acquisition requirements for condition of certification **BIO-26**. In addition, staff has recommended condition of certification **BIO-28** which would be required in order to replace the lost hydrologic function to the numerous small drainages should the project be decommissioned.

Biology, p. 57:

The CSP project is located on federal land under BLM's jurisdiction and is therefore subject to the provisions of BLM's California Desert Conservation Area (CDCA) Plan (Revised 1999). As an amendment to the CDCA Plan, BLM produced the West Mojave Plan (WEMO) Northern and Eastern Mojave (NEMO) Coordinated Management Plan (BLM 20025). This document consists of proposed management actions and alternatives for public lands in the ~~NEMO~~ WEMO Planning Area. The CSP project is located in the southeastern portion of the ~~NEMO~~ WEMO Planning Area Boundary.

Staff Comment: Staff has provided the edits to clarify that the proposed CSP would be located within the WEMO Planning Area Boundary.

Biology, p. 57:

BLM provides management direction for species such as desert tortoise within the ~~NEMO~~ WEMO. These include but are not limited to the development of Desert Wildlife Management Areas (DWMA), implementation of land management practices to minimize impacts to desert tortoise, removal of sheep and cattle grazing in specific areas, land acquisition, feral dog management, and education programs. ~~which include~~

five geographical areas of tortoise habitat in the planning area. These areas include an Ivanpah Valley and a North Ivanpah Valley area, with the CSP project located within the Ivanpah Valley habitat area. Current designations for both Ivanpah areas are as Category III desert tortoise habitat. Category III management goals are to limit tortoise habitat and population declines to the extent possible by mitigating impacts.

Staff Comment: Staff has provided the edits to clarify the CSP is located within the WEMO and that the BLM implements specific management actions to monitor and manage populations of desert tortoise in the WEMO. In addition, staff removed the discussion of Category I and III habitat as the BLM no longer uses that system to classify desert tortoise habitat.

Biology, p. 59:

1. Construction and operation of CSP will disturb approximately 4,614 acres of previously undisturbed desert habitat. This includes approximately 2,472 acres of relatively undisturbed habitat located north of the BNSF railroad and approximately 2,141 acres of more disturbed habitat located between the BNSF railroad and Interstate 40. Portions of this area have been subject to historic disturbance from the construction of natural gas pipelines, fiber optic infrastructure, the Pisgah electrical substation, and the BNSF railroad.

Staff Comment: The recommended additional language provides clarification regarding the level of habitat disturbance that staff observed on the project site.

Biology, pp. 94, 97:

BIO-12

...

Compensation Lands Acquisition Requirements. The Project owner shall comply with the following requirements relating to acquisition of the compensation lands after the CPM, has approved the proposed compensation lands:

- e. Long-term Maintenance and Management Funding. The Project owner shall provide money to establish an ~~non-wasting capital~~ long-term maintenance and management fund that will be used to fund the long-term maintenance and management of the compensation lands.

...

- iii. Pooling Long-Term Maintenance and Management Funds. An entity approved to hold long-term maintenance and management funds for the Project may pool those funds with similar ~~non-wasting~~ long-term maintenance and management funds that it holds from other projects for long-term maintenance

and management of compensation lands for special-status plants. However, for reporting purposes, the long-term maintenance and management funds for this Project must be tracked and reported individually to the CPM.

Staff Comment: The proposed edits provide a more accurate description regarding the dedication of adequate funds to provide for the long term maintenance and management funding of compensation lands.

Biology, p. 110:

BIO-13

...

3. Long-Term Maintenance and Management Funding. The Project owner shall provide money to establish a ~~a non-wasting capital~~ long-term maintenance and management fund that will be used to fund the long-term maintenance and management of the compensation lands.

Staff Comment: The proposed edits provide a more accurate description regarding the dedication of adequate funds to provide for the long-term maintenance and management funding of compensation lands.

Biology, p. 126:

BIO-17

...

3. Long-Term Maintenance and Management Funding. The Project owner shall provide money to establish a ~~a non-wasting capital~~ long-term maintenance and management fund that will be used to fund the long-term maintenance and management of the compensation lands.

Staff Comment: The proposed edits provide a more accurate description regarding the dedication of adequate funds to provide for the long term maintenance and management funding of compensation lands.

Biology, p. 133:

BIO 18

...

2. Contribute to the USFWS and CDFG Regional Raven Management Program. The project owner shall submit payment to the project sub-account of the REAT Account held by the National Fish and Wildlife Foundation (NFWF) to support the USFWS and CDFG Regional Raven Management Program. The amount shall be a one-time payment of \$105 per acre of permanent disturbance and a ~~2% fund management fee~~ (totaling ~~\$494,159.40~~ 484,470). Payment may be

made in phases corresponding to proposed phasing of the project described in Condition of Certification **BIO-31**.

Staff Comment: The edits clarify that a 2% management fee is already included within the \$105 per acre fee required to support the funding of the raven management program.

SOIL AND WATER RESOURCES

Soil and Water, p. 3:

Precipitation supplies water to the basin, primarily by infiltration of mountain runoff across the alluvial deposits and through ephemeral washes. Recharge from precipitation on the valley floor is minimal. When runoff or precipitation does reach the dry lakes, infiltration to groundwater is negligible and most of the water is removed by evaporation. Groundwater discharge from the basin occurs mainly through ~~pumping~~ and underflow towards ~~the Las Vegas~~ the adjacent Broadwell Valley. (Ex. 300, p. C.7-11.)

Water from a well in the southern part of the basin near Lavic Lake sampled in 1917 was sodium sulfate in character with total dissolved solids (TDS) content of 1,680 milligrams per liter (mg/L). Water from a well in the northeastern part of the basin sampled in the 1950s was sodium sulfate in character with a TDS content of 1,721 mg/L. Water from a well in the northwestern part of the basin near Hector Siding sampled in the 1950s was calcium-sodium bicarbonate in character with a TDS content of 278 mg/L. In March 2010, the Applicant constructed a new well ~~proposes to use groundwater for project construction and operation obtained from Well #3, a new community well located on private property adjacent to the project site which has been~~ deeded to the Applicant as in ~~of~~ September 2010. Well #3 was originally drilled in March 2010 and a Analytical test results conducted on water samples collected from the well indicate groundwater contains 1,340 mg/L total dissolved solids. The Applicant proposes to use groundwater obtained from Well #3 for project construction and operation. (Ex. 300, p. C.7-12; Ex. 114, Attachment A 4.)

Staff Comment: Revised for factual accuracy and clarity.

Soil and Water, p. 4:

The overall landform is relatively flat with shallow slopes trending from the north to south and in some areas to the southwest. The ground generally slopes in a northeast-to-southwest direction, ranging from two percent to five percent across the site, except for the western portion where the slope reduces to one percent. Several drainage patterns occur on the site. The land between I-40 and the BNSF railroad slope to the west, ultimately towards Troy Dry Lake, a playa that is located west of the site. There are no well-defined channels on-site, although some discontinuous flood terraces occur

in a few areas on-site. The drainage features on-site exhibit a mixed pattern of sheet flow or shallow concentrated flow across isolated, wide areas of land. Relatively undefined drainage features traverse most of the site with evenly distributed desert scrub vegetation throughout. (Ex. 300, pp. C.7-12 to C.7-13.)

In general, drainage in Phase 1 (including 1A & 1B) of the project area flows southwest from the Cady Mountains. However, along the southern boundary of Phase 1, some flows are diverted by the railroad and flow straight west (see **Soil and Water Figure 2** through **Soil and Water Figure 3** with the original project footprint overlay). As shown, there is an offsite watershed area of nearly 20 square miles which drains either directly to the Phase 1 project site or drains to the railroad tracks and is partially diverted into the Phase 1 site. The Phase 1 site is nearly 10 square miles, so the total watershed area for Phase 1 is approximately 30 square miles. ~~Several blue line streams~~ Numerous shallow undefined drainage features and discontinuous flood terraces pass are present throughout the Phase 1 project area and all predominantly drain to the railroad at the southern boundary of the Phase 1 site. The runoff from the Phase 1 site flows through the existing trestles at the railroad. A 100-year flood will generally be conveyed along the railroad and through the trestles along the railroad right-of-way. This right-of-way is excavated and maintained by the BNSF Railroad Company to allow the water to pond and flow at low velocities. The northern edge of the right of way is delineated by a barbed wire fence along the north side of the railway line ~~with a barbed wire fence.~~ (Ex. 300, p. C.7-13.)

Staff Comment: There are no “blue line streams” present in the project area. Blue line streams are dashed for ephemeral or solid for perennial on USGS topographic maps, and imply a relatively static water course that does not change significantly from year to year, except during extreme flood events.

Soil and Water, p.13:

The temporary erosion and sedimentation control measures to be used during construction will be designed to prevent sediment from being displaced and carried off-site by storm water runoff. Before beginning excavation activities, any proposed on-site debris basins, silt fence, straw bales, or other BMPs will be installed along the perimeter of the Project, where minor runoff to off-site areas could occur. On-site debris basins ~~will~~ may be constructed for the major site runoff discharge and ~~will~~ could also provide for low flow detention. The silt fences will filter sediments from construction runoff. Berms with culverts ~~will~~ may be used at road crossings and other locations as needed to pass flows. During construction, the extent of earth disturbances will be minimized as much as is practical. ~~A sediment trap will be constructed for the major site runoff discharge. The sediment trap will be located immediately upstream of the downstream property boundary.~~ (Ex. 300, p. C.7-27.)

Staff Comment: A final determination has not been made at this time as to the need for debris basins, sediment traps, and other storm water management .

Soil and Water, p. 15:

The record further shows that project pumping will not affect groundwater levels or flow from discharging playas at that location so any impact to groundwater salinity, if any, is therefore less than significant. We find that construction impacts to groundwater levels will be mitigated below significance.

Staff Comment: Corrected for completeness and clarity.

Soil and Water, p. 18:

SOIL&WATER-2 requires the Applicant to develop an ~~Industrial~~ a Construction SWPPP that meets the requirements for discharges of storm water.

Staff Comment: SOIL & WATER-2 discusses Construction SWPPP

Soil and Water, p. 19:

Although there are no known existing groundwater users near enough to the project site to be substantially affected by project pumping, hydrogeologic conditions are uncertain. The evidence shows that the Pisgah Fault likely prevents drawdown from extending into the Lower Mojave River Basin and any overdraft effects in the Lower Mojave River Basin from extending into the Lavic Lake Basin. To confirm these findings, Condition of Certification **SOIL&WATER-7** will require the Applicant to comply with the County of San Bernardino's Desert Groundwater Management Ordinance and implement a monitoring plan that would characterize baseline water levels in the project vicinity, characterize aquifer materials, integrate water level measurement with any existing monitoring network, and provide for analysis of the project effects on water levels in the area. The Applicant will monitor static water levels quarterly in the project water supply well and select dedicated wells located on the east ~~either~~ side of the Pisgah Fault. The Applicant will also obtain, summarize, and analyze relevant water level data collected by other parties for wells located on the west side of the Pisgah Fault. The data will be made available to San Bernardino County and agencies responsible for regional water level monitoring (i.e., DWR and USGS). If monitoring data indicate downward trends in water levels and groundwater water storage, Condition of Certification **SOIL&WATER-9** requires the project owner develop and implement a Water Conservation and Alternative Water Supply Plan to mitigate impacts. (Ex. 300, p. C.7-40.)

Staff Comment: The Conditions of Certification do not require the Applicant to monitor wells on the west side of the fault – only assemble and analyze relevant data available from other monitoring programs operating on the west side of the fault.

Soil and Water, p. 20:

During project operation, septic system percolation will amount to approximately 2.2 AFY, which is the amount of water used for domestic purposes. The unsaturated zone above the water table is 344 feet thick at the project site (the depth to water in Well #3). Percolation through the unsaturated zone is expected to ~~will certainly~~ remove any pathogens in the waste water and will likely allow substantial denitrification. Domestic water use normally contributes approximately 200 mg/L of total dissolved solids to waste water. The TDS concentration of domestic water will be at least partially demineralized to meet the secondary drinking water standard of 1,000 mg/L. The TDS concentration of sanitary waste water would therefore be around 1,200 mg/L, or comparable to the local TDS concentration in the aquifer (1,340 mg/L at Well #3). Therefore, the septic leachate will not increase groundwater salinity. Further, the septic system will meet the permitting requirements of the San Bernardino County Department of Public Health as required in **SOIL&WATER-5**. All of these factors support our conclusion that the impact of the septic system on groundwater quality will be less than significant. (Ex. 300, p. C.7-41.).

Staff Comment: *Acknowledges uncertainty in earth sciences.*

Soil and Water, p. 20:

The Applicant proposes to discharge the reject brine waste water to one of two concrete-lined evaporation ponds. Each pond will be sized to contain one year of discharge flow or approximately three million gallons. A minimum of one year is expected to be required for the waste water to undergo the evaporation process. After the first year, the second pond will receive all treatment waste water while the first pond is undergoing evaporation. The two ponds will alternate their functions on an annual basis. After the brine has gone through the evaporation process, the solids that settle at the bottom of the evaporation pond will be tested-analyzed by the Applicant and disposed of in an appropriate non-hazardous waste disposal facility. The solids will be scheduled for removal during the dry summer months. As indicated by the Lahontan Regional Water Quality Control Board (see **Soil and Water Appendices B, C, D and E**), the Applicant has not provided information necessary to complete development of requirements for discharges of brine waters to evaporation ponds or sanitary septic systems. This information is needed to ensure that the ponds will be designed, constructed and operated to prevent concentrated brine leaking and reaching the water table. However, the requirements for the design, construction and operation of the evaporation ponds as well as the restrictions on the waste water are very specific. The use of these types of surface disposal facilities is well documented and is prevalent in power plant siting cases.

Staff Comment: *The project will generate several types of waste water (water treatment waste – brine, sanitary waste water, and equipment maintenance waste water). The Applicant proposes to only discharge water treatment waste (brine) to the evaporation ponds. Prior to disposal of solids collected in the ponds, the solids must be*

analyzed to determine the concentrations of various chemical constituents. The term "testing", as used in the PMPD, can be interpreted in ways not specific to chemical analysis (such as physical parameters). The applicant proposes the construction of two ponds, which would allow one pond to be used annually to receive waste water while the other pond is undergoing evaporation.

Soil and Water, p. 21:

Maintenance of the Power Conversion Units (PCU) and other mechanical devices (e.g., drive repair) will be performed in onsite service stations. These service stations consist of modular, containerized work stations to perform equipment prewash and inspection, disassembly/reassembly, parts storage, end of service inspection, etc. The prewash and inspection station will include heated, pressurized water spray to clean engine components before maintenance performance. Expected waste water production is 15 gallons per wash (3 gpm sprayer for five minutes). The waste water generated will be captured in the service station and diverted to containers (e.g., drums) for offsite recycling by third party providers. Prior to disassembly of engines, the fluids will be drained and captured for recycling. ~~These engine fluids will be captured,~~ aggregated in containers (e.g., drums) and recycled by third party providers. Collection and recycling of this waste water will be managed in accordance with Conditions of Certification **WASTE-7** and **-8**. (Ex. 300, p. C.7-42.)

Staff Comment: Edited to reduce redundancy.

Soil and Water, p. 30:

California Water Code Section 6000 to 6004.5 and 6025.5

Through compliance with **SOIL&WATER-8** and **GEO-2** and **-3**, information required by Staff to analyze the Applicant's compliance with these sections is achieved. The Applicant will provide information to demonstrate that ~~the any~~ debris basins constructed are in compliance with the State of California Department of Water Resources, Division of Safety of Dams (DSOSD).

California Code of Regulations, Title 23, Division 2, Chapter 1, Article 303

Through compliance with **SOIL&WATER-8** and **GEO-2** and **-3**, information required by Staff to analyze the Applicant's compliance with this regulation is achieved. If necessary, Applicant will provide evidence that the developer has appropriate water rights before an application for the construction or enlargement of a DSOSD Jurisdictional dam can be approved.

Staff Comment: The construction of debris basins is not currently proposed, but was previously. Should the Applicant reincorporate debris basins in their flood control design, this code section would then be valid and necessary. Changes to the acronym DSOD for accuracy.

Soil and Water, p. 30:

State Water Resources Control Board Resolutions

The SWRCB ~~not only primarily~~ considers protection of water quantity of water quality in its resolutions, ~~but also the quality of water.~~ It also addresses beneficial uses of water based on its water quality characteristics. In 1975, the Board adopted the Water Quality Control Policy on the Use and Disposal of Inland Waters Used for Power Plant Cooling (Resolution 75-58). In it, the Board encourages the use of wastewater for power plant cooling. It also determined that water with a TDS concentration of 1,000 mg/L or less should be considered fresh water (Resolution 75-58). One express purpose of that Resolution was to “keep the consumptive use of fresh water for power plant cooling to that minimally essential” for the welfare of the state (Ibid; emphasis added).

Staff Comment: Revised to more precisely describe the function of the SWRCB.

Soil and Water, p. 32:

8. Public Comment

~~No p~~Public comments was received regarding the Calico Project's effect on soil and water resources were received and responded to.

Staff Comment: Public comments and Staff's responses to those comments are provided in Appendix F of the SSA.

Soil and Water, p. 33

2. No “waters of the U.S.” exist on the project so no federal wetland permitting is required. Storm water flows on the project site are considered “waters of the State” by the Lahontan Regional Water Quality Control Board and are subject to regulation under the Porter-Cologne Water Quality Control Act.

Staff Comment: This can be stated here or isolated as its own “Statement of Fact”.

Soil and Water, p. 34:

17. Calico Solar Project pumping will not affect groundwater levels or flow from discharging playas so any impact to groundwater salinity, if any, is therefore less than significant.

Staff Comment: Corrected for completeness and clarity.

Soil and Water, p. 34:

22. Condition of Certification **SOIL&WATER-7** requires the project owner to comply with the County of San Bernardino's Desert Groundwater Management Ordinance and

implement a monitoring plan that will characterize baseline water levels in the project vicinity, characterize aquifer materials, integrate water level measurement with any relevant existing monitoring network(s), and provide analysis of the project's effects on water levels in the area.

Staff Comment: Corrected for completeness and accuracy.

Soil and Water, p. 37:

Soil Wind and Water Erosion Control: The plan shall address exposed soil treatments to be used during construction and operation of the proposed project for both road and non-road surfaces including the specific identification of all chemical-based dust palliatives, soil bonding, and weighting agents appropriate for use at the proposed project site that would not cause adverse effects to vegetation. BMPs shall include measures designed to prevent wind and water erosion including application of chemical dust palliatives after rough grading to limit water use. All dust palliatives, soil binders, and weighting agents shall be approved by the CPM prior to use. With regard to erosion risk and stormwater runoff, debris and detention basins shall may be installed, if deemed appropriate and necessary during final design, which are sized and located to intercept storm water flow from off-site areas as it enters the project site. On-site roadways and other infrastructure shall be designed and located to avoid existing and proposed flow paths to the extent feasible.

Staff Comment: Reworded to remove the requirement for debris and detention basins.

Soil and Water, p. 44:

SOIL&WATER-7

...

VERIFICATION: The project owner shall complete the following:

1. At least two (2) months prior to power plant construction, a Groundwater Level Monitoring and Reporting Plan shall be submitted to the County of San Bernardino for review and comment ~~before completion of Condition of Certification~~ **SOIL & WATER-3**, and a copy of the County's comments and the plan shall be submitted to the CPM for review and approval. The plan shall include a scaled map showing the site and vicinity, existing well locations, and proposed monitoring locations (both existing wells and new monitoring wells proposed for construction). The map shall also include relevant natural and man-made features (existing and proposed as part of this project). The plan also shall provide: (1) well construction information and borehole lithology for each existing well proposed for use as a monitoring well; (2) description of proposed drilling and well installation methods for new wells; (3) proposed monitoring well design; and, (4) schedule for completion of the work.

*Staff Comment: **Soil & Water-7** has no nexus with **Soil & Water-3** on this project.*

CULTURAL RESOURCES

Cultural, pp. 45-46

7. Historical Significance of Built-Environment Resources

The consultation further informed Staff that the project area ~~is~~ was initially included in the proposed Mojave Trails National Monument currently being heard by Congress, one purpose of which is the preservation of Route 66 (<http://www.opencongress.org/bill/111-s2921/text>), but recent changes in the MTNM proposal may have excluded the project area from the MTNM boundaries.

Staff Comment: While staff believed the statement as it appears in the PMPD to be accurate based on the map referenced in the link, BLM has informed staff that the map is outdated and the proposed boundary of the national monument has been changed to exclude the project area.

Cultural, p. 81

CUL-6 Prior to the start of ground disturbance the project owner shall complete Historic American Landscape Survey (HALS) large-format photographs (with negatives), and sketch plan(s), and written documentation of the 9-mile long segment of U.S. Route 66, including its landscape, viewshed, and character-defining features within the project area visible from the roadway. In total, no more than fifteen negatives will be prepared. Photographs shall be keyed to a locational map, which shall also include any bridges or culverts associated with the road. The project owner shall also complete written HALS Level II documentation of the aforementioned segment of Route 66. ~~component shall be equivalent to HALS Level II documentation. Photographs shall be keyed to a locational map, which shall also include any bridges or culverts associated with the road.~~

The project owner shall ensure that archivally stable original photographs and negatives (HALS Level III), and written documentation (HALS Level II) are submitted to the following repositories and agencies for archival storage and public use: California Historical Resources Information System (CHRIS) (to receive the original set), the County of San Bernardino, California Energy Commission, and the Bureau of Land Management. The project owner shall be responsible for any associated curation fees. Documentation may also be submitted to the HALS program for archival storage.

Documentation shall adhere to the established HALS recordation guidelines and be undertaken and completed by a person meeting the U.S. Secretary of Interior's Professional Qualifications Standards for historic landscape

architecture, or history or architectural history with a demonstrated knowledge of the documentation and evaluation of historic landscapes, as published in Title 36, Code of Federal Regulations, part 61 (36 C.F.R., part 61) and a qualified architectural photographer. The resumes of the qualified personnel and architectural photographer shall include the names and telephone numbers of contacts familiar with their work on referenced projects and demonstrate to the satisfaction of the CPM that the qualified personnel and architectural photographer have the appropriate training and experience to effectively implement this condition. ~~The applicant may undertake the HALS level photographic and written recordation activities prior to certification. The applicant undertaking such activities would do so, at their own risk, as a means of advantaging their schedule.~~

The project owner shall submit the final HALS level-photographic and written documentation to the CPM for review and approval. The final written report shall be provided in the format specified by the HALS Level II guidelines and photographic documentation shall be provided in the format specified by HALS Level III guidelines. The applicant-project owner may undertake the HALS recordation activities prior to certification. ~~The applicant undertaking such activities would do so, at their own risk, as a means of advantaging their the schedule.~~

The HALS documentation shall be submitted to a local repository, approved by the CPM, to be displayed in an area easily accessible by to the public. The display shall include photographs of the project site and include a written history of Route 66 and its significance in the eastern Mojave, to be reviewed and approved by the CPM prior to submission.

Should an agreement document be executed in consideration of the proposed action pursuant to 36 CFR §§ 800.6 or 800.14(b) among the Bureau of Land Management or other Federal agencies, and the California State Historic Preservation Officer, with or without the participation of the Advisory Council on Historic Preservation, and should that document provide for equivalent or more intensive HALS Level I or II documentation than the requirements set out above, as determined by the CPM, then the applicant shall adhere to the equivalent or more stringent requirements in the executed agreement document to mitigate the significant effects of the proposed action on US Route 66. Under this scenario, tThe requirements, as set out in the executed agreement document, as they apply to project-related impacts to US Route 66, shall would supersede the any lesser requirements set out above and those lesser requirements would have no further force or effect. Should the executed agreement document be amended in such a manner that the mitigation measures for project-related impacts to US Route 66 become less stringent than those set out above, as determined by the CPM, or should the agreement document be terminated prior to the complete implementation of the project-related US Route 66 mitigation measures set out in it, then the

project owner ~~shall~~ would implement all of the above requirements, in addition to any measures set out under the amended agreement document and in addition to any measures that may have been partially completed prior to the termination of said agreement.

Verification: At least 25 days prior to the start of ground disturbance, the project owner shall submit the resumes for the qualified personnel and architectural photographer to the CPM for review and approval. CPM review will take no longer than 5 working days.

~~At least 15 days prior to the start of ground disturbance, the project owner shall submit the draft HALS report to the CPM for review and approval. CPM review will take no longer than 5 days.~~

~~Within 15 days after the CPM approval of the HALS report, the project owner shall provide documentation to the CPM confirming that copies of the final report have been provided to the CHRIS, and the HALS. CPM review will take no longer than 5 days.~~

Within 90 days following initial ground disturbance, the project owner shall submit the Level III HALS large-format photographs (with negatives), sketch plan(s) and locational map to the CPM for review and approval.

Within 3 years following the start of ground disturbance, the project owner shall submit the final Level II HALS written report to the CPM for review and approval.

~~Within 40~~ 60 days after following CPM approval of the Level II HALS report, the project owner shall provide documentation to the CPM confirming that copies of the final report and copies of the photographs have been provided to CHRIS, County of San Bernardino, and the Bureau of Land Management.

~~At least 60 days prior to the completion of Phase 1 construction, the project owner shall submit to the CPM for review and approval, the photographs of the project site and written history that is to be submitted to the local repository.~~

~~At least 120 days after the completion of Phase 1 construction, the project owner shall submit evidence that the photographs of the project site and written history has been submitted to the local repository.~~

Staff Comment: Staff reviewed CUL-6 following the close of evidentiary hearings and found that the proposed timelines in the verifications were not possible within the confines of the applicant's proposed construction schedule. Staff recommends the condition and verification be revised as indicated above.

LAND USE

Land Use, p. 2:

Cumulative Land Use Effects

- Individual environmental effects, which, when considered with other impacts from the same project or in conjunction with impacts from other closely related past, present, and reasonably foreseeable future projects, are considerable, compound, or increase other environmental impacts.

*Staff Comment: The threshold for analysis of cumulative land use impacts is missing, and should be included along with the list of other land use thresholds below the “Land Use Compatibility and LORS Compliance” thresholds and prior to **Land Use Table 1**.*

Land Use, p. 4:

The proposed Calico Solar site is approximately 4,613 acres and is located in San Bernardino County approximately 37 miles east of Barstow. The site consists primarily of public land administered by the BLM. ~~Within the site boundaries are 2,246 acres of undeveloped private land under the jurisdiction of San Bernardino County; however, the private land would not be a part of the proposed project.~~ The project site surrounds portions of private land under the jurisdiction of San Bernardino County which are not a part of the proposed project, with the exception of two private parcels that would be traversed by the proposed 0.51-mile water pipeline. This private land, as well as non-BLM lands within 1 mile of the project, is designated as Resource Conservation by county zoning. The southern boundary of the proposed project site is adjacent to Interstate Highway 40 (I-40), and the northern side of the project site borders the Cady Mountains. (Ex. 300, p. C.8-6, p. C.8-7)

Staff Comment: Given the project site boundary revisions resulting from Scenario 5.5 and the associated analysis information in the SSA Addendum, the acreage of undeveloped private land provided in the SSA (and the PMPD) is no longer accurate or applicable. In addition, information regarding the proposed water pipeline, which traverses private land under the jurisdiction of San Bernardino County was not included. The above revisions have been presented to clarify these issues.

Land Use, p. 4:

The Calico Solar site primarily consists of undeveloped desert land. Existing onsite land uses include the Burlington Northern Santa Fe (BNSF) railroad right-of-way (ROW), which traverses the site from east to west; several underground high pressure gas pipelines generally parallel to I 40 and the railroad; Hector Road which enters the site from I 40 and traverses it for approximately 0.5 mile; and Southern California Edison’s (SCE) Pisgah Substation and overhead transmission line which are adjacent to the southeast border of the project site. In addition, areas within the northeast portion of the

~~project site are designated as Land Water Conservation Fund (LWCF) mitigation lands. In total, the proposed project (i.e. Scenario 5.5) would include 80 acres of donated lands. approximately 775 acres on the northeast portion of the original project site (i.e., the original 8,230 acre project site proposed in the AFC) are designated as Land and Water Conservation Fund (LWCF) mitigation lands. Based on the evidence, it appears that LWCF lands are located within the revised project site boundary. However, the exact acreage of the affected LWCF lands within the proposed project site boundary has not been provided by the applicant. (Ex. 300, p. C.8-6.; Ex. 317, p. C.8-1)~~

Staff Comment: Information regarding donated and acquired land acreages and locations were provided by staff in the SSA Addendum, and in a memorandum from the BLM State Director dated October 7, 2010 recommending authorization of use of acquired and donated lands by the Calico Solar Project. The PMPD text has been revised accordingly, and reference to SSA Addendum has been included.

Land Use, p. 4:

~~The proposed project would occur in two phases. Phase I would consist of the construction of up to 11,000 SunCatchers and would require approximately 2,327 1,876 acres of BLM land. Phase II would expand the project to a total of 34,000 SunCatchers and would require approximately an additional 3,888 2,737 acres of BLM land. In addition to the proposed project site and construction areas, there are other features and facilities associated with the proposed project (the majority of which are located on the proposed project site or construction laydown areas), including:~~

- ~~• approximately 26,450 26,540 38-foot solar dish Stirling systems (i.e., SunCatchers) and associated equipment and infrastructure within a fenced boundary;~~

Staff Comment: Based on the revised site boundaries resulting from Scenario 5.5, which was analyzed in the SSA Addendum, the acreages for phases I and II of the project have been corrected to total 4,613 acres.

Land Use, p. 5:

Rangeland allotments are designated BLM pastures for wildlife and livestock. The majority of the proposed project is located within the Cady Mountains rangeland allotment. According to BLM's online GIS mapping program (Geocommunicator), the southwest boundary of this allotment follows the BNSF railroad. As such, ~~approximately 6,400 acres of the entire 4,613 acres of the project site that is north of the BNSF railroad~~ is within the Cady Mountains rangeland allotment (BLM 2009c). There is currently no grazing permit issued within the proposed project area. In addition, the northern boundary of the Ord Mountain allotment is approximately 0.75 mile south of the project site. (Ex. 300, p. C.8-8.)

Staff Comment: The project site acreage has been corrected to reflect the revised site boundaries based on to the analysis of Scenario 5.5 provided in the SSA Addendum.

Land Use, p. 6:

The project would be located within the Cady Mountains grazing allotment. This allotment consists of 177,293 acres which is designated by BLM as available for grazing livestock. According to the West Mojave Plan, the allotment was identified as an area that would benefit from voluntary relinquishment. Therefore, grazing is not currently authorized on this allotment. The proposed project would convert approximately ~~6,400~~ 4,613 acres of the Cady Mountains rangeland allotment to another use, which accounts for approximately ~~32.4~~ percent of the allotment. Therefore, the proposed project is not expected to result in an adverse impact to inactive livestock grazing. For discussion of impacts to the desert bighorn sheep, please see the Biological Resources section of this Decision. (Ex. 300, p.C.8-11.)

Staff Comment: The project site acreage and the associated percentage of the Cady Mountains rangeland allotment conversion has been corrected to reflect the revised site boundaries based on to the analysis of Scenario 5.5 provided in the SSA Addendum.

Land Use, p. 11:

Land Use Compatibility and LORS Compliance

Proposed developments near the project site that would have the potential to induce cumulative impacts include solar and wind energy generation projects, and the expansion of the existing military base. In consideration of cumulative land use compatibility impacts, the implementation of renewable projects in southern California would occur mostly in undeveloped desert lands or areas of rural development and open space, and therefore, would not create physical divisions of established residential communities. Nonetheless, as noted above, approximately one million acres of land are proposed for solar and wind energy development in the southern California desert lands. The conversion of these lands would preclude numerous existing land uses including recreation, wilderness, rangeland, and open space, and therefore, would result in a significant cumulative land conversion impact. The proposed project's conversion of approximately ~~6,215~~ 4,613 acres in an undeveloped portion of San Bernardino County and on BLM lands in combination with the land conversion impacts of past, present, and reasonably foreseeable future projects in the area would be cumulatively considerable, and a significant and unavoidable impact under CEQA. (Ex. 300, p. C.8-39.)

Staff Comment: The project site acreage has been corrected to reflect the revised site boundaries based on to the analysis of Scenario 5.5 provided in the SSA Addendum.

Land Use, p. 12:

1. ~~As the proposed project would be located wholly on BLM administered land, no state, regional, or local land use LORS would be applicable to the project. The majority~~

of the proposed project would be located on BLM administered land, and the proposed water pipeline would traverse approximately two private parcels under the jurisdiction of San Bernardino County. The proposed project would be consistent with all applicable LORS.

Staff Comment: Staff recommends the revisions above for consistency with the Land Use analysis presented in the SSA and SSA Addendum.

Land Use, p. 12:

6. The proposed project, Scenario 5.5, would include approximately 80 acres of donated lands in the northwest corner of Section 17. In an October 7, 2010 memorandum regarding the Calico Solar Project and Donated Lands, the BLM State Director determined that the conservation values of the 80 acres of donated land affected by the proposed project are marginalized by the fact that they are encumbered by powerline easements, located in a designated utility corridor and would be surrounded on two sides by the solar project. As such, the BLM State Director recommended the acceptance of the applicant's offer to compensate by replacing the donated lands in an area that is managed for conservation purposes, and to ensure that the replacement lands have equally protective status consistent with the BLM's policy of preserving the conservation value of donated lands. The BLM State Director is recommending proceeding with authorization of solar use of the donated lands within the Calico project site. Given this, ~~the proposed project may not be~~ is consistent with a BLM Interim Policy ~~prohibiting~~ regarding surface disturbing activities on lands donated to BLM or acquired with assistance from the federal Land and Water Conservation Fund (LWCF). ~~We are uncertain if any such lands remain in the Scenario 5.5 footprint and, if they do, whether BLM will find the project compliant with the Policy. (Ex. 317, p. C.8-1)~~

Staff Comment: Staff docketed a motion to the committee on October 14, 2010 to reopen the record for the purpose of admitting a memorandum setting forth the BLM State Director's October 7, 2010 recommendation to authorize the use of acquired and donated lands. Staff recommends the revisions above for consistency with the BLM's October 7, 2010 memorandum, and the Land Use analysis of Scenario 5.5 presented in the SSA Addendum (reference included).

TRAFFIC AND TRANSPORTATION

Transportation, p. 3:

According to the Applicant, for the first ten months of construction temporary access for construction will be provided from an existing road off I-40, which will be designed to cross the railroad tracks. In October 2011, construction traffic will use a permanent access road designed to use the same exit off of Hector Road and, which will be designed with a new bridge over the BNSF railroad tracks. We adopt Condition of Certification **TRANS-1** that requires the Applicant to obtain an easement from BNSF

Railway to construct the road on its right-of-way before construction begins. This Condition also requires the Applicant to construct ~~an all-weather~~ a road using Soiltac or its equivalent so emergency vehicles have access to the site. (Ex. 300, p. C.11-6.)

*Staff Comment: On August 26, 2010, Tessera Solar submitted and had docketed revised conditions of certification for Traffic and Transportation. As communicated to staff, these conditions of certification were agreed on by representatives of BNSF Railroad and Tessera Solar. Staff agreed to modify **TRANS-1** to remove “all-weather” and replace it with “using Soiltac or its equivalent.”*

Transportation, p. 11:

TRANS-1

Construction of All-Weather Roads and Bridge. If an easement is granted and the Applicant begins construction, the Applicant shall construct ~~an all-weather~~ roads using Soiltac or its equivalent according to ~~(1)~~ California State Fire Marshall specifications as outlined in California Fire Code Section 902.2.1 et seq. These roads shall be constructed with appropriate materials, ~~including culverts and paving~~, so that they will be safe for use in crossing washes at the site.

...

*Staff Comment: On August 26, 2010, Tessera Solar docketed revised conditions of certification for Traffic and Transportation. As communicated to staff, these conditions of certification were agreed on by representatives of BNSF Railroad and Tessera Solar. As indicated in the revisions of the conditions of certification, **TRANS-1** was modified to remove “all-weather” and replace it with “using Soiltac or its equivalent”.*

Transportation, p. 11

TRANS-2

...

Verification: At least 30 days prior to the start of construction, including any grading or site remediation on the power plant site or its associated easements, the project owner shall submit the proposed traffic control plan to BNSF Railway; San Bernardino County; and the Department of Transportation (Caltrans) District 8 office for review and comment and to the CPM for review and approval. The project owner shall also provide the CPM with a copy of the transmittal letter to BNSF Railway; San Bernardino County; and the Department of Transportation (Caltrans) District 8 office requesting review and comment.

At least ~~60~~ 30 calendar days prior to the start of construction, the project owner shall provide copies of any comment letters received from BNSF Railway; San Bernardino County; and the Department of Transportation (Caltrans) District 8 office along with any changes to the proposed traffic control plan for CPM review and approval.

Staff Comments: On August 26, 2010, Tessera Solar docketed on revised conditions of certification for Traffic and Transportation. As communicated to staff, these conditions of certification were agreed on by representatives of BNSF Railroad and Tessera Solar. As indicated in the revisions of the conditions of certification, **TRANS-2** was modified to remove in the verification section “60 calendar days” and replace it with “30 calendar days” prior to the start of construction.

SOCIOECONOMICS

Socioeconomics, p. 1:

Summary and Discussion of the Evidence

The Applicant will construct the Calico Solar Project in two phases over an approximate 4441-month period.

Staff Comment: Projected employment by construction trade and month is presented for a 41-month construction period in Table 5.10-10, as found in the AFC on page 5.10 – 17.

Socioeconomics, p. 3:

[End of second paragraph:] See further discussion in the Worker Safety and Fire Protection section of this Decision regarding fire safety services.

[Beginning of third paragraph:] The Calico Solar Project site is located within the Silver Valley Unified School District.

Socioeconomics, p. 4:

1. Section 25523(h) Public Benefit Findings, Capital Costs and Payroll

The total construction payroll over 4441 months is estimated at \$159 million.

Staff Comment: Projected employment by construction trade and month is presented for a 41 month construction period in Table 5.10-10, as found in the AFC on page 5.10 - 17.

NOISE AND VIBRATION

Noise, pp. 9-10:

NOISE-1 At least 15 days prior to the start of ground disturbance, the project owner shall notify all residents within two miles of the site, by mail or other effective means, of the commencement of project construction. At the same time, the project owner shall establish a telephone number for use by the public to report any undesirable noise conditions associated with the construction and operation of the project and include that telephone number in the above notice. If the telephone is not staffed 24 hours per day, the project owner shall include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been operational for at least one year. ~~If construction outside the hours of 7:00 a.m. to 7:00 p.m. is required for any construction activity, the project owner shall provide an additional notice, to the CPM as well as to all residents within two miles of the site, by mail or other effective means, of the commencement and anticipated duration of the nighttime construction, at least 15 days prior to the commencement of the nighttime construction.~~

*Staff Comment: Staff's and Applicant's recommended deletion of the last sentence of **NOISE-1** (Ex. 308) is not reflected in the PMPD. This strikethrough is necessary to ensure practical consistency with **NOISE-6**. Applicant agreed with or did not object to this change. (See Ex. 113 (Applicant's Submittal of Revised Conditions of Certification, August 26, 2010), p. 162.)*

Noise, p. 12-13:

NOISE-6 Heavy equipment operation, including pile driving, and noisy construction work relating to any project features shall be restricted to the times of day delineated below, ~~unless a variance has been issued by San Bernardino County for limited nighttime construction, unless:~~

- the project owner obtains the consent of the homeowners at SR1 and SR2; or
- the CPM determines that the noise will not exceed the daytime ambient noise levels at SR1 and SR2 (as shown in **Noise Table 5**) by more than 10 dBA and the nighttime ambient noise levels at SR1 and SR2 (as shown in **Noise Table 5**) by more than 5 dBA; or
- construction that is expected to increase those daytime ambient noise levels at those locations by more than 10 dBA continues no longer than four consecutive weekends or construction that is expected to increase nighttime ambient noise levels at those locations by more than 5 dBA continues no longer than five consecutive nights.

Mondays through Saturdays: 7:00 a.m. to 7:00 p.m.
Sundays and Holidays: No Construction Allowed

Haul trucks and other engine-powered equipment shall be equipped with mufflers that meet all applicable regulations. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use shall be limited to emergencies.

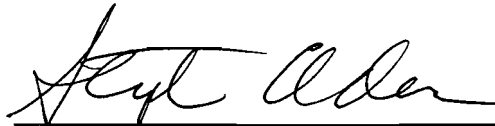
Verification: Prior to ground disturbance, the project owner shall transmit to the CPM a statement acknowledging that the above restrictions will be observed throughout the construction of the project. ~~Prior to ground disturbance, a copy of the variance issued by the county, if one should be issued, shall be submitted to the CPM for review and approval.~~

At least 20 days prior to the start of construction activities to occur outside the above required schedule restrictions, the project owner shall submit to the CPM a letter showing the affected homeowner's consent. If the consent cannot be obtained, at least 15 days prior to the start of those activities, the project owner shall submit to the CPM documentation showing the expected construction noise levels at SR1 and SR2, the nature of the work, the time of day/night that work will occur, and the duration of the work.

Staff Comment: Because the Energy Commission exercises all state jurisdiction over the Calico Solar Project, a variance in construction times should be issued by the Energy Commission and not San Bernardino County. This change was discussed at the evidentiary hearings and was supported at that time by the applicant.

Dated: October 20, 2010

Respectfully submitted,



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APPLICATION FOR CERTIFICATION

For the CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

PROOF OF SERVICE
(Revised 8/9/10)

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DECLARATION OF SERVICE

I, Scott McDonald, declare that on October 20, 2010, I served and filed copies of the attached **Staff's Initial Comments on the Presiding Member's Proposed Decision**, dated October 20, 2010. 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].

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 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:

- Hand-delivering 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

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.



Scott McDonald