

Memorandum

Date: October 3, 2008
 Telephone: (916) 651-0966

To: Karen Douglas, Commissioner and Presiding Member
 Jeffrey D. Byron, Commissioner and Associate Member

From: California Energy Commission – Shaelyn Stratton, Project Manager
 1516 Ninth Street
 Sacramento, CA 95814-5512

DOCKET 08-AFC-2	
DATE	OCT 03 2008
RECD.	OCT 03 2008

Subject: **Beacon Solar Energy Project (08-AFC-2) STATUS REPORT 2**

Pursuant to the Committee Scheduling Order, dated June 18, 2008, the following is staff's Status Report 2 for the proposed Beacon Solar Energy Project (Beacon).

Current Issues and Activities

Staff continues to analyze the Application for Certification (AFC) for the proposed Beacon project.

1. The applicant has not responded fully to Round #1 Data Requests, filed on June 17, 2008. The applicant has indicated that the supplemental responses to Round 1 Cultural Resource Data Requests #30, #32, and #34 will be filed shortly.
2. Staff conducted a public workshop on August 25, 2008 at the U.S. Fish and Wildlife Service (USFWS) office in Ventura to address biological resource issues (desert tortoise and Mohave ground squirrel mitigation, burrowing owls, and raven monitoring and control). Participants included representatives from the USFWS and California Department of Fish and Game (CDFG), as well as the applicant, Energy Commission staff, and several members of the general public. While agreement was reached in several areas, additional discussion and information will be needed before a consensus regarding the type and extent of mitigation can be reached. The applicant requested that CDFG specify, in writing, the method that the Department would use to identify take of transient individual desert tortoise and Mohave ground squirrel for this project and recommendations for the appropriate mitigation ratios. The applicant also indicated they could not submit a revised CDFG Incidental Take Permit (2081/low effects Habitat Conservation Plan) until the raven monitoring/fee issue is resolved and that they will need consensus from USFWS and CDFG on the required approach for that and for compensatory mitigation. USFWS noted that there was no discussion in the AFC or Supplement of criteria for lands that would be suitable as mitigation areas and that both discussion of criteria and identification of specific acquisition areas will need to be provided. The applicant indicated they would identify potential mitigation areas as soon as the amount of acreage needed has been specified.
3. Staff's Data Requests Round 2, requesting information in the technical areas of Biological and Cultural Resources, Socioeconomics, Soils, and Water Resources, were filed on September 12, 2008. The applicant's Data Responses are due by October 12, 2008. An Issues Resolution and Data Response workshop has been tentatively set for November 6, 2008 in California City. Questions regarding Round 2 Data Responses will be addressed at this workshop, as well as continued discussion of issues raised at the August 25, 2008, Biological Issues Resolution Workshop.
4. Staff has indicated that a third round of biological and cultural resources data requests may be needed to address proposed impact mitigation plans and additional Cultural Resource concerns.

5. Comments were received from the Kern County Planning Department on September 16, 2008 and forwarded to staff for consideration. Issues addressed included the need for local concurrence with staff's Traffic and Transportation analysis and proposed encroachment permit requirements; drainage and flood concerns; and land use topics, including off-highway vehicle access, the project's proposed use of potable water, waiver of county circulation setback requirements, military airspace, and requirements for a conditional use permit.

Staff's Proposed Schedule

Staff is now working towards the following revised schedule based upon recent filings and current information:

**STAFF'S PROPOSED SCHEDULE
 BEACON SOLAR ENERGY PROJECT (08-AFC-2)**

DATE	EVENT
3/14/08	Applicant files Application for Certification (AFC)
5/7/08	Decision on Data Adequacy at the Business Meeting
6/11/08	Informational Hearing and Site Visit
6/17/08	Staff files 1st Round Data Requests
7/17/08	Applicant provides Data Responses (Round 1)
7/21/08	Data Response and Issue Resolution Workshop (round 1)
8/8/08	Status Report #1
9/12/08	Staff files Data Requests (Round 2)
9/30/08	Status Report #2
10/12/08	Applicant provides Data Responses (Round 2)
11/6/08	Data Response and Issue Resolution Workshop (Round 2)
11/19/08	Staff files Data Requests (Round 3, if necessary)
TBD	Local, state and federal agency draft determinations, including PDOC from KCAPCD
11/21/08	Status Report #3
12/19/08	Applicant provides Data Responses (Round 3, if necessary)
TBD	Data Response and Issue Resolution Workshop (Round 3)
TBD	Preliminary Staff Assessment (PSA) filed
TBD	PSA workshop(s)
TBD	Local, state and federal agency final determinations, including FDOC from KCAPCD
TBD	Final Staff Assessment filed
TBD	Pre-Hearing Conference



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
For the *BEACON SOLAR ENERGY
PROJECT***

Docket No. 08-AFC-2

**PROOF OF SERVICE
(Revised 8/18/08)**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-9
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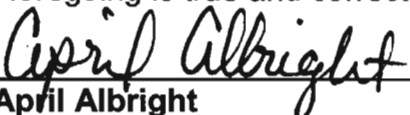
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DECLARATION OF SERVICE

I, April Albright, declare that on October 3, 2008, I deposited copies of the attached Beacon Solar Energy Project (08-AFC-2) Status Report 2 in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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


April Albright