

Memorandum

Date: December 29, 2009
Telephone: (916) 653-1639

To: Commissioner Jeffrey D. Byron, Presiding Member
Commissioner Julia Levin, Associate Member

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

DOCKET	
08-AFC-5	
DATE	DEC 29 2009
RECD.	DEC 29 2009

Subject: **SES SOLAR TWO PROJECT (08-AFC-5) STATUS REPORT #5**

Pursuant to the Second Revised Committee Scheduling Order dated December 3, 2009, the following is Energy Commission staff’s Status Report #5 for the proposed Stirling Energy Systems Solar Two (SES Solar Two) Project.

Current Issues and Activities for Resolution

- On November 18, and December 1-3, 2009, Energy Commission and Bureau of Land Management (BLM) staff met to discuss ongoing coordination between the two agencies for licensing renewable energy projects and to identify ways to maintain the schedules and to identify the appropriate scope and content of the joint documents. At these meetings, BLM and Department of the Interior Solicitor’s Office staff discussed the National Environmental Policy Act (NEPA) requirements with regards to alternatives, cumulative impacts, and connected actions.
- The U.S. Army Corps of Engineers (USACE) recently determined that the proposed project would impact its jurisdictional waters and that an individual permit under the federal Clean Water Act (referred to as a “404(b)(1) permit”) will be required. (Title 33, U.S.C.A, § 1344) The USACE has requested status as a cooperating agency under NEPA. The BLM, USACE, and the U.S. Environmental Protection Agency (US EPA) determined that the current alternatives analysis for the SES Solar Two Project must be expanded to address the alternatives analysis requirements imposed pursuant to the 404(b)(1) permit and the guidance provided by the US EPA in their July 7, 2009 comments on the BLM Notice of Intent to Prepare an Environmental Impact Statement. In coordination with the Energy Commission staff, additional alternatives were developed and the USACE directed the applicant to provide maps and calculations in support of the new alternatives. This information was received on December 18, 2009 and incorporated into the outline of the expanded alternative analysis for each technical area. Each technical expert will analyze these additional alternatives as part of their technical section.

- Energy Commission staff will be an invited signatory for the Programmatic Agreement (PA) that is currently being drafted between the BLM and the California State Historic Preservation Officer. Having Energy Commission staff as a signatory to the PA will expedite the environmental review process by allowing staff to complete the cultural resources analysis in advance of the applicant's completed cultural resources technical report (expected in January of 2010). BLM staff is the primary drafter of the PA, with assistance from the Energy Commission cultural resources staff.
- The BLM, USACE, and Energy Commission staff agree that additional hydraulic analysis and sediment transport modeling are required to accurately assess the impacts of the sediment basins, road crossings, and SunCatchers within the washes. Staff will update the analysis as the additional information becomes available between the SA/DEIS and the Supplemental Staff Assessment/Final EIS.

Schedule

Due in part to the requirement for the Energy Commission staff to complete additional alternatives and cumulative impacts analysis, additional time will be needed to complete the SA/DEIS.

At this point, staff recognizes that it is not possible to meet the schedule presented in the December 3, 2009 Second Revised Committee Scheduling Order. Staff will publish the SA/DEIS on January 15, 2010. The BLM and Energy Commission staff will work to expedite the remainder of the project schedule following publication of the SA/DEIS.



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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**APPLICATION FOR CERTIFICATION
For the SES SOLAR TWO PROJECT**

Docket No. 08-AFC-5

PROOF OF SERVICE

(Revised 8/17/09)

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DECLARATION OF SERVICE

I, Teraja Golston, declare that on December 29, 2009, I served and filed copies of the attached, SES Solar Status Report 5, dated, December 29, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/solartwo/index.html\]](http://www.energy.ca.gov/sitingcases/solartwo/index.html).

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:

 X sent electronically to all email addresses on the Proof of Service list;

 X by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses NOT marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

 X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-5
1516 Ninth Street, MS-4
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I declare under penalty of perjury that the foregoing is true and correct.

Teraja Golston