

## Memorandum

<b>DOCKET</b>	
<b>08-AFC-5</b>	
DATE	<u>JAN 15 2009</u>
RECD.	<u>JAN 15 2009</u>

Date: January 15, 2009  
Telephone: (916) 653-1639

To: Commissioner Jeffrey D. Byron, Presiding Member

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

Subject: **SES SOLAR TWO PROJECT (08-AFC-5) STATUS REPORT #1**

Pursuant to the Committee Scheduling Order dated December 3, 2008, the following is Energy Commission staff's Status Report 1 for the proposed Stirling Energy Systems Solar Two Project (SES Solar Two Project).

### Current Issues and Activities for Resolution

- Staff filed Data Request Set 1, Part 1 on November 14, 2008 and received data responses from the applicant on December 8, 2008. On December 4, 2008, the applicant requested an additional 60 days to develop responses to the staff's Data Requests 37 and 38. Staff reviewed the responses received through December 8, 2008 and a Data Response and Issues Resolution workshop / BLM Scoping Meeting was held in El Centro, CA on December 18, 2008.
- Staff filed Data Request Set 1, Part 2 on December 2, 2008 for the following technical areas.
  - Data Requests 53-110 (Air Quality): Requests clarification of air quality impacts such as construction air quality impacts from material delivery and operational air quality impacts from the mirror washing operation.
  - Data Requests 111-127 and BLM appendix (Cultural Resources): The cultural resources data requests attempt to address the challenges of analyzing all cultural resources on over 6,500 acres, including recommendations for the participation of a geoarchaeologist for the planned geotechnical study to potentially reduce archaeological monitoring requirements and requests for more information on several of the previously known and newly discovered archaeological resources in the project area.

On December 22, 2008, the applicant requested additional time to respond to the staff's Data Requests 53-127. The data responses are expected in early February of 2009. In addition to the responses to the Air Quality and Cultural data requests, applicant intends to supplement its previous responses and filings to address staff comments received at the December 18, 2008 workshop and

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ORIGINAL MAILED FROM SACRAMENTO ON 1/15/09

**MF**

BLM scoping meeting. This additional material will address the following technical areas and data requests:

- Biology:
  - Data Request response 1. A final determination of the US Army Corps of Engineers regarding jurisdiction and if jurisdictional, Applicant will describe the “project-specific circumstances” that necessitate temporary or permanent impacts to jurisdictional waters.
  - Data Request response 2. A determination from CDFG that the project is jurisdictional due to the construction of roads through washes and channels on the site. Applicant will provide a description of the necessity of constructing these roads and their impacts.
  - Data Request response 3. Applicant will describe the likely mitigation measures that will be included in RWQCB and USACE permits.
  - Data Request response 4. Applicant will provide a description of the mitigation measures that will be employed to compensate for project related grading impacts.
  - Data Request responses 5 & 6. Applicant will provide engineering details of the proposed evaporation ponds, including location, size and slope ratios. A monitoring plan to test for pond leakage will be described.
  - Data Request responses 8 – 11. A facility closure and decommissioning plan will be described including closure requirements and the anticipated bond level necessary to satisfy BLM requirements.
  
- Land Use:
  - Data Request responses 16-21. Applicant will describe the private parcels of land within the project site, identify which ones are currently owned or leased by SES Two and describe plans for merging these parcels into other owned parcels. Private parcels which are not owned by the Applicant will be identified and access plans for these parcels will be described. For leased lands, the Applicant will describe how conformance with local land use regulations will be achieved.
  
- Soil and Water:
  - Data Request Response 31. Applicant will provide a draft Erosion and Sedimentation Control Plan, or if not available, a detailed outline illustrating the components of the plan.
  - Data Request response 32. A draft of Applicant’s Storm Water Pollution Prevention Plan will be submitted.
  - Data Request response 33. Applicant will provide the maximum water requirements for mirror washing.
  - Data Request response 34. A reference for the US Gypsum mitigation measures will be provided.
  - Data Request response 36. Applicant will review the submitted water balance and revise as necessary to show the maximum water requirements.

Staff will review the applicant's responses to the data requests and determine if a second data response workshop or additional data requests are necessary.

- The Energy Commission and BLM cultural resources staff continue to work on addressing deficiencies in the preliminary draft cultural resources report originally submitted by the applicant. The report was submitted to the Energy Commission before approval by the BLM, contrary to the Memorandum of Understanding between the Energy Commission and BLM.
- The BLM scoping period ended on January 2, 2009, 15 days after the second BLM scoping meeting on December 18, 2008. The Energy Commission and BLM staff are logging and reviewing the scoping comments received. The BLM will organize the individual scoping comments by author and category to insure all the comments are addressed in the joint Energy Commission/BLM analysis.

### **Schedule**

Due to the high volume of projects currently under review by the Energy Commission and the BLM and the complexity of the coordinated document, additional time is needed to complete the technical sections required for the Preliminary Staff Assessment (PSA)/Draft Environmental Impact Statement (DEIS). As a result, staff believes it is necessary to adjust the publication of the PSA/DEIS and the PSA/DIES workshop. This change would allow staff to incorporate the applicant's responses to staff's data requests into the document. Nonetheless, staff will work with the BLM and the applicant to accelerate the schedule where appropriate and feasible.

The following table summarizes staff's proposed adjustments to the Committee schedule:

## Staff's Proposed Changes to the Committee Schedule\*

DATE	EVENT
Jun 30, 2008	Application for Certification (AFC) filed by project owner
Aug 13, 2008	AFC Deemed Data Inadequate
Oct 08, 2008	AFC Deemed Data Adequate
Oct 08, 2008	Energy Commission Committee assigned to oversee AFC process
Oct 17, 2008	BLM publishes NOI in FR (60-day scoping)
Nov 14, 2008	CEC/BLM staff file data requests (round 1)
Nov 17, 2008	CEC/BLM staff file Issues Identification Report
Nov 24, 2008	Informational Hearing and Site Visit/BLM Scoping Meeting
Dec 08, 2008 (see above)	Applicant provides data responses
Dec 18, 2008	Data Response and Issue Resolution workshop/Second BLM Scoping Meeting
Jan 2, 2009	Formal BLM scoping period closes (15 days after last meeting)
<del>Jan 15, 2009</del> <u>Feb 13, 2009</u>	CEC/BLM staff file data requests (round 2, if necessary)
<del>Jan 15, 2009</del> <u>Apr 1, 2009</u>	<b>BLM Notice of Availability (NOA) on PSA/DEIS sent to WO and ASLM (4-6 weeks)</b>
Jan 15, 2009	Status Report # 1 due
<del>Feb 15, 2009</del> <u>Mar 3, 2009</u>	Applicant provides data responses (round 2)
<del>Feb 27, 2009</del> <u>Mar 17, 2009</u>	Local, state, and federal agency determinations
<del>Feb 27, 2009</del> <u>Mar 23, 2009</u>	Data Response and Issue Resolution workshop (round 2)
<del>Mar 05, 2009</del> <u>May 6, 2009</u>	<b>PSA/DEIS filed (90-day comment period required)</b>
Mar 05, 2009	Status Report #2 due
<del>Mar 26, 2009</del> <u>May 28, 2009</u>	PSA Workshop/DEIS public meetings
May 05, 2009	Status Report #3 due
<del>Jun 05, 2009</del> <u>Aug 6, 2009</u>	<b>BLM comment period closes</b>
Jul 21, 2009	Local, state and federal agency final determination
<del>Jul 23, 2009</del> <u>Sep 17, 2009</u>	<b>Prepare responses to comments and prepare FSA/FEIS</b>
Aug 07, 2009	Status Report # 4 due
<del>Sep 01, 2009</del> <u>Nov 15, 2009</u>	<b>NOA FEIS to WO and ASLM (4-6 weeks)</b>
<del>Oct 01, 2009</del> <u>Dec 15, 2009</u>	<b>NOA of FSA/FEIS in FR</b>
<del>Oct 01, 2009</del> <u>Dec 15, 2009</u>	<b>Final Staff Assessment/FEIS filed</b>
TBD	Evidentiary hearings start
TBD	Energy Commission Committee files proposed decision
TBD	Hearing on proposed decision
TBD	<b>BLM ROD (start 60-day federal review, 30-day protest, IBLA appeal</b>
TBD	Close of the public comment period on the proposed decision
TBD	Addendum/revised proposed decision
TBD	Committee Decision

\*Proposed changes shown in ~~strikeout~~/underline

(Shaded events have already taken place)

### BLM Schedule Acronyms:

ASLM - Assistant Secretary for Lands and Minerals  
 BLM - Bureau of Land Management  
 DEIS –Draft Environmental Impact Statement  
 FEIS - Final Environmental Impact Statement  
 FR - Federal Register  
 IBLA - United States Interior Board of Land Appeals  
 NOA - Notice of Availability  
 NOI - Notice of Intent  
 ROD - Record of Decision  
 WO - BLM Washington Office



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 11/26/08

**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:

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**DECLARATION OF SERVICE**

I, Mineka Foggie, declare that on January 15, 2009, I deposited copies of the attached SES Solar Two Project (08-AFC-5) Status Reoprt # 1 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.

**OR**

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.

Original Signature in Dockets  
**Mineka Foggie**

Attachments