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February 12, 2010

DOCKET	
08-AFC-5	
DATE	<u>FEB 12 2010</u>
RECD.	<u>FEB 12 2010</u>

California Energy Commission
Attn: Docket No 08AFC5
1516 Ninth Street
Sacramento, CA 95814

Re: Docket No. 08-AFC-5, SES Solar Two Project

Dear Docket Clerk:

Enclosed are an original and copy of California Unions for Reliable Energy Status Report No. 7. Please docket the document, conform the copy and return the copy in the envelope provided.

Thank you for your assistance.

Sincerely,

/s/

Bonnie Heeley
Administrative Assistant

:bh
Enclosures

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

The Application for Certification for the
SES Solar Two Project

Docket No. 08-AFC-5

**CALIFORNIA UNIONS FOR RELIABLE ENERGY
STATUS REPORT NO. 7**

February 12, 2010

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INTRODUCTION

California Unions for Reliable Energy (“CURE”) submits this seventh status report pursuant to the Committee’s Revised Scheduling Order from December 3, 2009 regarding SES Solar Two Project (“Project”). CURE participated in the scheduling workshop on November 10, 2009. Most recently CURE commented on the Mitigated Negative Declaration (“MND”) issued by the Seeley Water District in January 2010 for the conversion of the Seeley Waste Water Treatment Facility (“SWWTF”) to a Recycled Water Facility to serve as the Project’s primary water source.

CURE remains concerned that there is critical information about the Project that has not been submitted by the applicant, such as the flat-tailed horned lizard relocation plan, protocol burrowing owl surveys, and protocol rare plant surveys. The Applicant should docket all documents relevant to the Project’s environmental impacts with the Commission to facilitate Staff, Intervenor and public review of the Project, and to enable a narrowing of issues in contention prior to evidentiary hearings.

This status report highlights questions that have recently arisen regarding the reliability of the primary source of water for the Project.

DISCUSSION

There are still unresolved questions about the impacts associated with the Project’s water supply. The Seeley County Water District, in partnership with Tessera Solar, is proposing to modify the SWWTF in order to provide the water

supply for the Project. The SWWTF modification results in a number of potentially significant environmental impacts that were not mitigated in the Seeley County Water District's MND.

Currently the water outfall from the SWWTF flows through an unlined channel where it supports a 2 acre-wetland and then flows into the New River and the Salton Sea. Eliminating this outfall by diverting up to 200,000 gallons per day could have significant impacts to the wetlands adjacent to the SWWTF, to the fish and wildlife in and along the banks of the New River, and to the birds, fish and wildlife that rely upon the Salton Sea.

The Fish and Wildlife Service, Imperial Irrigation District, Department of Toxic Substances Control, Sierra Club San Diego Chapter and CURE raised concerns about unaddressed environmental impacts from the SWWTF modification and the adequacy of the CEQA review. Commission Staff must likewise review all impacts related to the construction and operation of the SWWTF and incorporate required mitigation in the Staff Assessment, since modifying the SWWTF is necessary for the operation of the Solar Two Project, and thus is an integral part of the 'whole of the action' under CEQA.

Additionally, before the SWWTF water outfall can be diverted away from the New River and piped to the Project, the Seeley County Water District must submit a petition to the State Water Resources Control Board ("SWRCB") pursuant to California Water Code Section 1211. The SWRCB will evaluate whether to grant the petition after evaluating the extent to which fish and wildlife would be affected

by the change, and any measures needed for the protection of fish and wildlife in connection with the change. No petition has been submitted by the Seeley County Water District yet.¹ The typical review time for this type of petition is 8-12 months on average.² This raises serious questions about the reliability of the Project's primary water supply.

CONCLUSION

CURE encourages the applicant to file all documentation relating to the Project and potential environmental impacts as soon as possible. CURE also seeks clarification regarding the reliability of the Project's water supply in light of recent developments.

Dated: February 12, 2010

Respectfully submitted,

_____/s/_____
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¹ Call on February 11, 2009 with State Water Quality Control Board.

² State Water Resources Control website. Accessed on February 11, 2010.

http://www.swrcb.ca.gov/water_issues/programs/grants_loans/water_recycling/waterrightsrequirements.shtml

DECLARATION OF SERVICE

I, Bonnie Heeley, declare that on February 12, 2010, I served and filed copies of the attached **CALIFORNIA UNIONS FOR RELIABLE ENERGY STATUS REPORT NO. 7** dated February 12, 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:

http://www.energy.ca.gov/sitingcases/solartwo/Solartwo_POS.pdf. The document has been sent (1) electronically, and (2) via US Mail by depositing in the US mail at South San Francisco, California, with first-class postage thereon fully prepaid and addressed as provided on the attached Proof of Service list to those addresses NOT marked "email preferred." It was sent for filing to the Energy Commission by sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address shown on the attached Proof of Service list.

I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, CA, this 12th day of February, 2010.

_____/s/_____
Bonnie Heeley

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