

Memorandum

Date: January 14, 2010
Telephone: (916) 653-1639

DOCKET	
08-AFC-5	
DATE	<u>JAN 14 2010</u>
RECD.	<u>JAN 14 2010</u>

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 #6**

Pursuant to the Second Revised Committee Scheduling Order dated December 3, 2009, the following is Energy Commission staff's Status Report #6 for the proposed Stirling Energy Systems Solar Two (SES Solar Two) Project.

Current Issues and Activities for Resolution

- On January 8, 2010, the applicant submitted the Corridor Conflict Analysis to the Energy Commission. This analysis was prepared for and provided to the Bureau of Land Management (BLM) in September of 2009. Staff is reviewing this report to determine if it will impact any sections of the Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) and related project schedule.
- On December 24, 2009, the applicant submitted a revised Class III Confidential Cultural Resources Technical Report, including Appendices A, B, C, D, and E. Energy Commission and BLM staff are reviewing the report to determine if the changes will impact staff's analysis in the SA/DEIS.
- On December 18, 2009, the National Park Service accepted the BLM invitation to become an Invited Signatory and consulting party in the development of a Programmatic Agreement for the SES Solar Two Project. The National Park Service has special interest in ensuring the protection of the historic properties on the proposed project site, including the Juan Bautista de Anza National Historic Trail, which transects the proposed project site.
- 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 National Environmental Policy Act (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 has analyzed 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

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. By January 15, 2010, staff will have completed and transmitted all technical sections of the SA/DEIS to the BLM for their internal review and review by the Department of the Interior Solicitor's office. The BLM expects to return edits and comments on the SA/DEIS by the first week of February 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
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 SES SOLAR TWO PROJECT**

Docket No. 08-AFC-5

PROOF OF SERVICE

(Revised 8/17/09)

APPLICANT

Richard Knox
Project Manager
SES Solar Two, LLC
4800 N Scottsdale Road.,
Suite 5500
Scottsdale, AZ 85251
richard.knox@tesseractosolar.com

*Kim Whitney,
Associate Project Manager
SES Solar Two, LLC
4800 N Scottsdale Road.,
Suite 5500
Scottsdale, AZ 85251
kim.whitney@tesseractosolar.com

CONSULTANT

Angela Leiba, Sr. Project
Manager URS Corporation
1615 Murray Canyon Rd.,
Ste. 1000
San Diego, CA 92108
Angela_Leiba@urscorp.com

APPLICANT'S COUNSEL

Allan J. Thompson
Attorney at Law
21 C Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Daniel Steward, Project Lead
BLM – El Centro Office
1661 S. 4th Street
El Centro, CA 92243
daniel_steward@ca.blm.gov

Jim Stobaugh,
Project Manager &
National Project Manager
Bureau of Land Management
BLM Nevada State Office
P.O. Box 12000
Reno, NV 89520-0006
jim_stobaugh@blm.gov

INTERVENORS

CURE
c/o Tanya A. Gulesserian
Loulena Miles
Marc D. Joseph
Adams Broadwell Joseph
& Cardozo
601 Gateway Blvd., Ste. 1000
South San Francisco,
CA 94080
tgulesserian@adamsbroadwell.com
lmiles@adamsbroadwell.com

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding
Member
jbyron@energy.state.ca.us

JULIA LEVIN
Commissioner and Associate
Member
jlevin@energy.state.ca.us

Raoul Renaud
Hearing Officer
rrenaud@energy.state.ca.us

Caryn Holmes, Staff Counsel
Christine Hammond, Co-Staff
Counsel
cholmes@energy.state.ca.us
chammond@energy.state.ca.us

Christopher Meyer
Project Manager
cmeyer@energy.state.ca.us

Public Adviser
publicadviser@energy.state.ca.us

*indicates change

DECLARATION OF SERVICE

I, April Albright, declare that on January 14, 2010, I served and filed copies of the attached, Energy Commission Staff's Status Report #6, dated January 14, 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: [\[http://www.energy.ca.gov/sitingcases/solartwo/index.html\]](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:

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

by personal delivery or by depositing in the United States mail at _____ 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:

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
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

Original signed by: _____
April Albright